

# ASSEMBLY HUMAN SERVICES COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 5262**

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 12, 2021

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 5262.

As amended by the committee, this bill revises eligibility requirements for the NJ Workability Program and the Personal Assistance Services Program. The NJ Workability Program is a Medicaid buy-in option for employed, permanently-disabled individuals, authorized under the federal “Ticket to Work and Work Incentives Improvement Act of 1999,” Pub.L.106-170. As amended, the bill expands the eligibility for this program in various ways. First, the bill removes the upper age limit for eligibility, providing that any individual who is older than 16 may qualify. The current age requirement is between 16 and 65 years of age. Second, the bill requires that the premium contribution established by the commissioner is to be based solely on the applicant’s earned and unearned income. In doing so, the income of the applicant’s spouse cannot be considered in this determination. Third, as amended by the committee, the bill increases the program’s existing income eligibility limit of 250 percent of the federal poverty level to 450 percent of the federal poverty level, and explicitly provides that a qualified applicant is not to be subject to any eligibility requirements regarding the earned or unearned income of the applicant or the applicant’s spouse, except when the spouse’s earned or unearned income is over \$250,000. Finally, the bill permits that an eligible applicant for the program is to remain eligible for Medicaid for up to a period of one year if, through no fault of the applicant, a job loss occurs.

The Personal Assistance Services Program is a State-funded program that provides up to 40 hours per week of non-medical personal care assistance to those individuals with permanent physical disabilities who work, seek educational advancement, or volunteer in the community for a minimum of 20 hours per month. Currently, only individuals 18 through 70 years of age can qualify for this program. Under the bill, the age cap is removed, providing that anyone over the age of 18 may be eligible for these services.

#### COMMITTEE AMENDMENTS:

The committee amendments increase the State’s Medicaid program’s existing income eligibility limit of 250 percent of the

federal poverty level to 450 percent of the federal poverty level, and clarifies that if the earned or unearned income of the spouse of a qualified applicant is over \$250,000, the Commissioner of Human Services may take into account that income when determining eligibility.

Originally, the bill eliminated the program's existing income eligibility limit of 250 percent of the federal poverty level and explicitly provided that a qualified applicant is not to be subject to any eligibility requirements regarding the earned or unearned income of the applicant or the applicant's spouse.

The committee amendments revise the section of the bill requiring the commissioner to apply for any State plan amendments or waivers as are necessary to ensure federal participation for State expenditures under the Medicaid program to expressly require the requested amendments and waivers to seek authorization under certain relevant federal statutes.

The committee amendments make various technical changes to address a citation issue in the title of the bill and to address issues involving syntax.