

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 5262

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2021

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 5262 (1R).

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 eliminates the program’s existing income eligibility limit of 250 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. Finally, the bill provides 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.

As amended and reported by the committee, Assembly Bill No. 5262 (1R) is identical to Senate Bill No. 3455 (1R), which also was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments remove a provision that would 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.

The committee amendments restore a provision that was in the bill as introduced that 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.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill would result in additional costs for the Division of Disability Services (DDS) within the Department of Human Services to expand eligibility for the NJ WorkAbility Program by lifting the upper age limit and removing the upper income limit for program eligibility, by limiting the income sources that the DDS considers in calculating the premium contributions required for program participants, and by allowing a NJ WorkAbility participant to remain eligible for Medicaid for up to one year, if through no fault of the individual, a job loss occurs.

The NJ WorkAbility Program is a Medicaid buy-in option for employed, permanently disabled individuals; as such, program expansion not only will raise State Medicaid expenditures, but also will increase State revenues in the form of federal matching funds for qualifying State Medicaid expenditures.

The bill also increase State expenditures for the Personal Assistance Services Program by removing the age cap on program eligibility. Currently, only individuals with permanent disabilities who are between the ages of 18 and 70, and work, pursue education advancement, or volunteer at least 20 hours per month are eligible for services under this program