

ASSEMBLY, No. 1225

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Co-Sponsored by:

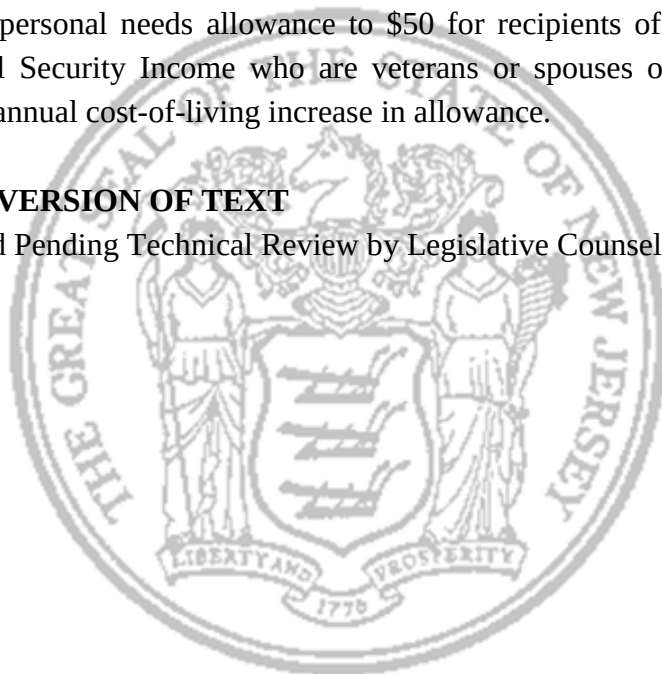
Assemblymen McKeon, DeAngelo, Giblin, Holley, Assemblywoman Lampitt, Assemblymen Space, Chiaravalloti, Assemblywoman McKnight and Assemblyman Mukherji

SYNOPSIS

Increases personal needs allowance to \$50 for recipients of Medicaid and Supplemental Security Income who are veterans or spouses of veterans and provides for annual cost-of-living increase in allowance.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/8/2021)

1 **AN ACT** concerning the personal needs allowance and amending
2 P.L.1985, c.286 and P.L.1973, c.256.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1985, c.286 (C.30:4D-6a) is amended to
8 read as follows:

9 1. Any person who is eligible for medical assistance and health
10 services under P.L.1968, c.413 (C.30:4D-1 et seq.) and who
11 receives medical assistance under subparagraph (4)(a) of subsection
12 a. or under paragraph (11), (13) or (14) of subsection b. of section 6
13 of P.L.1968, c.413 (C.30:4D-6), who is not eligible for
14 Supplemental Security Income benefits pursuant to 42 U.S.C.
15 s.1382(e)(1)(B), is entitled to a \$35.00 monthly personal needs
16 allowance, except that if the person or the person's spouse is a
17 veteran as defined in section 6 of P.L.1954, c.84 (C.43:15A-6), the
18 monthly personal needs allowance shall be \$50. Beginning
19 January 1 of the next year following enactment of
20 P.L. , c. (pending before the Legislature as this bill) and annually
21 thereafter, the \$50 amount shall be increased by the same
22 percentage as the cost-of-living adjustment for Social Security
23 benefits for that year.

24 (cf: P.L.1985, c.286, s.1)

25

26 2. Section 3 of P.L.1973, c.256 (C.44:7-87) is amended to read
27 as follows:

28 3. The commissioner shall:

29 a. Enter into agreements with the government to secure the
30 administration of supplementary payments by the government for
31 such time and upon such conditions as the commissioner may in his
32 discretion deem appropriate.

33 b. Promulgate, alter and amend such rules, regulations and
34 directory orders as are necessary and proper:

35 (1) To implement the terms of the agreement with the
36 government for the administration by the government of
37 supplementary payments; and

38 (2) To secure social services for eligible persons, and for such
39 other aged, blind or disabled persons as the commissioner may
40 designate.

41 c. Transfer State or welfare board funds, or both, currently
42 appropriated for this State's participation in the federal categorical
43 assistance programs of "Old Age Assistance," R.S.44:7-3 to
44 R.S.44:7-37; "Assistance for the Blind," P.L.1962, c.197 (C.44:7-43
45 to 44:7-49) and "Permanent and Total Disability Assistance,"

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 P.L.1951, c.139 (C.44:7-38 to 44:7-42) and any funds which may in
2 the future be appropriated for the payment of supplementary
3 payments, to the government in such amounts and at such times as
4 the commissioner shall deem appropriate in order to provide for
5 supplementary payments to eligible persons in this State.
- 6 d. Pay to the government such funds as are necessary to
7 reimburse the government's expenses in collecting additional
8 information needed for the State to make eligibility determinations
9 for medical assistance under the "New Jersey Medical Assistance
10 and Health Services Act," P.L.1968, c.413 (C.30:4D-1 to 30:4D-
11 19).
- 12 e. Require welfare boards to perform such eligibility
13 determinations as the commissioner may deem necessary for the
14 continuation of the New Jersey Medical Assistance Program under
15 the "New Jersey Medical Assistance and Health Services Act,"
16 P.L.1968, c.413. The commissioner shall pay to the counties a
17 reasonable amount to reimburse the welfare boards for their
18 expenses in making such eligibility determinations.
- 19 f. (Deleted by amendment, P.L.1990, c.66.)
- 20 g. Take appropriate steps to secure maximum federal financial
21 participation in providing assistance to eligible persons residing in
22 residential health care facilities.
- 23 h. Ensure that any eligible person residing in a rooming or
24 boarding house or residential health care facility has reserved to
25 him a monthly amount, from payments received under the
26 provisions of the act to which this act is a supplement or from any
27 other income, as a personal needs allowance. The personal needs
28 allowance may vary according to the type of facility in which an
29 eligible person resides, but in no case shall be less than \$25.00 per
30 month.
- 31 i. Ensure that any eligible person who receives medical
32 assistance under subparagraph (4)(a) of subsection a. or under
33 paragraph (11), (13) or (14) of subsection b. of section 6 of
34 P.L.1968, c.413 (C.30:4D-6) receives \$10.00 per month, in addition
35 to benefits received pursuant to 42 U.S.C. s. 1382(e)(1)(B), except
36 that if the person or the person's spouse is a veteran as defined in
37 section 6 of P.L.1954, c.84 (C.43:15A-6), the person shall receive
38 \$20 per month. Beginning January 1 of the next year following
39 enactment of P.L. , c. (pending before the Legislature as this bill)
40 and annually thereafter, the \$20 amount shall be increased by the
41 same percentage as the cost-of-living adjustment for Social Security
42 benefits for that year. If the government cannot administer this
43 **[\$10.00]** monthly increase, the commissioner shall administer this
44 increase and shall ensure that this increase is not considered income
45 for Supplemental Security Income program purposes. However, if
46 the government increases the benefit level under
47 42 U.S.C. s.1382(e)(1)(B), the commissioner shall allow the

1 government to administer this increase and shall reduce its payment
2 to an eligible recipient by an equal amount.

3 j. Assess welfare boards at the beginning of each fiscal year in
4 the same proportion that the counties currently participate in the
5 federal categorical assistance programs, in order to obtain the
6 amount of each county's share of supplementary payments for
7 eligible persons in this State, based upon the number of eligible
8 persons in the county.
9 (cf: P.L.1991, c.466, s.1)

10

11 3. a. The Commissioner of Human Services shall apply for
12 such State plan amendments as may be necessary to implement the
13 provisions of section 1 of this act and secure federal financial
14 participation for State Medicaid expenditures under the federal
15 Medicaid program.

16 b. The commissioner shall seek federal government approval of
17 the commissioner's administrative plan for the increase in the
18 personal needs allowance for recipients of Supplemental Security
19 Income.

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21 4. This act shall take effect on the first day of the third month
22 following enactment, except that sections 1 and 2, respectively,
23 shall remain inoperative until such time as the commissioner
24 receives federal approval for the Medicaid State plan amendment
25 and federal approval for the commissioner's administrative plan as
26 provided in section 3 of this act.

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STATEMENT

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31 This bill increases the personal needs allowance for veterans and
32 their spouses who are recipients of Medicaid or Supplemental
33 Security Income (SSI) and reside in a nursing home or
34 developmental center, or are patients in a psychiatric hospital. This
35 allowance is used to purchase personal items, such as clothing,
36 grooming aids, newspapers, and other items not regularly provided
37 by the facility in which the recipients reside.

38 The bill provides that the monthly personal needs allowance for
39 Medicaid recipients who are veterans or the spouses of veterans is
40 to increase from \$35 to \$50, and that the monthly personal needs
41 allowance for recipients of SSI who are veterans or the spouses of
42 veterans is to increase from \$40 to \$50. The bill further provides
43 that these amounts will be increased annually, on January 1 of each
44 year, by the same percentage as the cost-of-living adjustment for
45 Social Security benefits that year.

46 In the case of SSI recipients, the bill provides that the
47 Commissioner of Human Services shall administer the \$10 increase
48 provided in the bill if the federal government, which provides the

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1 basic allowance, cannot administer the increase. The bill also
2 directs the Commissioner of Human Services to apply to the federal
3 government for such Medicaid State plan amendments as may be
4 necessary to increase the personal needs allowance for Medicaid
5 recipients, and to seek federal government approval for the
6 commissioner's administrative plan to implement the increase for
7 SSI recipients. The respective increases provided for in the bill will
8 not be operative until such time as the commissioner receives
9 federal approval for the Medicaid State plan amendment and the
10 commissioner's SSI administrative plan.