SENATE, No. 1888

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

"Mary's Law"; requires Catastrophic Illness in Children Relief Fund to provide direct payments for purchases of specialized, modified motor vehicles.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the purchase of certain motor vehicles through the Catastrophic Illness in Children Relief Fund, and amending P.L.1987, c.370, and designated as "Mary's Law."

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

1. Section 9 of P.L.1987, c.370 (C.26:2-156) is amended to read as follows:

9. a. Whenever a child has a catastrophic illness and is eligible for **[**the program**]** financial assistance through the fund, the child, through **[**his**]** the child's parent or legal guardian, shall receive financial assistance from monies in the fund subject to the rules and regulations established by the commission and the availability of monies in the fund. The financial assistance shall include, but is not limited to, payments or reimbursements, as appropriate, for the cost of **[**medical treatment, hospital care, drugs, nursing care and physician services**]**:

(1) physician-authorized ancillaries;

(2) specialized pediatric ambulatory care, including physician-authorized rehabilitative therapies, physician-authorized care for treatment of substance use disorders and behavioral health care conditions, dental care, eye care, and chiropractic care;

(3) care in an acute care hospital, whether located in New Jersey or in another state;

(4) physician and nursing services, including immunization services, in all settings;

(5) care in specialty hospitals, including, but not limited to, rehabilitative and psychiatric hospitals;

(6) long term care;

(7) home health care;

(8) pharmaceutical products;

(9) disposable medical supplies;

(10) durable medical equipment, including, but not limited to, physician-authorized ventilators and prostheses;

(11) home modification that is related to the medical condition of the child at the time the expenses were incurred;

(12) purchase of a specialized, modified motor vehicle and any subsequent modifications that are related to the medical condition of the child at the time the expenses were incurred;

(13) experimental medical treatment or experimental drugs used in connection with a Food and Drug Administration-approved clinical trial, which are provided by licensed health care providers;

(14) reasonable funeral expenses, including professional

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.

services, arrangement and supervision, facility charges, transportation, casket costs, and a vault or a cremation urn, but not including flowers, prayer cards, books, headstones, name plates, and a soloist or organist;

(15) family transportation and travel-related expenses including, but not limited to, mileage allowance, tolls, parking receipts, and temporary shelter costs related to the medical condition; and

(16) any other expenses which shall be deemed by the commission to be appropriate and eligible for payment or reimbursement by the fund.

b. (1) A family eligible for financial assistance through the fund for the purchase of a specialized, modified motor vehicle and any subsequent modifications pursuant to paragraph (12) of subsection a. of this section shall first identify the motor vehicle to be purchased, or if that vehicle is unavailable, identify the same or similar model of the vehicle for substitution, and any subsequent modifications that are needed to accommodate their child's medical condition, and obtain from the seller and, as necessary, from any business entities making subsequent modifications to the vehicle, all purchase information, and other relevant information the commission deems necessary.

(2) The purchase information obtained from the seller pursuant to paragraph (1) of this subsection shall be submitted to the commission as part of an application to receive financial assistance through the fund. Once the application has been submitted to the commission, the commission shall render a decision on the application within 60 days from the date of receipt of the application. If the application is approved by the commission, payment shall be remitted directly to the seller and, as necessary, any business entities making subsequent modifications to the vehicle within 30 days after the:

(a) application to receive financial assistance is approved; and

(b) delivery of and any subsequent modifications needed to accommodate the child are made to the motor vehicle purchased pursuant to paragraph (12) of subsection a. of this section.

(3) As used in this section, "seller" means a motor vehicle dealer licensed pursuant to R.S.39:10-19 et seq., or any other motor vehicle mobility dealer that exclusively engages in the selling of specialized, modified motor vehicles specifically designed to facilitate use or operation by an aging individual or an individual with disabilities.

(cf: P.L.2003, c.260, s.3)

2. Section 10 of P.L.1987, c.370 (C.26:2-157) is amended to read as follows:

10. For the purpose of providing the moneys necessary to establish and meet the purposes of the fund, the commission shall establish a **[**$1.50**]** $3 annual surcharge per employee for all employers who are subject to the New Jersey "Unemployment

Compensation Law[,]", R.S. 43:21-1 et seq. The surcharge shall be collected by the controller for the New Jersey Unemployment Compensation Fund and paid over to the State Treasurer for deposit in the fund annually as provided by the commission.
(cf: P.L.2007, c.342, s.2)

3. This act shall take effect 60 days after enactment.

STATEMENT

This bill, designated as "Mary's Law," requires that financial assistance given through monies from the Catastrophic Illness in Children Relief Fund, for the purposes of purchasing a specialized, modified motor vehicle, be provided through direct payments to the seller of that vehicle and, as necessary, to a business entity that may perform subsequent modifications to the vehicle to make it accessible to a child with a catastrophic illness within 30 days after the application to receive financial assistance is approved and the delivery of, and any subsequent modifications needed to accommodate the child are made to, the motor vehicle.

Currently, purchases for these vehicles are reimbursed through the fund to families after the expenses have already been incurred. It is often the case, however, that a family does not have the money upfront to purchase the vehicle and pay for the subsequent modifications for disabled transport. It is the view of the sponsor that direct payments as specified in the bill will allow more families to purchase these vehicles.

The bill also specifies the services which are eligible for payment or reimbursement through the fund. Currently, the type of financial assistance from the fund includes, but is not limited to, payments or reimbursements for medical treatment, hospital care, drugs, nursing care and physician services. The bill mandates that financial assistance through the fund includes payments or reimbursement, as appropriate, for the cost of the services specified under the bill's provisions.

Additionally, the bill provides that the current funding mechanism for the program, which is a $1.50 annual surcharge per employee for all employers who are subject to the New Jersey "Unemployment Compensation Law," is increased to $3 per employee.

The Catastrophic Illness in Children Relief Fund is a financial assistance program for New Jersey families whose children have an illness or condition that is otherwise uncovered by insurance, State or federal programs, or other source, and that exceeds 10 percent of the first $100,000 of annual family income plus 15 percent of the excess income over $100,000. The fund is intended to assist in preserving a family's ability to cope with the responsibilities which accompany a child's significant health problems.