

ASSEMBLY, No. 3908

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 27, 2024

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex and Passaic)

Assemblyman AL BARLAS

District 40 (Bergen, Essex and Passaic)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex and Hudson)

Co-Sponsored by:

**Assemblymen S.Kean, Atkins, Azzariti Jr., Assemblywomen Donlon,
Peterpaul and Assemblyman Sauickie**

SYNOPSIS

Increases personal needs allowance to \$140 for low-income persons residing in certain facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2024)

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:

6

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. s.
15 1382(e)(1)(B), is entitled to up to a **[\$35.00]** \$140.00 monthly
16 personal needs allowance. Beginning January 1 of the next year
17 following enactment of P.L. , c. (C.) (pending before the
18 Legislature as this bill) and annually thereafter, the personal needs
19 allowance shall be increased by the same percentage as the cost-of-
20 living adjustment for Social Security benefits for that year.

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

22

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

25 3. The commissioner shall:

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

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

32 (1) To implement the terms of the agreement with the
33 government for the administration by the government of
34 supplementary payments; and

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

38 c. Transfer State or welfare board funds, or both, currently
39 appropriated for this State's participation in the federal categorical
40 assistance programs of "Old Age Assistance," R.S.44:7-3 to
41 R.S.44:7-37; "Assistance for the Blind," P.L.1962, c.197 (C.44:7-43
42 to 44:7-49) and "Permanent and Total Disability Assistance,"
43 P.L.1951, c.139 (C.44:7-38 to 44:7-42) and any funds which may in
44 the future be appropriated for the payment of supplementary
45 payments, to the government in such amounts and at such times as

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 the commissioner shall deem appropriate in order to provide for
2 supplementary payments to eligible persons in this State.

3 d. Pay to the government such funds as are necessary to
4 reimburse the government's expenses in collecting additional
5 information needed for the State to make eligibility determinations
6 for medical assistance under the "New Jersey Medical Assistance
7 and Health Services Act," P.L.1968, c.413 (C.30:4D-1 to 30:4D-
8 19).

9 e. Require welfare boards to perform such eligibility
10 determinations as the commissioner may deem necessary for the
11 continuation of the New Jersey Medical Assistance Program under
12 the "New Jersey Medical Assistance and Health Services Act,"
13 P.L.1968, c.413. The commissioner shall pay to the counties a
14 reasonable amount to reimburse the welfare boards for their
15 expenses in making such eligibility determinations.

16 f. (Deleted by amendment, P.L.1990, c.66.)

17 g. Take appropriate steps to secure maximum federal financial
18 participation in providing assistance to eligible persons residing in
19 residential health care facilities.

20 h. Ensure that any eligible person residing in a rooming or
21 boarding house or residential health care facility has reserved to
22 him a monthly amount, from payments received under the
23 provisions of the act to which this act is a supplement or from any
24 other income, as a personal needs allowance. The personal needs
25 allowance may vary according to the type of facility in which an
26 eligible person resides, but in no case shall be less than **[\$25.00]**
27 \$140.00 per month, provided that beginning January 1 of the next
28 year following enactment of P.L. , c. (C.) (pending before
29 the Legislature as this bill) and annually thereafter, the minimum
30 personal needs allowance shall be increased by the same percentage
31 as the cost-of-living adjustment for Social Security benefits for that
32 year.

33 i. Ensure that any eligible person who receives medical
34 assistance under subparagraph (4)(a) of subsection a. or under
35 paragraph (11), (13) or (14) of subsection b. of section 6 of
36 P.L.1968, c.413 (C.30:4D-6) receives **[\$10.00]** such an amount per
37 month that, in addition to benefits received pursuant to 42 U.S.C. s.
38 1382(e)(1)(B), the total monthly benefit is equal to \$140. If the
39 federal government cannot administer this **[\$10.00]** monthly
40 increase, the commissioner shall administer this increase and shall
41 ensure that this increase is not considered income for Supplemental
42 Security Income program purposes. However, if the government
43 increases the benefit level under 42 U.S.C. s. 1382(e)(1)(B), the
44 commissioner shall allow the government to administer this
45 increase and shall reduce its payment to an eligible recipient by an
46 equal amount. Beginning January 1 of the next year following
47 enactment of P.L. , c. (C.) (pending before the Legislature
48 as this bill) and annually thereafter, and following the same

1 breakdown of benefits outlined in this subsection regarding the
2 benefits received pursuant to 42 U.S.C. s. 1382(e)(1)(B) and those
3 additional benefits administered by the commissioner or federal
4 government, the total monthly benefit amount shall be increased by
5 the same percentage as the cost-of-living adjustment for Social
6 Security benefits for that year.

7 j. Assess welfare boards at the beginning of each fiscal year in
8 the same proportion that the counties currently participate in the
9 federal categorical assistance programs, in order to obtain the
10 amount of each county's share of supplementary payments for
11 eligible persons in this State, based upon the number of eligible
12 persons in the county.

13 (cf: P.L.1991, c.466, s.1)

14

15 3. The Commissioner of Human Services shall apply for such
16 State plan amendments or waivers as may be necessary to
17 implement the provisions of this act and to continue to secure
18 federal financial participation for State Medicaid expenditures
19 under the federal Medicaid program.

20

21 4. The Commissioner of Human Services, pursuant to the
22 “Administrative Procedures Act,” P.L.1968, c.410 (C.52:14B-1
23 et.seq.), shall adopt such rules and regulations necessary to
24 implement the requirements pursuant to this act.

25

26 5. This act shall take effect immediately, except that sections 1
27 and 2 of this act shall be inoperative until the Commissioner of
28 Human Services receives any necessary approval from the federal
29 government for implementation.

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STATEMENT

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34 This bill increases the monthly personal needs allowance (PNA),
35 from the current rate of \$50, pursuant to the FY 2024
36 Appropriations Act, to \$140 for residents of nursing homes, State
37 and county psychiatric hospitals, and State developmental centers.

38 This allowance is intended for residents to spend at their
39 discretion on items such as telephone expenses, a meal out with
40 friends, cards to send to family, reading materials, or hobbies. The
41 PNA provides residents the opportunity to participate in activities
42 beyond those provided by the facility, to remain connected with
43 family and friends, and to obtain basic items such as clothing and
44 shoes.

45 The bill also stipulates that beginning January 1 of the following
46 year after the bill’s enactment, the PNA is to be increased annually
47 by the same percentage as the cost-of-living adjustment for Social
48 Security benefits for that year.

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1 In the case of residents eligible to receive SSI public assistance,
2 a federal income supplement program designed to help aged, blind,
3 and disabled people with little to no income, the federal government
4 provides up to \$30 a month for small comfort items not provided by
5 the facility. The State currently supplements the federal allowance
6 by \$20 to ensure that SSI recipients residing in nursing facilities,
7 State and county psychiatric hospitals, and State developmental
8 centers receive a total PNA per month equal to that of Medicaid
9 recipients, or \$50. Under the bill, absent any changes in the federal
10 allowance, the State would be responsible for a \$90 per month
11 supplemental payment for each SSI recipient.