

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH

21. HEALTH SERVICES

4215. OFFICE OF VITAL STATISTICS AND REGISTRATION

01. VITAL STATISTICS

| <u>NJCFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|---|------------------------|------------------------------------|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4215-002 | 4215-100-010000-12 | Salaries and Wages | (1,198) |
| 12-100-046-4215-003 | 4215-100-010000-2 | Materials and Supplies | (34) |
| 12-100-046-4215-004 | 4215-100-010000-3 | Services Other Than Personal | (91) |
| <i>Total Appropriation, Office of Vital Statistics and Registration</i> | | | 1,323 |

4220. DIVISION OF FAMILY HEALTH SERVICES

02. FAMILY HEALTH SERVICES

| <u>NJCFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|--|------------------------|--|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4220-002 | 4220-100-020000-12 | Salaries and Wages | (530) |
| 12-100-046-4220-003 | 4220-100-020000-2 | Materials and Supplies | (83) |
| 12-100-046-4220-004 | 4220-100-020000-3 | Services Other Than Personal | (69) |
| 12-100-046-4220-005 | 4220-100-020000-4 | Maintenance and Fixed Charges | (9) |
| <i>Special Purpose:</i> | | | |
| 12-100-046-4220-219 | 4220-100-020010-5 | WIC Farmers Market Program | (87) |
| 12-100-046-4220-408 | 4220-100-020120-5 | Breast Cancer Public Awareness Campaign | (90) |
| 12-100-046-4220-310 | 4220-100-020530-5 | Identification System for Children's Health and Disabilities | (300) |
| 12-100-046-4220-485 | 4220-100-021090-5 | Governor's Council for Medical Research and Treatment of Autism .. | (500) |
| 12-100-046-4220-286 | 4220-100-021120-5 | Public Awareness Campaign for Black Infant Mortality | (500) |
| <i>Subtotal Appropriation, Direct State Services</i> | | | 2,168 |

| <u>NJCFS Account No.</u> | <u>IPB Account No.</u> | <u>Grants-in-Aid</u> | (thousands of dollars) |
|--|------------------------|---|------------------------|
| 12-100-046-4220-501 | 4220-140-020080-61 | Maternal, Child and Chronic Health Services | (26,756) |
| 12-491-046-4220-011 | 4220-493-020150-61 | Statewide Birth Defects Registry (CRFG) | (529) |
| 12-100-046-4220-091 | 4220-140-020960-61 | Poison Control Center | (587) |
| 12-100-046-4220-460 | 4220-140-021040-61 | Early Childhood Intervention Program | (92,593) |
| 12-100-046-4220-502 | 4220-140-021130-61 | Early Intervention Contracts | (892) |
| 12-100-046-4220-496 | 4220-140-021690-61 | Surveillance, Epidemiology, and End Results Expansion Program - CINJ | (2,000) |
| <i>Subtotal Appropriation, Grants-in-Aid</i> | | | 123,357 |
| <i>Total Appropriation, Division of Family Health Services</i> | | | 125,525 |
| <i>(From General Fund)</i> | | | 124,996 |
| <i>(From Casino Revenue Fund)</i> | | | 529 |

Language -- Direct State Services - General Fund

| | | |
|---------------------|-----------------|--|
| 12-100-046-4220-483 | 4220-472-021090 | Notwithstanding the provisions of any law to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of New Jersey's Autism Registry. |
| 12-100-046-4220-483 | 4220-472-021090 | Notwithstanding the provisions of any law to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of the Governor's Council for Medical Research and Treatment of Autism. |
| 12-100-046-4220-483 | 4220-472-021090 | Receipts deposited in the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Autism, subject to the approval of the Director of the Division of Budget and Accounting. |
| 12-100-046-4220-457 | 4220-472-024730 | Notwithstanding the provisions of subsection c. of section 6 of P.L.1983, c.6 (C.52:9U-6), subsection c. of section 5 of P.L.2003, c.200 (C.52:9EE-5), subsection c. section 5 of P.L.1999, c.201 (C.52:9E-5) and section 4 of P.L.1999, c.105 (C.30:6D-59) or any other law or regulation to the contrary, the amounts hereinabove appropriated to the New Jersey State Commission on Cancer Research, New Jersey State Commission on Brain Injury Research, New Jersey Commission on Spinal Cord Research, and the Governor's Council for Medical Research and Treatment of Autism are subject to the following condition: an amount from each appropriation, subject to the approval of the Director of the Division of Budget and Accounting, may be used to pay the salary and other benefits of one person who shall serve as Executive Director for all four entities, with the services of such person allocated to the four entities as shall be determined by the four entities. |
| 12-100-046-4220-483 | 4220-472-021090 | |
| | 4220-750-020000 | |
| 12-100-046-4230-273 | 4230-468-034680 | |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 21. HEALTH SERVICES

Language -- Direct State Services - General Fund

12-100-046-4220-457 4220-472-024730 The Commissioner of Health and Senior Services shall ensure that all monies appropriated to the New Jersey Brain Injury Research Fund shall be used exclusively for the purposes of the fund pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).

Language -- Grants-In-Aid - General Fund

12-100-046-4220-460 4220-140-021040-61 Receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

4220-760-020000-61 There is appropriated \$570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

12-100-046-4220-501 4220-140-020080-61 Of the amount hereinabove appropriated for Maternal, Child and Chronic Health Services, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

12-100-046-4220-460 4220-140-021040-61 Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on the Early Childhood Intervention Program's family cost sharing program involving a progressive charge for each hour of direct services provided to the child and/or the child's family in accordance with the child's Individualized Family Service Plan, based upon household size and gross income as set forth in the August 2007 or the next most recent published edition of the New Jersey Early Intervention System Family Cost Participation Handbook.

12-100-046-4220-496 4220-140-021690-61 Of the amount hereinabove appropriated for the Surveillance, Epidemiology and End Results Expansion Program-CINJ account, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

12-100-046-4220-460 4220-140-021040-61 In addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, such additional sums as may be necessary are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

12-100-046-4220-208 4220-417-024620 Upon a determination by the Commissioner of Health and Senior Services, made in consultation with the State Treasurer, that additional State funding is necessary to reimburse centers for services to uninsured clients, the Director of the Division of Budget and Accounting shall authorize the appropriation of such sums as the commissioner determines are necessary for grants to federally qualified health centers.

4230. DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH 03. PUBLIC HEALTH PROTECTION SERVICES

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|---|------------------------|--|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4230-002 | 4230-100-030000-12 | Salaries and Wages | (5,252) |
| 12-100-046-4230-003 | 4230-100-030000-2 | Materials and Supplies | (1,404) |
| 12-100-046-4230-004 | 4230-100-030000-3 | Services Other Than Personal | (392) |
| 12-100-046-4230-005 | 4230-100-030000-4 | Maintenance and Fixed Charges | (69) |
| <i>Special Purpose:</i> | | | |
| 12-100-046-4230-282 | 4230-100-030250-5 | Cancer Registry | (400) |
| 12-100-046-4230-374 | 4230-100-030260-5 | Cancer Investigation and Education | (500) |
| 12-100-046-4230-376 | 4230-100-030420-5 | Emergency Medical Services for Children | (50) |
| 12-100-046-4230-404 | 4230-100-031660-5 | Animal Welfare | (150) |
| 12-100-046-4230-078 | 4230-101-034500-5 | Worker and Community Right to Know | (2,462) |
| Subtotal Appropriation, Direct State Services | | | 10,679 |
| | | | |
| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Grants-in-Aid</u> | (thousands of dollars) |
| 12-100-046-4230-434 | 4230-140-030280-61 | Implementation of Comprehensive Cancer Control Program | (1,200) |
| 12-100-046-4230-470 | 4230-140-030600-61 | Hospital Asset Transformation Program - Debt Service | (18,041) |
| 12-100-046-4230-369 | 4230-140-031620-61 | Cancer Institute of New Jersey | (18,000) |
| 12-100-046-4230-392 | 4230-140-031630-61 | Cancer Institute of New Jersey, South Jersey Program | (5,400) |
| 12-100-046-4230-105 | 4230-141-034500-61 | Worker and Community Right to Know | (281) |
| Subtotal Appropriation, Grants-in-Aid | | | 42,922 |
| <i>Total Appropriation, Division of Epidemiology, Environmental and Occupational Health . . .</i> | | | 53,601 |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 21. HEALTH SERVICES

Language -- Direct State Services - General Fund

| | | |
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| 12-100-046-4230-382 | 4220-783-027830-5 4230-416-034160 | The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated. |
| 12-100-046-4230-376 | 4230-100-030420-5 | In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$150,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children Program. |
| 12-100-046-4230-385 | 4230-461-030050-5 | Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" \$79,000 for Emergency Medical Services and \$125,000 for the First Response EMT Cardiac Training Program. |
| 12-100-046-4230-386 | 4230-461-030510-5 | |
| 12-100-046-4230-028 | 4230-100-030900-5 | Amounts deposited in the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting. |
| 12-100-046-4230-078 | 4230-101-034500-5 | Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right to Know account is payable from the "Worker and Community Right to Know Fund". |
| 12-100-046-4230-105 | 4230-141-034500-61 | |
| | 4230-444-030190-5 | Receipts derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$4,722,000, are appropriated for the Medical Emergency Disaster Preparedness for Bioterrorism program and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting. |
| | | Notwithstanding the provisions of any law or regulation to the contrary, \$1,000,000 from the Cancer Research Fund established pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1) is transferred to the General Fund. |

Language -- Grants-In-Aid - General Fund

| | | |
|---------------------|--------------------|--|
| 12-100-046-4230-369 | 4230-140-031620-61 | From the amount hereinabove appropriated for the Cancer Institute of New Jersey, \$250,000 is appropriated to the Ovarian Cancer Research Fund. |
| 12-100-046-4230-382 | 4230-416-034160-61 | There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund, established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1), such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program, established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting. |
| 12-100-046-4230-470 | 4230-140-030600-61 | There are appropriated such additional sums as are required to pay all amounts due from the State pursuant to any contract entered into between the State Treasurer and the New Jersey Health Care Facilities Financing Authority pursuant to section 6 of P.L.2000, c.98 (C.26:2I-7.1) in connection with the Hospital Asset Transformation Program. |
| | | No funds hereinabove appropriated to the Department of Health and Senior Services shall be used for the Medical Waste Management Program. The Department of Health and Senior Services and the Department of Environmental Protection shall establish a transition plan to ensure provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.) are met. |
| 12-100-046-4230-369 | 4230-140-031620-61 | Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Cancer Institute of New Jersey (CINJ) shall be conditioned upon the following provision: no funds shall be expended except to support CINJ's infrastructure necessary to support cancer research, prevention and treatment. |
| 12-100-046-4230-392 | 4230-140-031630-61 | The unexpended balance at the end of the preceding fiscal year in the Cancer Institute of New Jersey, South Jersey Program account are appropriated to the program for cancer-related capital equipment, design, engineering and construction expenses, provided that \$2,772,000 of said balance is appropriated for implementation of the new allopathic medical school in Camden. |
| 12-100-046-4230-392 | 4230-140-031630-61 | In addition to the amount hereinabove appropriated for Cancer Institute of New Jersey, South Jersey Program, an amount not to exceed \$11,143,923 is appropriated for construction of the comprehensive cancer center in South Jersey, subject to the approval of the Director of the Division of Budget and Accounting, provided that no monies from this appropriation shall be disbursed until all funding from all other sources has been demonstrated by the South Jersey Program to be available for this purpose. |

Language -- State Aid - General Fund

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Department of Health and Senior Services are appropriated to public health priority programs under P.L.1996, c.36 as amended (C.26:2F-1 et seq.).

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH

21. HEALTH SERVICES

4245. DIVISION OF AIDS PREVENTION AND CONTROL

12. AIDS SERVICES

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|---|------------------------|--------------------------------------|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4245-001 | 4245-100-120000-12 | Salaries and Wages | (1,270) |
| 12-100-046-4245-002 | 4245-100-120000-2 | Materials and Supplies | (78) |
| 12-100-046-4245-003 | 4245-100-120000-3 | Services Other Than Personal | (98) |
| 12-100-046-4245-004 | 4245-100-120000-4 | Maintenance and Fixed Charges | (12) |
| Subtotal Appropriation, Direct State Services | | | 1,458 |
| | | | |
| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Grants-in-Aid</u> | (thousands of dollars) |
| 12-100-046-4245-056 | 4245-140-120800-61 | AIDS Grants | (21,651) |
| 12-100-046-4245-159 | 4245-140-120860-61 | AIDS Drug Distribution Program | (6,509) |
| Subtotal Appropriation, Grants-in-Aid | | | 28,160 |
| <i>Total Appropriation, Division of AIDS Prevention and Control</i> | | | <i>29,618</i> |

Language -- Grants-In-Aid - General Fund

| | | |
|---------------------|--------------------|---|
| 12-100-046-4245-159 | 4245-140-120860-61 | Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," the amounts hereinabove appropriated for the AIDS Drug Distribution Program (ADDP) shall not be spent unless the AIDS Drug Distribution Program is designated as the authorized representative for the purposes of coordinating benefits with the Medicare Part D program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; and facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in any Medicare Part D plan, that beneficiary shall be barred from all benefits of the ADDP Program. |
| 12-100-046-4245-159 | 4245-140-120860-61 | Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the AIDS Drug Distribution Program (ADDP) is conditioned upon the Department of Health and Senior Services coordinating the benefits of ADDP with the prescription drug benefits of the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer. The ADDP benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs, as determined by the Commissioner of Health and Senior Services, associated with enrollment in Medicare Part D for ADDP beneficiaries, and for Medicare Part D premium costs for ADDP beneficiaries. |
| 12-100-046-4245-159 | 4245-140-120860-61 | Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account, shall be available as payment as an ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003." |
| 12-100-046-4245-159 | 4245-140-120860-61 | Commencing with the start of the fiscal year, and consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), no funds hereinabove appropriated from the AIDS Drug Distribution Program (ADDP) account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data necessary to enroll the individual in the Medicare Part D program established pursuant to the MMA, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services. |
| 12-100-046-4245-001 | 4245-100-120000-12 | In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. |
| 12-100-046-4245-002 | 4245-100-120000-2 | |
| 12-100-046-4245-003 | 4245-100-120000-3 | |
| 12-100-046-4245-004 | 4245-100-120000-4 | |
| 12-100-046-4245-132 | 4245-140-120300-61 | |
| 12-100-046-4245-056 | 4245-140-120800-61 | |
| 12-100-046-4245-158 | 4245-140-120850-61 | Of the amount hereinabove appropriated for AIDS Grants, savings realized from reduced transportation costs may be transferred to the AIDS Drug Distribution Program account, subject to the approval of the Director of the Division of Budget and Accounting. |
| 12-100-046-4245-159 | 4245-140-120860-61 | |
| 12-100-046-4245-056 | 4245-140-120800-61 | |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 21. HEALTH SERVICES

Language -- Grants-In-Aid - General Fund

12-100-046-4245-159 4245-140-120860

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the AIDS Drug Distribution Program is conditioned upon the following: individuals whose income does not exceed 500% of the federal poverty level shall be eligible for coverage for all AIDS-related drugs and other drugs.

4280. DIVISION OF PUBLIC HEALTH AND ENVIRONMENTAL LABORATORIES 08. LABORATORY SERVICES

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|--|------------------------|---|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4280-002 | 4280-100-080000-12 | Salaries and Wages | (6,702) |
| 12-100-046-4280-003 | 4280-100-080000-2 | Materials and Supplies | (630) |
| 12-100-046-4280-004 | 4280-100-080000-3 | Services Other Than Personal | (2,893) |
| 12-100-046-4280-005 | 4280-100-080000-4 | Maintenance and Fixed Charges | (1,516) |
| <i>Special Purpose:</i> | | | |
| 12-100-046-4280-066 | 4280-100-080390-5 | West Nile Virus - Laboratory | (640) |
| 12-100-046-4280-006 | 4280-100-080000-7 | Additions, Improvements and Equipment | (2,652) |
| <i>Total Appropriation, Division of Public Health and Environmental Laboratories</i> | | | 15,033 |

Language -- Direct State Services - General Fund

12-100-046-4280-002 4280-100-080000
 12-100-046-4280-003
 12-100-046-4280-004
 12-100-046-4280-005
 12-100-046-4280-070
 12-100-046-4280-006

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health and Senior Services for diagnostic laboratory services provided to any other agency or department, provided that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

12-100-046-4280-002 4280-100-080000
 12-100-046-4280-003
 12-100-046-4280-004
 12-100-046-4280-005
 12-100-046-4280-070
 12-100-046-4280-006

Receipts from fees established by the Commissioner of Health and Senior Services for licensing of clinical laboratories, pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks, pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), are appropriated.

12-100-046-4280-004 4280-100-080000-3

The unexpended balance at the end of the preceding fiscal year in the Services Other Than Personal account in the Division of Public Health and Environmental Laboratories is appropriated for the costs of relocating the Public Health, Environmental and Agricultural Laboratory.

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| <i>Total Appropriation, Health Services</i> | 225,100 |
| <i>(From General Fund)</i> | 224,571 |
| <i>(From Casino Revenue Fund)</i> | 529 |

Language -- Direct State Services - General Fund

Receipts from licenses, permits, fines, penalties, and fees collected by the Department of Health and Senior Services in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 22. HEALTH PLANNING AND EVALUATION

4260. DIVISION OF LONG TERM CARE SYSTEMS DEVELOPMENT & QUALITY ASSURANCE 06. LONG TERM CARE SYSTEMS

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|--|------------------------|---|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4260-002 | 4260-100-060000-12 | Salaries and Wages | (2,735) |
| 12-100-046-4260-003 | 4260-100-060000-2 | Materials and Supplies | (58) |
| 12-100-046-4260-004 | 4260-100-060000-3 | Services Other Than Personal | (299) |
| 12-100-046-4260-005 | 4260-100-060000-4 | Maintenance and Fixed Charges | (90) |
| <i>Special Purpose:</i> | | | |
| 12-100-046-4260-080 | 4260-100-060010-5 | Nursing Home Background Checks/Nursing Aide Certification Program | (979) |
| 12-100-046-4260-099 | 4260-100-060090-5 | Implement Patient Safety Act | (400) |
| 12-100-046-4260-064 | 4260-100-061000-7 | Additions, Improvements and Equipment | (37) |
| <i>Total Appropriation, Division of Long Term Care Systems Development & Quality Assurance</i> | | | 4,598 |

Language -- Direct State Services - General Fund

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|---------------------|---|
| 4260-101-060480 | There are appropriated such sums as are required to the "Health Care Facilities Improvement Fund" to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health and Senior Services, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting. |
| 4260-451-064540 | |
| 4260-454-064510 | |
| 12-100-046-4260-045 | 4260-446-064460 Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting. |

4270. DIVISION OF HEALTH CARE SYSTEMS ANALYSIS 07. HEALTH CARE SYSTEMS ANALYSIS

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|--|------------------------|---|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4270-001 | 4270-100-070000-12 | Salaries and Wages | (1,408) |
| 12-100-046-4270-002 | 4270-100-070000-2 | Materials and Supplies | (15) |
| 12-100-046-4270-003 | 4270-100-070000-3 | Services Other Than Personal | (142) |
| 12-100-046-4270-004 | 4270-100-070000-4 | Maintenance and Fixed Charges | (86) |
| Subtotal Appropriation, Direct State Services | | | 1,651 |
| | | | |
| | | | (thousands of dollars) |
| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Grants-in-Aid</u> | |
| 12-100-046-4270-077 | 4270-140-070020-61 | Health Care Subsidy Fund Payments | (31,802) |
| Subtotal Appropriation, Grants-in-Aid | | | 31,802 |
| <i>Total Appropriation, Division of Health Care Systems Analysis</i> | | | 33,453 |

Language -- Grants-In-Aid - General Fund

| | | |
|---------------------|--------------------|---|
| 12-100-046-4270-077 | 4270-140-070020-61 | Notwithstanding the provisions of any law or regulation to the contrary, all revenues collected from the tax on cosmetic medical procedures pursuant to P.L.2004, c.53 (C.54:32E-1) shall be deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58). |
| 12-100-046-4270-077 | 4270-140-070020-61 | Notwithstanding the provisions of any law or regulation to the contrary, as a condition of the receipt of any monies hereunder by an acute care hospital that is requesting an advance of charity care/Medicaid or payments from the "Health Care Facilities Improvement Fund" or any payments over and above this act, the hospital shall comply with a request by the Commissioner of the Department of Health and Senior Services for a review of its finances and operations to ensure that access to health care is maintained and public funds are utilized for their intended purpose, the cost of such review to be borne by the acute care hospital, and shall comply with any financial and operational performance requirements imposed by the commissioner as deemed necessary as a result of the review. |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 22. HEALTH PLANNING AND EVALUATION

Language -- Grants-In-Aid - General Fund

12-100-046-4270-077 4270-140-070020-61

Notwithstanding the provisions of section 3 of P.L.2004, c.113 (C.26:2H-18.59i) or any other law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments in State Fiscal Year (SFY) 2012 shall be calculated using a multiple regression based formula such that: (a) source data used shall be from 1) Hospital Patient Discharge Uniform Billing Data (UB) from calendar year 2009 as released by the Department of Health and Senior Services (DHSS), 2) charity care subsidy allocation for SFY 2011 as announced by DHSS in July 2010, and 3) charity care subsidy allocation for SFY 2010 as announced by DHSS in July 2009 and including any subsequent reallocations; (b) the SFY 2010 charity care subsidy allocation shall be proportionately increased for each eligible hospital to increase the total subsidy to \$675,000,000 for this calculation purpose; (c) the SFY 2012 charity care subsidy allocation calculation for each eligible hospital shall begin with a constant value of \$674,269.40 and be increased by 88.38172% of its Charity Care subsidy allocation for SFY 2010 as calculated in subsection (b) above; (d) the SFY 2012 charity care subsidy allocation calculated thus far for each eligible hospital shall be increased by 2.06784% of the total charges from the payer category "self pay" in the calendar year 2009 UB data and then decreased by 0.12446% of the total charges from all payer categories in the calendar year 2009 UB data; (e) the SFY 2011 charity care subsidy allocation for each eligible hospital shall be divided by the total charges for the payer category "self pay" in the calendar year 2009 UB data to generate a ratio for this calculation purpose and then multiplied by a constant value of \$4,239,097; (f) the SFY 2012 charity care subsidy allocation calculated thus far in subsection (d) above for each eligible hospital shall be reduced by the amount calculated in subsection (e) above; (g) if the SFY 2012 charity care subsidy allocation calculated thus far is less than \$175,000 for any eligible hospital, the SFY 2012 charity care subsidy allocation thus far shall be increased to \$175,000; (h) the SFY 2012 charity care subsidy allocation calculated thus far for each eligible hospital shall be proportionately increased or decreased so that the total initial calculated SFY 2012 charity care subsidy shall be equal to \$675,000,000; (i) the SFY 2012 charity care subsidy allocation calculated thus far for each eligible hospital shall be multiplied by 25%; (j) the SFY 2011 charity care subsidy allocation for each eligible hospital shall be multiplied by 75%; (k) the amounts calculated in subsections (i) and (j) above shall be added together for each eligible hospital producing the SFY 2012 charity care subsidy allocation for each eligible hospital; (l) The resulting number will constitute each eligible hospital's SFY 2012 charity care subsidy allocation. A proportionate increase or decrease shall be applied to all hospitals if necessary such that the calculated SFY 2012 charity care subsidy allocation for all hospitals totaled shall not exceed \$675,000,000.

12-100-046-4270-077 4270-140-070020-61

Of the amount hereinabove appropriated for Health Care Subsidy Fund Payments, any amounts not allocated to a hospital-specific State fiscal year 2012 charity care subsidy is appropriated, subject to the approval of the Director of the Division of Budget and Accounting, to the Health Care Stabilization Fund established pursuant to P.L. 2008, c.33 and applied as set forth in such act. Combined funding for charity care and the Health Care Stabilization Fund shall not exceed \$705,000,000.

12-100-046-4270-077 4270-140-070020-61

Notwithstanding the provisions of any law or regulation to the contrary, any funds remaining as the result of closure of a hospital eligible to receive Disproportionate Share Hospital (DSH) funds shall be redistributed at the discretion of the Commissioner of the Department of Health and Senior Services. Factors the commissioner will consider shall include, but not be limited to, maintenance of continued timely access to essential health services for persons eligible to participate in charity care, and continued operation in the same or adjoining municipality as the closed hospital of an acute care hospital, eligible to receive DSH funds, and serving substantially the same eligible population. Notice of such redistribution shall be provided to the Joint Budget Oversight Committee within five business days of each redistribution.

12-100-046-4270-077 4270-140-070020-61

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision: the Department of Health and Senior Services shall review, examine and/or audit any and all financial information maintained by an acute care hospital to ensure appropriate use of public funds.

12-100-046-4270-077 4270-140-070020-61

The amounts hereinabove appropriated for charity care or other funding to a health care facility is conditioned upon the following requirement: such health care facility shall participate in planning meetings supervised by the Department of Health and Senior Services for the planning of the provision of hospital, medical or health programs and services, and shall, to the extent permitted by State and federal law, share patient level data as needed to facilitate such purposes.

12-100-046-4270-077 4270-140-070020-61

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the Health Care Subsidy Fund for charity care payments are subject to the following condition: In a manner determined by the Commissioner of Health and Senior Services and subject to the approval of the Director of the Division of Budget and Accounting, eligible hospitals shall receive 1) their charity care subsidy payments beginning in July 2011, 2) an aggregate amount of \$10,000,000 of their July and August 2011 payments in October 2011, 3) their September 2011 payments in October 2011, and 4) their January 2012 payments in December 2011.

12-100-046-4270-077 4270-140-070020-61

There is appropriated an amount not to exceed \$11,000,000 to the Hoboken Municipal Hospital Authority established pursuant to P.L.2006, c.46 (C.30:9-23.15) for purposes of paying costs of and related to the retirement of the Hoboken Municipal Hospital Authority bonds issued pursuant to P.L.2006, c.46, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Health Planning and Evaluation 38,051

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH

25. HEALTH ADMINISTRATION

4210. DIVISION OF MANAGEMENT AND ADMINISTRATION 99. ADMINISTRATION AND SUPPORT SERVICES

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|---|------------------------|---|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4210-008 | 4210-100-990000-12 | Salaries and Wages | (2,505) |
| 12-100-046-4210-009 | 4210-100-990000-2 | Materials and Supplies | (49) |
| 12-100-046-4210-010 | 4210-100-990000-3 | Services Other Than Personal | (226) |
| <i>Special Purpose:</i> | | | |
| 12-100-046-4210-100 | 4210-100-990010-5 | Office of Minority and Multicultural Health | (1,500) |
| <i>Total Appropriation, Division of Management and Administration</i> | | | <u>4,280</u> |
| <i>Total Appropriation, Health Administration</i> | | | <u>4,280</u> |

20. PHYSICAL AND MENTAL HEALTH

26. SENIOR SERVICES

4275. DIVISION OF SENIOR SERVICES 22. MEDICAL SERVICES FOR THE AGED

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|--|------------------------|---|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4275-189 | 4275-100-220000-12 | Salaries and Wages | (3,004) |
| 12-100-046-4275-190 | 4275-100-220000-2 | Materials and Supplies | (66) |
| 12-100-046-4275-191 | 4275-100-220000-3 | Services Other Than Personal | (799) |
| 12-100-046-4275-192 | 4275-100-220000-4 | Maintenance and Fixed Charges | (70) |
| 12-100-046-4275-193 | 4275-100-220000-7 | Additions, Improvements and Equipment | (12) |
| <i>Subtotal Appropriation, Direct State Services</i> | | | <u>3,951</u> |

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Grants-in-Aid</u> | (thousands of dollars) |
|---|------------------------|--|------------------------|
| 12-491-046-4275-051 | 4275-493-225000-61 | Global Budget for Long Term Care (CRFG) | (20,000) |
| 12-100-046-4275-366 | 4275-140-225060-61 | Global Budget for Long Term Care | (137,112) |
| 12-100-046-4275-060 | 4275-140-225070-61 | Payments for Medical Assistance Recipients - Nursing Homes | (646,605) |
| 12-100-046-4275-247 | 4275-140-225220-61 | Medical Day Care Services | (104,946) |
| 12-491-046-4275-073 | 4275-493-229990-61 | Hearing Aid Assistance for the Aged and Disabled (CRFG) | (120) |
| <i>Less:</i> | | | |
| <i>Comprehensive Medicaid Waiver</i> | | | (-26,000) |
| <i>Additional Federal Medicaid Revenue Associated with Waiver ...</i> | | | (-49,000) |
| <i>Subtotal Appropriation, Grants-in-Aid</i> | | | <u>833,783</u> |
| <i>Total Appropriation, Medical Services for the Aged</i> | | | <u>837,734</u> |

24. PHARMACEUTICAL ASSISTANCE TO THE AGED AND DISABLED

| <u>NICFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|--|------------------------|---|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4275-194 | 4275-100-240000-12 | Salaries and Wages | (4,107) |
| 12-100-046-4275-195 | 4275-100-240000-2 | Materials and Supplies | (83) |
| 12-100-046-4275-196 | 4275-100-240000-3 | Services Other Than Personal | (1,533) |
| 12-100-046-4275-197 | 4275-100-240000-4 | Maintenance and Fixed Charges | (339) |
| 12-100-046-4275-198 | 4275-100-240000-7 | Additions, Improvements and Equipment | (16) |
| <i>Subtotal Appropriation, Direct State Services</i> | | | <u>6,078</u> |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

24. PHARMACEUTICAL ASSISTANCE TO THE AGED AND DISABLED

| <u>NJCFS Account No.</u> | <u>IPB Account No.</u> | <u>Grants-in-Aid</u> | (thousands of dollars) |
|---|------------------------|---|------------------------|
| 12-100-046-4275-087 | 4275-140-245010-61 | Pharmaceutical Assistance to the Aged - Claims | (3,750) |
| 12-100-046-4275-281 | 4275-140-245040-61 | Pharmaceutical Assistance to the Aged and Disabled - Claims | (27,068) |
| 12-491-046-4275-059 | 4275-493-245040-61 | Pharmaceutical Assistance to the Aged and Disabled - Claims (CRFG) | (54,015) |
| 12-100-046-4275-330 | 4275-140-245050-61 | Senior Gold Prescription Discount Program | (10,829) |
| Subtotal Appropriation, Grants-in-Aid | | | 95,662 |
| Total Appropriation, Pharmaceutical Assistance to the Aged and Disabled | | | 101,740 |

55. PROGRAMS FOR THE AGED

| <u>NJCFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|---|------------------------|--|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4275-208 | 4275-100-550000-12 | Salaries and Wages | (153) |
| 12-491-046-4275-066 | 4275-491-550000-12 | Salaries and Wages (CRFD) | (658) |
| 12-491-046-4275-066 | 4275-491-550000-19 | Employee Benefits (CRFD) | (138) |
| 12-100-046-4275-209 | 4275-100-550000-2 | Materials and Supplies | (6) |
| 12-491-046-4275-067 | 4275-491-550000-2 | Materials and Supplies (CRFD) | (14) |
| 12-100-046-4275-210 | 4275-100-550000-3 | Services Other Than Personal | (60) |
| 12-491-046-4275-068 | 4275-491-550000-3 | Services Other Than Personal (CRFD) | (47) |
| 12-100-046-4275-211 | 4275-100-550000-4 | Maintenance and Fixed Charges | (1) |
| 12-491-046-4275-267 | 4275-491-550000-4 | Maintenance and Fixed Charges (CRFD) | (2) |
| <i>Special Purpose:</i> | | | |
| 12-100-046-4275-213 | 4275-100-555020-5 | Federal Programs for the Aged (State Share) | (143) |
| 12-491-046-4275-268 | 4275-491-550000-7 | Additions, Improvements and Equipment (CRFD) | (12) |
| Subtotal Appropriation, Direct State Services | | | 1,234 |

| <u>NJCFS Account No.</u> | <u>IPB Account No.</u> | <u>Grants-in-Aid</u> | (thousands of dollars) |
|---|------------------------|--|------------------------|
| 12-100-046-4275-397 | 4275-140-550150-61 | Community Based Senior Programs | (30,400) |
| 12-491-046-4275-272 | 4275-493-550150-61 | Community Based Senior Programs (CRFG) | (14,748) |
| Subtotal Appropriation, Grants-in-Aid | | | 45,148 |

| <u>NJCFS Account No.</u> | <u>IPB Account No.</u> | <u>State Aid</u> | (thousands of dollars) |
|--|------------------------|---|------------------------|
| 12-100-046-4275-227 | 4275-150-551540-60 | County Offices on Aging | (2,498) |
| 12-100-046-4275-228 | 4275-150-551550-60 | Older Americans Act-State Share | (4,654) |
| Subtotal Appropriation, State Aid | | | 7,152 |
| Total Appropriation, Programs for the Aged | | | 53,534 |

57. OFFICE OF THE PUBLIC GUARDIAN

| <u>NJCFS Account No.</u> | <u>IPB Account No.</u> | <u>Direct State Services</u> | (thousands of dollars) |
|--|------------------------|---|------------------------|
| <i>Personal Services:</i> | | | |
| 12-100-046-4275-218 | 4275-100-570000-12 | Salaries and Wages | (451) |
| 12-100-046-4275-219 | 4275-100-570000-2 | Materials and Supplies | (8) |
| 12-100-046-4275-220 | 4275-100-570000-3 | Services Other Than Personal | (148) |
| 12-100-046-4275-221 | 4275-100-570000-4 | Maintenance and Fixed Charges | (27) |
| Total Appropriation, Office of the Public Guardian | | | 634 |
| Total Appropriation, Division of Senior Services | | | 993,642 |
| (From General Fund) | | | 903,888 |
| (From Casino Revenue Fund) | | | 89,754 |
| Total Appropriation, Senior Services | | | 993,642 |
| (From General Fund) | | | 903,888 |
| (From Casino Revenue Fund) | | | 89,754 |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Direct State Services - General Fund

| | | |
|---------------------|--------------------|--|
| | | When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services in the Department of Human Services or the Department of Health and Senior Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services or the Department of Health and Senior Services may reimburse the county welfare agency in the amount of 25% of the gross recovery. |
| 12-100-046-4275-087 | 4275-140-245010-61 | Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is subject to the following condition: any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3.m), or in 42 U.S.C.S. 1396a(a)(25)(A), including but not limited to a pharmacy benefit manager writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Health and Senior Services to permit and assist the matching of the Department of Health and Senior Services' program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers. |
| 12-100-046-4275-281 | 4275-140-245040-61 | |
| 12-100-046-4275-239 | 4275-421-574210 | Receipts from the Office of the Public Guardian for Elderly Adults are appropriated to the Office of the Public Guardian. |

Language -- Grants-In-Aid - General Fund

| | | |
|---------------------|--------------------|--|
| 12-100-046-4275-060 | 4275-140-225070-61 | In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. |
| 12-100-046-4275-285 | 4275-140-220080-61 | In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred between the various items of appropriation within the Medical Services for the Aged and Programs for the Aged program classifications to ensure the continuity of long-term care support services for beneficiaries receiving services within the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. |
| 12-100-046-4275-060 | 4275-140-225070-61 | |
| 12-100-046-4275-247 | 4275-140-225220-61 | |
| 12-100-046-4275-223 | 4275-140-225330-61 | |
| 12-100-046-4275-297 | 4275-140-226000-61 | |
| 12-100-046-4275-087 | 4275-140-245010-61 | |
| 12-100-046-4275-281 | 4275-140-245040-61 | |
| 12-100-046-4275-303 | 4275-140-550030-61 | |
| 12-100-046-4275-248 | 4275-140-550120-61 | |
| 12-100-046-4275-324 | 4275-140-550130-61 | |
| 12-100-046-4275-276 | 4275-140-550300-61 | |
| 12-100-046-4275-254 | 4275-140-550930-61 | |
| 12-100-046-4275-226 | 4275-140-554500-61 | |
| | 4275-140-554525-61 | |
| 12-100-046-4275-060 | 4275-140-225070-61 | All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the preceding fiscal year are appropriated for payments to providers in the same program class from which the recovery originated. |
| 12-100-046-4275-060 | 4275-140-225070-61 | Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting. |
| 12-100-046-4275-060 | 4275-140-225070-61 | Subject to federal approval, the appropriations for those programs within the Medical Services for the Aged program classification are conditioned upon the Division of Medical Assistance and Health Services in the Department of Human Services and the Department of Health and Senior Services implementing policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The Division of Medical Assistance and Health Services and the Department of Health and Senior Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services. |
| 12-100-046-4275-060 | 4275-140-225070-61 | Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Department of Health and Senior Services to fund the costs of enhanced audit recovery efforts of the Department within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting. |
| 12-100-046-4275-060 | 4275-140-225070-61 | The amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes are available for the payment of obligations applicable to prior fiscal years. |
| 12-100-046-4275-060 | 4275-140-225070-61 | Such sums as may be necessary are appropriated from the General Fund for the payment of increased nursing home rates to reflect the costs incurred due to the payment of a nursing home provider assessment, pursuant to the "Nursing Home Quality of Care Improvement Fund Act," P.L.2003, c.105 (C.26:2H-92 et seq.), and P.L.2004, c.41, subject to the approval of the Director of the Division of Budget and Accounting. |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

| | | |
|---------------------|--------------------|--|
| 12-100-046-4275-060 | 4275-140-225070-61 | Notwithstanding the provisions of N.J.A.C.8:85 or any law or other regulation to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care shall be conditioned upon the following: (1) the per diem reimbursement rates effective July 1, 2011, for nursing facilities shall be developed according to the new rate setting methodology that shall be codified under N.J.A.C.8:85 during fiscal year 2011, including any changes that may be codified during fiscal year 2012; (2) except as otherwise provided in this FY 2012 Appropriation Act, regardless of the actual calculated reimbursement per diem rate arising from implementation of this methodology, a nursing facility's per diem reimbursement rate shall not vary more than \$10.00 from the per diem reimbursement rate received by that facility during fiscal year 2010; and (3) monies designated pursuant to subsection c. of section 6 of P.L.2003, c.105 (C.26:2H-97) for distribution to nursing homes less the portion of those funds to be paid as pass-through payments in accordance with paragraph 1 of subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97) shall be combined with amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care for the purpose of Medicaid reimbursement to nursing facilities according to the new rate setting methodology. For the purposes of this paragraph, a nursing facility's per diem reimbursement rate shall not include, if the nursing facility is eligible for reimbursement, the difference between the full calculated Provider Tax add-on and the Quality of Care portion of the Provider Tax add-on. |
| 12-100-046-4275-247 | 4275-140-225220-61 | Notwithstanding the provisions of any law or regulation to the contrary, no payment for Medicaid Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the Medical Day Care Services account, shall be provided unless the services are prior authorized by professional staff designated by the Department of Health and Senior Services. |
| 12-100-046-4275-247 | 4275-140-225220-61 | Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Medical Day Care Services shall be conditioned upon the following provision: the per diem fee-for-service reimbursement rate for all adult Medical Day Care providers, regardless of provider type, shall be set at \$78.50. |
| 12-100-046-4275-247 | 4275-140-225220-61 | Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: physical therapy, occupational therapy and speech therapy shall no longer serve as a permissible criteria for eligibility in the adult Medical Day Care Program. |
| 12-100-046-4275-247 | 4275-140-225220-61 | Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: effective August 15, 2010, no payments for Medicaid adult medical day care services shall be provided on behalf of any beneficiary who received prior authorization for these services based exclusively on the need for medication administration. |
| 12-100-046-4275-247 | 4275-140-225220-61 | Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: no licensed facility in the adult Medical Day Care Program may serve or receive reimbursement for more than 200 Medicaid beneficiaries per day. Furthermore, no reimbursement will be provided for any claim in excess of a given facility's licensed capacity as established by the Department of Health and Senior Services. |
| 12-100-046-4275-247 | 4275-140-225220-61 | Notwithstanding the provisions of N.J.A.C.8:87 or any other law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be subject to the following condition: the daily reimbursement for fee-for-service pediatric medical day care shall remain at the rate established in the preceding fiscal year. |
| 12-100-046-4275-087 | 4275-140-245010-61 | The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled Program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), are available for the payment of obligations applicable to prior fiscal years. |
| 12-100-046-4275-281 | 4275-140-245040-61 | |
| 12-100-046-4275-330 | 4275-140-245050-61 | |
| 12-100-046-4275-087 | 4275-140-245010-61 | Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for, or receipt of, PAAD or Senior Gold Prescription Discount Program benefits shall be void, and no PAAD and Senior Gold Prescription Discount Program payments shall be made as a result of any such provision. |
| 12-100-046-4275-281 | 4275-140-245040-61 | |
| 12-100-046-4275-330 | 4275-140-245050-61 | |
| 12-100-046-4275-087 | 4275-140-245010-61 | Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5.00 for generic drugs and \$7.00 for brand name drugs. |
| 12-100-046-4275-281 | 4275-140-245040-61 | |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61
12-100-046-4275-330 4275-140-245050-61

Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c).

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61
12-100-046-4275-330 4275-140-245050-61

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturer's rebates for PAAD claims paid as secondary to Medicare Part D and for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the PAAD and Senior Gold Prescription Discount Program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program.

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61
12-100-046-4275-330 4275-140-245050-61

In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled and the Senior Gold Prescription Discount programs, there are appropriated from the General Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61
12-100-046-4275-330 4275-140-245050-61

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program are conditioned upon the Department of Health and Senior Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Health and Senior Services and the Director of the Division of Budget and Accounting.

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs are conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAAD programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the new federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold Prescription Discount programs, and for Medicare Part D premium costs for PAAD beneficiaries.

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program recipients, no funds hereinabove appropriated to the PAAD program or Senior Gold Prescription Discount Program accounts shall be expended for any individual unless the individual enrolled in the PAAD program or Senior Gold Prescription Discount Program provides all data necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61
12-100-046-4275-330 4275-140-245050-61

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled programs, and Senior Gold Prescription Discount Program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

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|---------------------|--------------------|---|
| 12-100-046-4275-330 | 4275-140-245050-61 | Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize drug coverage under Medicare Part D, the appropriation for the Senior Gold Prescription Discount Program is conditioned on the Senior Gold Prescription Discount Program being designated the authorized representative for the purpose of coordinating benefits with the Medicare drug program, including appeals of coverage determinations. The Senior Gold Prescription Discount Program is authorized to represent program beneficiaries in the pursuit of such coverage. Senior Gold Prescription Discount Program representation shall include, but not to be limited to, the following actions: pursuit of appeals, grievances, and coverage determinations. |
| 12-100-046-4275-087 | 4275-140-245010-61 | Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended to cover medications not on the formulary of a PAAD program or Senior Gold Prescription Discount Program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by the PAAD program and Senior Gold Prescription Discount Program which are specifically excluded by the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA). In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the MMA, to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan. |
| 12-100-046-4275-281 | 4275-140-245040-61 | |
| 12-100-046-4275-330 | 4275-140-245050-61 | |
| 12-100-046-4275-087 | 4275-140-245010-61 | Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to: drugs used for baldness, weight loss, and skin conditions. |
| 12-100-046-4275-281 | 4275-140-245040-61 | |
| 12-100-046-4275-330 | 4275-140-245050-61 | |
| 12-100-046-4275-330 | 4275-140-245050-61 | From the amount hereinabove appropriated for the Senior Gold Prescription Discount Program, an amount not to exceed \$3,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting. |
| 12-100-046-4275-060 | 4275-140-225070-61 | Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste, and abuse, are appropriated to Medical Services for the Aged in the Division of Senior Services. |
| 12-100-046-4275-297 | 4275-140-226000-61 | In order to permit flexibility in implementing eldercare initiatives appropriated hereinabove as part of Community Based Senior Programs, and the Global Budget for Long-Term Care within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. |
| 12-100-046-4275-297 | 4275-140-226000-61 | In order to permit flexibility in implementing the ElderCare Advisory Commission Initiatives, appropriated hereinabove as part of Community Based Senior Programs within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. |
| 12-100-046-4275-397 | 4275-140-550150-61 | Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) or any other law or regulation to the contrary, the amount appropriated for Community Based Senior Programs is subject to the following condition: private for-profit agencies shall be eligible grantees for funding from the Community Based Senior Programs account for Alzheimer's Disease activities. |
| 12-100-046-4275-060 | 4275-140-225070-61 | Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients – Nursing Homes and Global Budget for Long Term Care are subject to the following condition: nursing facilities shall not receive payments for bed hold or therapeutic leave days for Medicaid beneficiaries; provided that nursing facilities shall continue to reserve beds for Medicaid beneficiaries who are hospitalized or on therapeutic leave as required by N.J.A.C. 8:85-1.14. |
| 12-100-046-4275-366 | 4275-140-225060-61 | |

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

12-100-046-4275-087 4275-140-245010-61
12-100-046-4275-281 4275-140-245040-61
12-100-046-4275-330 4275-140-245050-61

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) through August 31, 2011 (a) reimbursement for the cost of all legend and non-legend drugs shall be calculated based on the lowest of: (i) the Average Wholesale Price less a volume discount not to exceed 17.5% as shall be determined by the Commissioner and the Director of the Division of Budget and Accounting; or (ii) the federal upper limit (FUL); or (iii) the state upper limit (SUL); or (iv) a pharmacy's usual and customary charge; and (b) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$3.99 shall remain in effect through August 31, 2011; (2) on or after September 1, 2011 (a) drug cost for all legend and non-legend single source, brand-name multi-source, and multi-source drugs shall be calculated based upon, in the discretion of the Commissioner: (i) cost acquisition data submitted by providers, suppliers, and/or wholesalers of pharmaceutical services for single source, brand-name multi-source, and multi-source drugs; or (ii) the wholesale acquisition cost (WAC) less a one percent volume discount for single-source and multi-source brand-name drugs; or (iii) the lesser of the SUL or FUL for multi-source drugs; (3) on or after September 1, 2011, drug reimbursement shall be calculated, in the discretion of the Commissioner, based on either: (i) the lesser of the acquisition data from providers, suppliers and/or wholesalers for single source, brand-name multi-source, and multi-source drugs plus a professional fee or a provider's usual and customary charge; or (ii) the lesser of WAC less one percent plus a dispensing fee of \$3.73 to \$3.99 for single-source and multi-source brand-name drugs or a provider's usual and customary charge; or (iii) the lesser of SUL or FUL plus \$3.73 to \$3.99 for multi-source drugs or a provider's usual and customary charge. In the absence of acquisition data on or after September 1, 2011, reimbursement shall be based on the lesser of 3.ii or 3.iii above. To effectuate the purposes of this paragraph, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, suppliers, and/or wholesalers of pharmaceutical services for reimbursement of dispensing or administering single source, brand-name multi-source, and multi-source drugs, and no funds hereinabove appropriated shall be paid to any entity that fails to submit required data.

Language -- Grants-In-Aid - Casino Revenue Fund

12-491-046-4275-073 4275-493-229990-61
12-491-046-4275-059 4275-493-245040-61

In addition to the amounts hereinabove appropriated for Pharmaceutical Assistance to the Aged and Disabled and Hearing Aid Assistance for the Aged and Disabled, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

12-491-046-4275-051 4275-493-225000-61
12-491-046-4275-072 4275-493-228880-61
12-491-046-4275-073 4275-493-229990-61
12-491-046-4275-059 4275-493-245040-61

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

12-491-046-4275-051 4275-493-225000-61
12-491-046-4275-072 4275-493-228880-61
12-491-046-4275-073 4275-493-229990-61
12-491-046-4275-059 4275-493-245040-61

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

12-491-046-4275-051 4275-493-225000-61
12-491-046-4275-072 4275-493-228880-61
12-491-046-4275-073 4275-493-229990-61

For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services, but ensure that no overspending will occur in the program classification.

12-491-046-4275-051 4275-493-225000-61
12-491-046-4275-072 4275-493-228880-61

Notwithstanding the provisions of P.L.1988, c.92 (C.30:4E-5 et seq.) to the contrary, funds appropriated for the Home Care Expansion Program (HCEP) shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Global Budget for Long Term Care or alternative programs, and only for so long as those individuals require services covered by the HCEP.

12-491-046-4275-051 4275-493-225000-61
12-491-046-4275-072 4275-493-228880-61
12-491-046-4275-073 4275-493-229990-61
12-491-046-4275-059 4275-493-245040-61

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund, Medical Services for the Aged, or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year's annual appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

12-491-046-4275-059 4275-493-245040-61

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

12-491-046-4275-059 4275-493-245040-61

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

- 12-491-046-4275-059 4275-493-245040-61 Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5.00 for generic drugs and \$7.00 for brand name drugs.
- 12-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated for the Drug Utilization Review Council in the Department of Health and Senior Services, and therefore, the functions of the Council shall cease.
- 12-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended, when PAAD is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c).
- 12-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program shall continue during the current fiscal year, provided that the manufacturers' rebates for PAAD claims paid as secondary to Medicare Part D shall apply only to the amount paid by the State under the PAAD program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program.
- 12-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program are conditioned upon the Department of Health and Senior Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Health and Senior Services and the Director of the Division of Budget and Accounting.
- 12-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD program recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and the Senior Gold Prescription Discount Program, and for Medicare Part D premium costs for PAAD program beneficiaries.
- 12-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.
- 12-491-046-4275-059 4275-493-245040-61 Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) program recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.
- 12-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

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| 12-491-046-4275-059 | 4275-493-245040-61 | Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended to cover medications not on the formulary of a PAAD program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by PAAD which are specifically excluded by the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA). In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the MMA, to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan. |
| 12-491-046-4275-059 | 4275-493-245040-61 | Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs including but not limited to: drugs used for baldness, weight loss, and skin conditions. |
| 12-491-046-4275-082 | 4275-493-555010-61 | Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, \$400,000 shall be charged to the Casino Simulcasting Fund. |
| 12-491-046-4275-272 | 4275-493-550150-61 | Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) or any other law or regulation to the contrary, the amount appropriated for Community Based Senior Programs is subject to the following condition: private for-profit agencies shall be eligible grantees for funding from the Community Based Senior Programs account for Alzheimer's Disease activities. |
| 12-491-046-4275-059 | 4275-493-245040-61 | Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended for fee-for-service prescription drug claims with no Medicare Part D coverage except under the following conditions: (1) through August 31, 2011 (a) reimbursement for the cost of all legend and non-legend drugs shall be calculated based on the lowest of: (i) the Average Wholesale Price less a volume discount not to exceed 17.5% as shall be determined by the Commissioner and the Director of the Division of Budget and Accounting; or (ii) the federal upper limit (FUL); or (iii) the state upper limit (SUL); or (iv) a pharmacy's usual and customary charge; and (b) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$3.99 shall remain in effect through August 31, 2011; (2) on or after September 1, 2011 (a) drug cost for all legend and non-legend single source, brand-name multi-source, and multi-source drugs shall be calculated based upon, in the discretion of the Commissioner: (i) cost acquisition data submitted by providers, suppliers, and/or wholesalers of pharmaceutical services for single source, brand-name multi-source, and multi-source drugs; or (ii) the wholesale acquisition cost (WAC) less a one percent volume discount for single-source and multi-source brand-name drugs; or (iii) the lesser of the SUL or FUL for multi-source drugs; (3) on or after September 1, 2011, drug reimbursement shall be calculated, in the discretion of the Commissioner, based on either: (i) the lesser of the acquisition data from providers, suppliers and/or wholesalers for single source, brand-name multi-source, and multi-source drugs plus a professional fee or a provider's usual and customary charge; or (ii) the lesser of WAC less one percent plus a dispensing fee of \$3.73 to \$3.99 for single-source and multi-source brand-name drugs or a provider's usual and customary charge; or (iii) the lesser of SUL or FUL plus \$3.73 to \$3.99 for multi-source drugs or a provider's usual and customary charge. In the absence of acquisition data on or after September 1, 2011, reimbursement shall be based on the lesser of 3.ii or 3.iii above. To effectuate the purposes of this paragraph, which is intended to be budget neutral, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers, suppliers, and/or wholesalers of pharmaceutical services for reimbursement of dispensing or administering single source, brand-name multi-source, and multi-source drugs, and no funds hereinabove appropriated shall be paid to any entity that fails to submit required data. |

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| <i>Total Appropriation, Department of Health and Senior Services</i> | 1,261,073 |
| <i>Totals by Category:</i> | |
| <i>Direct State Services</i> | 53,087 |
| <i>Grants-In-Aid</i> | 1,200,834 |
| <i>State Aid</i> | 7,152 |
| <hr/> | |
| <i>Totals by Fund:</i> | |
| <i>General Fund</i> | 1,170,790 |
| <i>Casino Revenue Fund</i> | 90,283 |
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46. HEALTH AND SENIOR SERVICES

DEPARTMENT OF HEALTH AND SENIOR SERVICES

Language -- Direct State Services - General Fund

Consistent with the provisions of P.L.2005, c.237, \$40,000,000 from the surcharge on each general hospital and each specialty heart hospital is appropriated to fund federally qualified health centers. Any unexpended balance at the end of the preceding fiscal year in the Health Care Subsidy Fund received through the hospital and other health care initiatives account during the preceding fiscal year is appropriated for payments to federally qualified health centers.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services, in excess of those anticipated, are appropriated, subject to a plan prepared by the department and approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57) or any law or regulation to the contrary, the first \$1,200,000 in per adjusted admission charge assessment revenues, attributable to \$10.00 per adjusted admission charge assessments made by the Department of Health and Senior Services, shall be anticipated as revenue in the General Fund available for health-related purposes. Furthermore, the remaining revenue attributable to this fee shall be available to carry out the provisions of section 7 of P.L.1992, c.160 (C.26:2H-18.57), as determined by the Commissioner of Health and Senior Services, and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer shall transfer to the Health Care Subsidy Fund, established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58), only those additional revenues generated from third party liability recoveries, excluding Medicaid, by the State arising from a review by the Director of the Division of Budget and Accounting of hospital payments reimbursed from the Health Care Subsidy Fund with service dates that are after the date of enactment of P.L.1996, c.29.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Health and Senior Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, fees, fines, penalties and assessments owed to the Department of Health and Senior Services shall be offset against payments due and owing from other appropriated funds.

In addition to the amount hereinabove appropriated, receipts from the federal Medicaid (Title XIX) program for health services-related programs throughout the Department of Health and Senior Services are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.