

## **N.J.A.C. 10:167E**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED***

### **Title 10, Chapter 167E -- Chapter Notes**

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#### **Statutory Authority**

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##### **CHAPTER AUTHORITY:**

N.J.S.A. 30:4D-41, 52:14C-1 et seq., and 52:14D-1 et seq.; and Reorganization Plan No. 001-1996.

#### **History**

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##### **CHAPTER SOURCE AND EFFECTIVE DATE:**

R.2017 d.170, effective August 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

##### **CHAPTER HISTORICAL NOTE:**

Chapter 83B, Hearing Aid Assistance to the Aged and Disabled, was originally codified in Title 10 as Chapter 69, Hearing Aid Assistance to the Aged and Disabled. Chapter 69, Reimbursement to Pharmaceutical Consultants in Long-Term Care Facilities, was adopted as R.1976 d.6, effective January 9, 1976. See: 7 N.J.R. 504(a), 8 N.J.R. 70(c). Chapter 69 was repealed by Emergency Repeal R.1976 d.216, effective July 12, 1976. See: 8 N.J.R. 385(c).

Chapter 69, Hearing Aid Assistance to the Aged and Disabled, was adopted as R.1988 d.250, effective June 6, 1988. See: 20 N.J.R. 519(a), 20 N.J.R. 1220(a).

Pursuant to Executive Order No. 66(1978), Chapter 69, Hearing Aid Assistance to the Aged and Disabled, was readopted as R.1993 d.281, effective May 14, 1993. See: 25 N.J.R. 228(a), 25 N.J.R. 2589(a).

Pursuant to Reorganization Plan No. 001-1996, Chapter 69, Hearing Aid Assistance to the Aged and Disabled, was recodified to N.J.A.C. 8:83B, effective November 3, 1997. See: 29 N.J.R. 4679(a).

Pursuant to Executive Order No. (66)1978, Chapter 83B, Hearing Aid Assistance to the Aged and Disabled, was readopted as R.1998 d.227, effective April 13, 1998. See: 30 N.J.R. 46(a), 30 N.J.R. 1612(a). Chapter 83B, Hearing Aid Assistance to the Aged and Disabled, expired on October 10, 2003.

Chapter 83B, Hearing Aid Assistance to the Aged and Disabled, was adopted as new rules by R.2004 d.369, effective October 4, 2004. See: 36 N.J.R. 1861(a), 36 N.J.R. 4463(a).

Pursuant to Executive Order No. 1(2010), the chapter expiration date was extended from April 2, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule was readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter 83B, Hearing Aid Assistance to the Aged and Disabled, was readopted as R.2010 d.084, effective May 11, 2010. See: 41 N.J.R. 3883(a), 42 N.J.R. 1052(b).

Chapter 83B of Title 8, Hearing Aid Assistance to the Aged and Disabled, was recodified as Chapter 167E of Title 10 by administrative change, effective June 16, 2014. As a part of the recodification, administrative changes were made throughout concerning cross-references, agency names and addresses, and the elimination of text rendered redundant or moot by the transfer of authority. See: 46 N.J.R. 1643(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 167E, Hearing Aid Assistance to the Aged and Disabled, was scheduled to expire on May 11, 2017. See: 43 N.J.R. 1203(a).

Chapter 167E, Hearing Aid Assistance to the Aged and Disabled, was readopted as R.2017 d.170, effective August 18, 2017. See: Source and Effective Date. See, also, section annotations.

## **N.J.A.C. 10:167E-1.1**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 1. GENERAL PROVISIONS***

### **§ 10:167E-1.1 Purpose**

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**(a)**The purpose of this chapter, Hearing Aid Assistance to the Aged and Disabled (HAAAD), is to provide a payment of up to \$ 100.00 in a calendar year in which a hearing aid is purchased to offset the cost of the hearing aid for individuals who meet the age or disability, income and residency requirements of the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program.

**(b)**This chapter has been developed as a statement of policy and procedures and is applicable only to eligibility for the HAAAD Program.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

In (a), inserted the fifth occurrence of "the".

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## **N.J.A.C. 10:167E-1.2**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 1. GENERAL PROVISIONS***

### **§ 10:167E-1.2 Legal authority**

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The New Jersey Program of Hearing Aid Assistance to the Aged and Disabled (HAAAD) is established by Chapter 298, Laws of 1987 (N.J.S.A. 30:4D-36 et seq.), effective February 4, 1988.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

Substituted "298" for "198".

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## **N.J.A.C. 10:167E-2.1**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 2. DEFINITIONS***

### **§ 10:167E-2.1 Definitions**

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The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Annual income" means all income from whatever source derived, actually received or anticipated.

"Applicant" means an individual who applies for HAAAD, either personally or through an authorized agent.

"Beneficiary" means an individual who has been found eligible for HAAAD benefits.

"Calendar year" means a year beginning January 1 and ending December 31. "Calendar year" is the base period utilized to determine annual income and HAAAD eligibility.

"Commissioner" means the Commissioner of the Department of Human Services.

"Department" means the Department of Human Services.

"Resident" means a person legally domiciled within the State of New Jersey for a period of 30 days immediately preceding the date of application for inclusion in the HAAAD program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile.

"Special needs trust" means a trust containing the assets of a disabled individual that is established for the sole benefit of the individual by a parent, grandparent, legal guardian or court prior to the time the individual reaches the age of 65. (See N.J.A.C. 10:167E-2.2 for provisions.)

"Viatical settlement" means the sale or cashing in of a life insurance policy prior to the death of the insured, due to the fact that the insured has experienced a catastrophic, life-threatening or chronic illness or condition.

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End of Document

## **N.J.A.C. 10:167E-2.2**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 2. DEFINITIONS***

### **§ 10:167E-2.2 Special needs trusts**

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**(a)**To be considered a special needs trust, the trust shall include the following provisions:

- 1.**The trust shall specifically state that the trust is for the sole benefit of the trust beneficiary;
- 2.**The trust shall specifically state that its purpose is to permit the use of trust assets to supplement, and not to supplant, impair or diminish, any benefits or assistance of any Federal, State or other governmental entity for which the beneficiary may otherwise be eligible or which the beneficiary may be receiving;
- 3.**The trust shall specifically state the age of the trust beneficiary, that the trust beneficiary is disabled within the definition of 42 U.S.C. § 1382c(a)(3), and whether the trust beneficiary is competent at the time the trust is established;
- 4.**The trust shall specifically identify, in an attached schedule, the source of the initial trust property and all assets of the trust;
- 5.**If the trust makes provisions which are intended to limit invasion by creditors or to insulate the trust from liens or encumbrances, the trust shall state that such provisions are not intended to limit the State's right to reimbursement or to recoup incorrectly paid benefits;
- 6.**The special needs trust shall state that it is established by a parent, grandparent, or legal guardian of the trust beneficiary or by a court;
- 7.**The trust shall specifically state that it is irrevocable. Neither the grantor, the trustee(s), nor the beneficiary shall have any right or power, whether alone or in conjunction with others, in whatever capacity, to alter, amend, revoke, or terminate the trust or any of its terms or to designate the persons who shall possess or enjoy the trust estate during his or her lifetime;
- 8.**The trustee shall be specifically identified by name and address. The trust shall state that the original trust beneficiary cannot be the trustee. The trust shall make provisions for naming a successor trustee in the event that any trustee is unable or unwilling to serve;

**9.**The trust shall specifically state that the trustee shall fully comply with all State laws, including the Prudent Investor Act, N.J.S.A. 3B:20-11.1 et seq. The trust shall provide that the trustee cannot take any actions not authorized by, or without regard to, State laws. If the trust gives the trustee authorization or power not provided for in the Prudent Investor Act, an accompanying letter shall provide an explanation for each such authorization or power;

**10.**The trust shall specifically state that the trustee shall be compensated only as provided by law in accordance with N.J.S.A. 3B:18-2 et seq. If the trust identifies a guardian, the trust shall specifically identify him or her by name. A guardian shall be compensated only as provided by law;

**11.**The trust shall specify that a formal or informal accounting of all expenditures made by the trust shall be submitted to the appropriate eligibility determination agency on an annual basis;

**12.**The State shall be given advance notice of any expenditure in excess of \$ 5,000, and of any amount which would substantially deplete the principal of the trust. Notice shall be given to the Office of State Health Insurance for the Aged & Disabled, Division of Aging Services, PO Box 715, Trenton, NJ 08625-0715, or any successor agency, 45 days prior to the expenditures; and

**13.**New Jersey rules and laws do not permit a trust to create a will for an incompetent or a minor. The money creating the trust, any additions and/or interest accumulated, cannot be left to other parties, but shall pass by intestacy. The trust shall not create other trusts within it.

## History

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### HISTORY:

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

In (a)10, substituted "in accordance with" for "(", updated the N.J.S.A. reference, and deleted ")" following "et seq."; and in (a)12, substituted "State Health Insurance" for "Support Services", inserted "& Disabled", and inserted "and" at the end.

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## **N.J.A.C. 10:167E-3.1**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 3. ADMINISTRATIVE ORGANIZATION***

### **§ 10:167E-3.1 Department of Human Services**

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The Department of Human Services is the administrative unit of the State government which has control over the administration of HAAAD. Under the terms of the HAAAD law, the Department is responsible for the general policies, governing administration of HAAAD, and for effecting the issuance of rules and procedures in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., for implementing the statutory provisions.

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## **N.J.A.C. 10:167E-3.2**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 3. ADMINISTRATIVE ORGANIZATION***

### **§ 10:167E-3.2 Pharmaceutical Assistance to the Aged and Disabled**

Pharmaceutical Assistance to the Aged and Disabled (PAAD) is the unit which has the direct responsibility for the processing of eligibility applications and for authorizing payment of HAAAD benefits.

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## **N.J.A.C. 10:167E-3.3**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 3. ADMINISTRATIVE ORGANIZATION***

### **§ 10:167E-3.3 Agency controls**

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**(a)**The Commissioner shall establish operating policies to expedite the processing of applications and to assure the maximum possible compliance with the standards set forth in this chapter.

**(b)**The Department of Human Services, Division of Medical Assistance and Health Services, has the responsibility for investigating beneficiaries in matters involving potential fraud and/or abuse.

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## **N.J.A.C. 10:167E-4.1**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 4. APPLICATION PROCESS***

### **§ 10:167E-4.1 General provisions**

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The application process includes all activity relating to a request for eligibility determination. The application process begins with the receipt by the Department of an eligibility application and continues in effect until there is an official disposition of the request by the Department.

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## N.J.A.C. 10:167E-4.2

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

*New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 4. APPLICATION PROCESS*

### § 10:167E-4.2 Authorized agent

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(a) In those instances where the applicant is incompetent or incapable of filing an eligibility application on his or her own behalf, the Department shall accept any one of the following, listed in the order of priority, as an authorized agent for the purpose of initiating such application:

1. Power of attorney;
2. A close relative by blood or marriage, that is, parent, spouse, son, daughter, brother, sister;
3. A representative payee designated by the Social Security Administration;
4. A staff member of a public or private social service agency, of which the person is a client, who has been designated by the agency to so act; or
5. A friend.

### History

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#### HISTORY:

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

In the introductory paragraph of (a), substituted "on" for "of".

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## **N.J.A.C. 10:167E-4.3**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 4. APPLICATION PROCESS***

### **§ 10:167E-4.3 Responsibilities in the application process**

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**(a)**The Department, through PAAD, establishes procedures on the application process consistent with law and supervises the operation with the policy and procedures so established.

**(b)**PAAD has responsibility in the application process to:

- 1.Explain the purposes and eligibility requirements of the program and indicate the applicant's rights and responsibilities under its provisions;
- 2.Process the PAAD and HAAAD applications;
- 3.Certify for the Treasurer, State of New Jersey, the names of eligible residents and authorize the payment of HAAAD benefits; and
- 4.Maintain eligibility applications and supporting documents for audit purposes.

**(c)**The applicant has the responsibility to do the following:

- 1.Complete the PAAD eligibility application for those applicants not enrolled in the PAAD Program, or the HAAAD eligibility application for those applicants already enrolled in the PAAD Program. The application shall be legible and accurate. The applicant shall:
  - i.Answer all questions fully;
  - ii.Present all necessary evidentiary documents, including physician's prescription or letter attesting to the medical necessity for obtaining a hearing aid and a receipt for the recent purchase of the hearing aid;
  - iii.Read the certification and authorization statement; and
  - iv.Sign or mark the application; and
- 2.Assist the Department to secure evidence that corroborates the statements when necessary.

**(d)**The beneficiary has the responsibility to repay the State of New Jersey, upon request, for the cost of benefits incorrectly paid on his or her behalf.

**(e)**The PAAD and HAAAD applications may be obtained as follows:

- 1.The PAAD application can be found at <http://www.state.nj.us/humanservices/doas/forms/ap-2.pdf>, and the HAAAD application can be found at <http://www.state.nj.us/humanservices/doas/forms/ha-1.pdf>;
- 2.By placing a request via mail to the PAAD or HAAAD Program at P.O. Box 715, Trenton, NJ 08625-0715; or
- 3.By calling the hotline at 1-800-792-9745.

**(f)**The PAAD application shall contain fields for the submission of information as required by N.J.A.C. 10:167-6.6 and the HAAAD application shall contain fields for the submission of information required by (c) above and other identifying information for the applicant, such as name, address, zip code, and applicant's Social Security number and PAAD identification number.

## History

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### HISTORY:

Amended by R.2010 d.084, effective June 7, 2010.

See: 41 N.J.R. 3883(a), 42 N.J.R. 1052(b).

In (b)4, inserted "or electronically scan" and "or electronic copies"; and added (e) and (f).

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

In (a) and the introductory paragraph of (b), substituted "PAAD" for "Pharmaceutical Assistance to the Aged and Disabled"; rewrote (b)2, (b)4, and (e)1; in (c)1, deleted "(AP-2)" following the first occurrence of "application", and deleted "(HA-1)" following the second occurrence of "application"; in the introductory paragraph of (e), and in (f), substituted "PAAD" for "AP-2" and "HAAAD" for "HA-1"; and in (f), inserted a comma following "code".

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## **N.J.A.C. 10:167E-5.1**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 5. ELIGIBILITY REQUIREMENTS***

### **§ 10:167E-5.1 Age**

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**(a)**To be eligible for HAAAD, the applicant must be 65 years of age or older or must be between 18 and 65 and receiving Social Security Title II disability benefits. Individuals under age 65 who receive disability benefits on behalf of someone other than themselves are ineligible. The applicant shall be able to document his or her age upon request by the Department. The Department shall require that the applicant submit a photocopy of his or her birth certificate or other acceptable proof of age if over 65 years of age.

**(b)**The following are acceptable proofs of age:

**1.**Primary proof: The applicant is required to submit a photocopy of one of the following documents:

**i.**Birth certificate;

**ii.**Baptismal certificate;

**iii.**Bris certificate;

**iv.**Social Security records verifying age, which can be obtained from local Social Security office; or

**v.**Railroad retirement letter, which can be obtained from Railroad Retirement Board.

**2.**Secondary proofs: If the applicant cannot supply one of the documents listed in (b)1 above, copies of any two of the following documents are acceptable:

**i.**Insurance policy;

**ii.**Driver's license;

**iii.**School record;

**iv.**State or Federal census record;

**v.**Church record of baptism for age five or after;

**vi.**Confirmation certificate;



- vii.**Marriage record;
- viii.**Employment record;
- ix.**Union record;
- x.**Military record;
- xi.**Medicare card;
- xii.**Delayed birth certificate;
- xiii.**Applicant's child's birth certificate;
- xiv.**Physician's or midwife's record of applicant's birth;
- xv.**Immigration record;
- xvi.**Naturalization record; or
- xvii.**Passport.

**(c)**If under age 65, the following are acceptable proofs of disability:

- 1.**A copy of a Social Security award certificate issued in the last six months;
- 2.**A Social Security Form or record; or
- 3.**A document issued by Social Security that establishes Medicare eligibility. The document must be dated within six months prior to the date of the application.

## History

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### **HISTORY:**

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

In (a), substituted "between 18 and" for the first occurrence of "under", substituted "receiving" for "over 18 years of age and receive"; substituted "shall" for "will", and inserted "birth"; in (b)1iv and (b)1v, substituted ", which" for "("; in (b)1iv, deleted ")" following "office"; in (b)1v, deleted ")" following "Board"; and in (b)2v, substituted "for" for "(", and deleted ")" following "after".

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## N.J.A.C. 10:167E-5.2

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 5. ELIGIBILITY REQUIREMENTS***

### **§ 10:167E-5.2 Income standards**

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**(a)** Any single permanent resident of New Jersey who is 65 years of age or older or who is between 18 and 65 and is receiving Social Security Title II disability benefits must have an annual income of less than \$ 27,951 to be eligible for HAAAD.

**(b)** Any married permanent resident of New Jersey who is 65 years of age or older or who is between 18 and 65 and is receiving Social Security Title II disability benefits, and his or her spouse, must have a combined annual income of less than \$ 34,268 to be eligible for HAAAD.

1. An applicant and spouse shall be considered separated, and eligibility determined under the single income standard, when each maintains a separate residence and the applicant does not have access to the spouse's income.

i. Any support payment received by the applicant for the sole benefit of the applicant shall be considered as income for HAAAD eligibility purposes.

2. An applicant and spouse may be considered separated when the spouse has been institutionalized in a long-term facility, either skilled or intermediate, or in a State or county psychiatric hospital at least 30 consecutive days prior to application.

i. HAAAD shall consider the applicant and spouse separated only when doing so is more favorable to the applicant for HAAAD (for example, when the income of an applicant and his or her institutionalized spouse is combined at \$ 34,268, the applicant is ineligible for HAAAD, but if the applicant and spouse are considered separated, the applicant could become eligible for HAAAD under the single income standard. If the institutionalized spouse was not covered by Medicaid, the spouse could become eligible under the single income standard).

**(c)** All income, from whatever source derived, is considered in determining eligibility for the purpose of HAAAD. Jointly owned income sources will be allocated according to degree of ownership.

1. All income, taxable and nontaxable, is to be included. Examples of possible sources of income, which shall be gross amounts unless otherwise noted, are as follows:

- i.** Social Security benefits paid to or on behalf of the applicant;
- ii.** Veterans benefits;
- iii.** Disability benefits, whether public or private;
- iv.** Salaries;
- v.** Wages;
- vi.** Bonuses;
- vii.** Commissions;
- viii.** Fees;
- ix.** Dividends;
- x.** Interest taxable and nontaxable;
- xi.** Capital gains;
- xii.** Royalties;
- xiii.** Bequests and death benefits;
- xiv.** Support payments;
- xv.** Unemployment benefits;
- xvi.** Pensions and black lung benefits;
- xvii.** Annuities, whether contributory, non-contributory, qualified or non-qualified;
- xviii.** Retirement benefits including distribution from Individual Retirement Arrangements (IRAs), such as Traditional, Simple, Roth, or Educational, and benefit payments from foreign countries;
- xix.** Net business income;
- xx.** Fair market value of prizes and awards;
- xxi.** Gambling and lottery winnings; and
- xxii.** Net rental income after expenses.

**2.** Sources of income which are excluded in considering eligibility for HAAAD are as follows:

- i.** Benefit amounts received under the New Jersey State Lifeline Credit Program/Tenants Lifeline Assistance Program;
- ii.** Benefits received under New Jersey Homestead Rebates;
- iii.** Proceeds from spouse's life insurance;
- iv.** Capital gains of up to \$ 250,000 for a single person or up to \$ 500,000 for a married couple on the sale of a main home which is also excluded from income taxation by IRS and the New Jersey Division of Taxation;

- v. Stipends from the Volunteers in Service to America (VISTA), Foster Grandparents programs, Workforce 55+ program and programs under Title V of the Older Americans Act of 1965;
- vi. Agent Orange payments;
- vii. Rewards involving health care fraud or abuse which apply to N.J.A.C. 10:49-13.4;
- viii. Holocaust reparations;
- ix. Proceeds from viatical settlements;
- x. Proceeds received by the beneficiary of a special needs trust as described in N.J.A.C. 10:167-2.2;
- xi. Rollovers from one tax deferred financial instrument, such as pension, annuity, IRA, insurance contract or other retirement benefits, to another tax deferred financial instrument;
- xii. 1035 Tax Free Exchanges of a policy or contract handled between two insurance companies; and
- xiii. An insurance policyholder's original contributions if demutualization of the policy occurs and, in that case, only the earnings on the policy would be counted.

**(d)** The applicant must be able to document the amounts reported upon request by the Department, and will be required to submit photocopies of his or her Federal, State and city income tax return and other acceptable evidence.

**(e)** HAAAD eligibility is conferred based upon annual income for the current calendar year, which is estimated at the time of application. Previous year income information is used as a gauge and supplements estimates of current income to determine current eligibility. However, if previous year income exceeds the standard, but current year income is expected to fall within legal limits, an initial applicant may estimate current year income for the purpose of establishing HAAAD eligibility.

**(f)** Since HAAAD eligibility is based upon actual annual income, if the actual annual income for the applicable calendar year exceeds the HAAAD income standard, the person will become ineligible for the entire calendar year.

**(g)** The HAAAD program shall take necessary action to recover the full amount of payments made on behalf of beneficiaries during an ineligible period, when appropriate.

**(h)** HAAAD beneficiaries are required to notify the HAAAD program immediately if their current year income exceeds the established income standard.

**(i)** The income eligibility limits shall increase annually on January 1 by the amount of the maximum Social Security benefit cost-of-living adjustment for that year for single and married persons, respectively, in accordance with 42 U.S.C. § 415(i)(2)(D), incorporated herein by reference. The Commissioner shall publish the new income limits annually in the New Jersey Register.

## History

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**HISTORY:**

Administrative change.

See: 36 N.J.R. 5683(a).

Administrative change.

See: 37 N.J.R. 5001(a).

Administrative change.

See: 38 N.J.R. 5362(a).

Administrative change.

See: 40 N.J.R. 182(a), 6966(a).

Administrative change.

See: 43 N.J.R. 3365(a).

Administrative change.

See: 45 N.J.R. 33(a).

Administrative change.

See: 46 N.J.R. 78(a).

Administrative change.

See: 47 N.J.R. 485(a).

Administrative change.

See: 49 N.J.R. 104(a).

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

Rewrote (a) through (c), and (i); and in (d), deleted "/or" following the second occurrence of "and".

Administrative change (operative January 1, 2018).

See: 49 N.J.R. 4010(a).

Administrative change (operative January 1, 2019).

See: 51 N.J.R. 89(b).

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## **N.J.A.C. 10:167E-5.3**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 5. ELIGIBILITY REQUIREMENTS***

### **§ 10:167E-5.3 Citizenship and residence**

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**(a)**A person shall not be required to be a citizen of the United States in order to be eligible for HAAAD.

**(b)**Any resident of this State shall be eligible for HAAAD (see N.J.A.C. 10:167E-2.1).

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## **N.J.A.C. 10:167E-5.4**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 5. ELIGIBILITY REQUIREMENTS***

### **§ 10:167E-5.4 Recipient of other assistance and hearing aid coverage**

**(a)**Any person shall be ineligible for HAAAD if he or she is otherwise qualified for assistance for the New Jersey Title XIX (Medicaid) program.

**(b)**If an otherwise eligible person's hearing aid costs are covered in whole by any other State or Federal government program or insurance contract, the person is not eligible for hearing aid assistance under these rules. If an eligible person's hearing aid costs are covered in part by any other State or Federal government program or insurance contract, the person may be entitled to receive reduced hearing aid assistance. HAAAD will pay full client liability up to \$ 100.00. The program will recover from the third party payor in cases where an applicant has partial coverage and total client out-of-pocket expense is less than \$ 100.00.



## **N.J.A.C. 10:167E-5.5**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 5. ELIGIBILITY REQUIREMENTS***

### **§ 10:167E-5.5 Certification**

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The applicant for HAAAD benefits must sign a certification that all the answers to the questions and items on the application form are true and accurate to the best of his or her knowledge.

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End of Document





## **N.J.A.C. 10:167E-5.6**

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### **§ 10:167E-5.6 Authorization**

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By signing or marking the certification and authorization statement on the application form, the applicant authorizes assignment of benefits to the State of New Jersey if he or she or his or her spouse has any other plan of assistance or insurance that covers, at least in part, the cost of hearing aids.

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## **N.J.A.C. 10:167E-5.7**

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### **§ 10:167E-5.7 Eligibility period**

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A person eligible for HAAAD is entitled to receive a payment of up to \$ 100.00 in a calendar year. Only one benefit may be issued in the period between January 1 and December 31 of any year.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

Deleted the second sentence.

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## **N.J.A.C. 10:167E-5.8**

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***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 5. ELIGIBILITY REQUIREMENTS***

### **§ 10:167E-5.8 Recoveries for benefits incorrectly paid**

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**(a)**The Department may take all necessary action to recover the cost of benefits incorrectly paid on behalf of a beneficiary.

**1.**The term "incorrect payment" includes, but is not limited to:

- i.**Payment made on behalf of a beneficiary whose hearing aid costs are wholly covered by another source;
- ii.**Payment made on behalf of a beneficiary who is no longer eligible, or has been incorrectly determined to be eligible to receive benefits; and
- iii.**Payment made as a result of fraud perpetrated by a beneficiary, his or her authorized agent and/or provider;

**(b)**The Department shall take all reasonable measures to ascertain the legal liability of third parties to pay for hearing aids arising out of injury, disease or disability, where it is known that a third party is or may be liable to pay all or part of the hearing aid costs for a beneficiary.

## **N.J.A.C. 10:167E-5.9**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 51 No. 11, June 3, 2019

***New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 167E. HEARING AID ASSISTANCE TO THE AGED AND DISABLED > SUBCHAPTER 5. ELIGIBILITY REQUIREMENTS***

### **§ 10:167E-5.9 Appeal process**

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**(a)**When PAAD determines that an applicant is ineligible for HAAAD benefits, the applicant has the right to appeal the decision by submitting a written request for a fair hearing to Pharmaceutical Assistance to the Aged and Disabled, Department of Human Services, PO Box 715, Trenton, New Jersey 08625-0715, within 30 calendar days from the date of mailing of the notice of ineligibility. The document must clearly state the valid basis for such a request.

**(b)**PAAD shall forward the hearing request to the Office of Administrative Law, which will schedule the hearing and notify all parties of the date, time, and location.

**(c)**The petitioner shall have the burden of demonstrating that PAAD's determination deviates from the requirements and standards of the regulations and statute.

### **History**

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#### **HISTORY:**

Amended by R.2017 d.170, effective September 18, 2017.

See: 49 N.J.R. 1312(a), 49 N.J.R. 3226(a).

In (a), substituted "HAAAD" for "Hearing Aid Assistance for the Aged and Disabled"; in (b), inserted a comma following "Law" and following "time"; and in (c), substituted "shall" for "will" and "that" for the second occurrence of "the".

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