

parent has no income or assets available above the subsistence level that could be levied or attached for support;

6.-12. (No change.)

13. The initiating agency has notified the responding state that the initiating state has closed its case under 45 CFR 303.7(c)(11);

14. The initiating agency has notified the responding state that its intergovernmental services are no longer needed;

15. There is no longer a current support order and all arrearages in the case are assigned to the State;

16. The noncustodial parent is living with the minor child (as the primary caregiver or in an intact two parent household), and the IV-D agency has determined that services are not appropriate or are no longer appropriate;

17. The noncustodial parent's sole income is from:

i. Supplemental Security Income (SSI) payments made in accordance with section 1601 et seq., of Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.; or

ii. Both SSI payments and Social Security Disability Insurance benefits or Social Security Retirement benefits under Title II of the Social Security Act;

18. The IV-D agency has completed a limited service pursuant to 45 CFR 302.33(a)(6); or

19. Another assistance program, including IV-A, IV-E, SNAP, and Medicaid, has referred a case to the IV-D agency that is inappropriate to establish, enforce, or continue to enforce a child support order and the custodial or noncustodial parent has not applied for services.

(d) (No change.)

10:110-20.4 Reopening a closed case

(a) A closed WFNJ/TANF case shall be reopened if new information is received that may make establishment of paternity and/or an order for support, including medical support, or enforcement of an order possible.

(b) (No change.)

(a)

**DIVISION OF AGING SERVICES
Notice of Readoption
Pharmaceutical Assistance to the Aged and
Disabled Eligibility Manual**

Readoption: N.J.A.C. 10:167

Authority: N.J.S.A. 30:4D-24; and P.L. 2012, c. 17.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Effective Date: April 24, 2023.

New Expiration Date: April 24, 2030.

Take notice that the Department of Human Services (Department) hereby readopts N.J.A.C. 10:167. Pursuant to N.J.S.A. 52:14B-5.1, the rules were scheduled to expire on May 31, 2023. N.J.A.C. 10:167 establishes the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Eligibility Manual. The PAAD Eligibility Manual is promulgated to set forth the basic policies and procedures relating to assistance to persons who are financially disqualified from medical assistance pursuant to the New Jersey Medical Assistance and Health Services Act, P.L. 1968, c. 413 (N.J.S.A. 30:4D-1 et seq.), and who have significant needs for prescribed drugs and/or insulin needles, insulin syringes and/or needles, and syringes used for medications that can be injected for the treatment of multiple sclerosis, but are unable to fully meet the cost of such items. The PAAD Program is a State-funded program that was created as, and remains, a payer of last resort.

The following is a summary of N.J.A.C. 10:167:

Subchapter 1 sets forth the introduction, setting forth the purpose and intent of the chapter and the legal authority that established the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program.

Subchapter 2 provides the definitions of terms used in the chapter, as well as the provisions required for a special needs trust.

Subchapter 3 addresses the administrative organization through designation of the Department of Human Services as the controlling administrative unit over the governance of the PAAD program and the Division of Medical Assistance and Health Services as the administrative unit to perform certain functions.

Subchapter 4 establishes the scope of service and program parameters through statutory limitations, providing the principles of reimbursement to participating pharmacies, giving guidance regarding reimbursement and PAAD beneficiary options for interchangeable drug products; beneficiary co-payment and direct reimbursement; as well as the premium payments the Department makes to the Medicare Part D Prescription Drug Plan.

Subchapter 5 explains the application process, including when the Department can accept the initiation of the application process by an authorized agent; the eligibility effective date and redetermination process; provides exceptions from the usual processing time of 30 days; states Department responsibilities in safeguarding the program through expediting the application process, ensuring program compliance, and recovering incorrectly paid benefits; as well as sets forth the process for combined PAAD/Lifeline applications.

Subchapter 6 addresses eligibility requirements, specifically: age, income standards, citizenship, residence, recipients of other assistance and pharmaceutical coverage, eligibility and renewal application forms, Social Security number, certification, authorizations, the eligibility period, confidentiality and disclosure information, as well as the appeals process when a determination is made that an applicant is ineligible for benefits.

Subchapter 7 addresses recoveries for benefits that were paid correctly, as well as benefits that were paid incorrectly, provides guidance regarding liens, and the assessment of penalties.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:167 is readopted and shall continue in effect for seven years.

CORRECTIONS

(b)

THE COMMISSIONER

Mail, Visits, and Telephone

Readoption with Amendments: N.J.A.C. 10A:18

Adopted Repeals and New Rules: N.J.A.C. 10A:18-1.4 and 7.9

Adopted New Rule: N.J.A.C. 10A:18-6.22

Adopted Repeals N.J.A.C. 10A:18-2.1, 3.1, 4.1, 5.1, and 7.1

Proposed: February 21, 2023, at 55 N.J.R. 293(a).

Adopted: April 24, 2023, by Victoria L. Kuhn, Commissioner, Department of Corrections.

Filed: April 25, 2023, as R.2023 d.067, **without change**.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Effective Dates: April 25, 2023, Readoption;
June 5, 2023, Amendments, New Rules, and Repeals.

Expiration Date: April 25, 2030.

**Summary of Public Comment and Agency Response:
No comments were received.**

Federal Standards Statement

The rules readopted with amendments, repeals, and new rules are promulgated pursuant to the authority of the rulemaking requirements of the Department of Corrections, as established at N.J.S.A. 30:1B-6 and 30:1B-10. The rules readopted with amendments, repeals, and new rules