

(a)

**DIVISION OF FAMILY DEVELOPMENT
Notice of Administrative Change
Work First New Jersey/General Assistance Rate in
Residential Health Care Facilities**

N.J.A.C. 10:90-3.17

Take notice that, in accordance with N.J.A.C. 10:90-3.17(a)1, the Department of Human Services announces that the rate to be paid for Work First New Jersey/General Assistance for individuals in Residential Health Care Facilities has been increased to \$960.05 monthly. This change became effective January 1, 2018, and is the same in both the amount and effective date as the change in the rate for the same services paid to recipients under the Federal program of Supplemental Security Income.

Full text of the changed rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 3. FINANCIAL ELIGIBILITY—INCOME,
RESOURCES, BENEFITS

10:90-3.17 WFNJ/GA special payment provisions for other living
arrangements

(a) When an individual is purchasing a room and board living arrangement, the following shall apply:

1. When an individual who is in need of extensive personal services on a regular and continuous basis is purchasing a room and board living arrangement in a residential health care facility (licensed by the New Jersey Department of Community Affairs for purposes other than the care or treatment of drug or alcohol abuse), the monthly assistance payment ([~~\$943.05~~] **\$960.05**), including a personal allowance, shall not exceed the rate approved by the New Jersey Department of the Treasury, less any countable income. When a rate increase is approved, a notice of administrative change to that effect will be published in the New Jersey Register. Information about the current rate may also be obtained by contacting the DFD. However, the cost of purchasing such living arrangement shall not exceed the minimum amount which the establishment customarily charges to or for other guests not dependent on public assistance, for the same accommodations and/or services.

2.-3. (No change.)

(b)

**DIVISION OF AGING SERVICES
OFFICE OF STATE HEALTH INSURANCE FOR THE
AGED AND DISABLED AND FACILITIES
MANAGEMENT**

**Notice of Administrative Changes
Pharmaceutical Assistance to the Aged and
Disabled Eligibility Manual: Income Standards
Senior Gold Prescription Program Manual: Income
Standards
Lifeline Credit Program/Tenants Lifeline Assistance
Program Manual: Income Standards
Hearing Aid Assistance to the Aged and Disabled:
Income Standards**

**N.J.A.C. 10:167-6.2, 10:167B-6.2, 10:167D-4.2, and
10:167E-5.2**

Take notice that the Department of Human Services is changing the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Eligibility Manual at N.J.A.C. 10:167-6.2 to reflect an increase of the maximum annual income limits for PAAD eligibility by 2.8 percent. This change will be operative on January 1, 2019.

N.J.S.A. 30:4D-21 establishes that PAAD annual income eligibility limits are to “increase by the amount of the maximum Social Security benefit cost-of-living increase for [each] year for single and married persons, respectively.” On October 11, 2018, the Social Security Administration (SSA) announced that the cost-of-living adjustment for 2019 would increase by 2.8 percent. See www.socialsecurity.gov/cola and at www.ssa.gov/news/press/releases/2018/#10-2018-1. N.J.A.C. 10:167-6.2(m) authorizes the Department to announce changes to PAAD income eligibility limits due to SSA cost-of-living adjustments through publication of notice in the New Jersey Register. Therefore, the Department is changing existing N.J.A.C. 10:167-6.2(a) and (b) to increase the maximum income that a person can have to be eligible for PAAD to less than \$27,951 for single persons and less than \$34,268 of combined income for married couples.

Pursuant to N.J.S.A. 48:2-29.16, 48:2-29.32, and 30:4D-38, persons who are eligible for PAAD are also eligible for Lifeline Credit, Tenants Lifeline Assistance, and Hearing Aid Assistance to the Aged and Disabled (HAAAD). N.J.A.C. 10:167D-4.2(j) and 10:167E-5.2(i) authorize the Department to announce changes in income eligibility limits for these programs, due to SSA cost-of-living adjustments, through publication of notice in the New Jersey Register.

Take further notice, therefore, that the Department is changing the annual income eligibility standards at N.J.A.C. 10:167D-4.2 for Lifeline Credit Program/Tenants Lifeline Assistance Program Manual and at N.J.A.C. 10:167E-5.2 for HAAAD to correspond to the PAAD maximum annual income eligibility limits described above by reflecting an increase of 2.8 percent. This change will be operative on January 1, 2019.

N.J.S.A. 30:4D-45 establishes that, for persons to be eligible for the Senior Gold Prescription Discount Program (Senior Gold), annual income limits shall not be “more than \$10,000 above the applicable PAAD income eligibility limits for single and married persons.” N.J.A.C. 10:167B-6.2(m) authorizes the Department to announce changes in Senior Gold eligibility limits through publication of notice in the New Jersey Register.

Take further notice, therefore, that the Department is changing the Senior Gold income limits for the Senior Gold Prescription Program Manual at N.J.A.C. 10:167B-6.2 to reflect an increase of the maximum annual income limits for Senior Gold eligibility, established at N.J.A.C. 10:167B-6.2, by 2.8 percent. Therefore, to be eligible for Senior Gold, persons can have annual income between \$27,951 and \$37,951, for single persons, and a combined income between \$34,268 and \$44,268, for married persons. This change will be operative on January 1, 2019.

This notice of administrative changes is published in accordance with N.J.A.C. 10:167-6.2(m), 10:167B-6.2(m), 10:167D-4.2(j), and 10:167E-5.2(i).

Full text of the changed rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 167
PHARMACEUTICAL ASSISTANCE TO THE AGED AND
DISABLED ELIGIBILITY MANUAL

SUBCHAPTER 6. ELIGIBILITY REQUIREMENTS

10:167-6.2 Income standards

(a) Any single permanent resident of New Jersey who is 65 years of age or over or who is under 65 and over 18 years of age and is receiving Social Security Title II disability benefits must have an annual income of less than ~~[\$27,189]~~ **27,951** to be eligible for PAAD.

(b) Any married permanent resident of New Jersey who is 65 years of age or over or who is under 65 and over 18 years of age and is receiving Social Security Title II disability benefits must have a combined (applicant and spouse) annual income of less than ~~[\$33,334]~~ **34,268** to be eligible for PAAD.

1. (No change.)

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. PAAD shall consider the applicant and spouse separated only when doing so is more favorable to the applicant for PAAD (for example, when the income of an applicant and his or her institutionalized spouse is combined at \$[33,334]34,268, the applicant is ineligible for PAAD, but if the applicant and spouse are considered separated, the applicant could be eligible for PAAD 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)-(n) (No change.)

CHAPTER 167B

SENIOR GOLD PRESCRIPTION PROGRAM MANUAL

SUBCHAPTER 6. ELIGIBILITY REQUIREMENTS

10:167B-6.2 Income standards

(a) Any single permanent resident of New Jersey who is 65 years of age or over or who is under 65 and over 18 years of age and is receiving Social Security Title II disability benefits must have a total annual income between \$[27,189]27,951 and \$[37,189]37,951 in [2018] 2019 to be eligible for Senior Gold benefits. These income limits will increase January 1 of each year in accordance with the Social Security cost of living adjustment. This amount shall not be more than \$10,000 above the applicable PAAD income eligibility limits for single persons. Recipients of other State-funded prescription discount benefits are not eligible for the Senior Gold Prescription Discount Program.

(b) Any married permanent resident of New Jersey who is 65 years of age or who is under 65 and over 18 years of age and is receiving Social Security Title II disability benefits must have a total annual income between \$[33,334]34,268 and \$[43,334]44,268 in [2018] 2019 to be eligible for Senior Gold benefits. The income limits will increase January 1 of each year in accordance with the Social Security cost of living adjustment. This amount shall not be more than \$10,000 above the applicable PAAD income eligibility limits for married couples. Recipients of other State-funded prescription discount benefits are not eligible for the Senior Gold Prescription Discount Program.

1. (No change.)

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. The Program shall consider the applicant and spouse separated only when doing so is more favorable to the applicant for Senior Gold (for example, when the income of an applicant and his institutionalized spouse is combined at \$[43,334]44,268, the applicant is ineligible for Senior Gold, but if the applicant and spouse are considered separated, the applicant could be eligible for Senior Gold under the single income standard. If the institutionalized spouse was not covered by Medicaid, the spouse could become eligible under the single income standard for PAAD).

(c)-(m) (No change.)

CHAPTER 167D

LIFELINE CREDIT PROGRAM/TENANTS LIFELINE ASSISTANCE PROGRAM MANUAL

SUBCHAPTER 4. ELIGIBILITY

10:167D-4.2 Income standards

(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 \$[27,189]27,951 to be eligible for the Lifeline Programs.

(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 \$[33,334]34,268 to be eligible for the Lifeline Programs.

1.-2. (No change.)

(c)-(j) (No change.)

CHAPTER 167E

HEARING AID ASSISTANCE TO THE AGED AND DISABLED

SUBCHAPTER 5. ELIGIBILITY REQUIREMENTS

10:167E-5.2 Income standards

(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 \$[27,189]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 \$[33,334]34,268 to be eligible for HAAAD.

1. (No change.)

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 \$[33,334]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)-(i) (No change.)

LABOR AND WORKFORCE DEVELOPMENT

(a)

DIVISION OF PUBLIC SAFETY AND OCCUPATIONAL SAFETY AND HEALTH Safe Dispensing of Retail Gasoline

Readoption: N.J.A.C. 12:196

Proposed: July 2, 2018, at 50 N.J.R. 1467(a).

Adopted: November 27, 2018, by Robert Asaro-Angelo, Commissioner, Department of Labor and Workforce Development.

Filed: November 27, 2018, as R.2019 d.001, **without change**.

Authority: N.J.S.A. 34:1-20, 34:1A-3(e), and 34:3A-4 et seq., specifically 34:3A-11.

Effective Date: November 27, 2018.

Expiration Date: November 27, 2025.

Summary of Hearing Officer's Recommendations and Agency's Response:

A public hearing regarding the notice of rules proposed for readoption was held on July 25, 2018, at the Department of Labor and Workforce Development. David Fish, Executive Director, Legal and Regulatory Services, was available to preside at the public hearing and to receive testimony regarding the rulemaking. No one testified at the public hearing and no written comments were submitted directly to the Office of Legal and Regulatory Services. Therefore, the hearing officer recommended that the Department proceed with the readoption without change.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

No Federal standards or requirements are applicable to the subject matter of this rulemaking. The rules set forth at N.J.A.C. 12:196 provide reasonable standards for the safe dispensing of retail gasoline as required by N.J.S.A. 34:3A-4 et seq. As a result, a Federal standards analysis is not required.