

recognized medical professional organization or agency, including the United States Centers for Disease Control and Prevention, the New Jersey Physicians Lead Advisory Committee, and the American Academy of Pediatrics.

“Department” means the New Jersey Department of Health.

“Elevated blood lead” means a blood lead test result, from either a venous or capillary sample, equal to or greater than five micrograms per deciliter ( $\mu\text{g}/\text{dL}$ ) of whole blood.

...

“Micrograms per deciliter” or “ $\mu\text{g}/\text{dL}$ ” means a unit of measure to express the ratio of millionths of a gram of lead in one-tenth of a liter of whole blood.

...

## SUBCHAPTER 2. SCREENING

### 8:51A-2.1 Periodic Environmental Assessment and anticipatory guidance

(a) Every physician, registered professional nurse, as appropriate, or health care facility that provides health care services to a child who is at least six months of age, but less than 72 months of age, shall:

1.-2. (No change.)

3. Provide the parent or guardian of each child with anticipatory guidance on preventing elevated blood lead levels.

### 8:51A-2.2 Lead screening schedule

(a) Every physician, registered professional nurse, as appropriate, or health care facility, unless exempt pursuant to N.J.A.C. 8:51A-2.3, shall perform lead screening on each patient who is at least six months and less than 72 months of age according to the following schedule:

1. (No change.)

2. For children found to be at high risk for lead exposure, as determined by the risk assessment performed pursuant to N.J.A.C. 8:51A-2.1:

i. (No change.)

ii. Each child at least six months and less than 72 months of age shall be screened when the risk assessment indicates exposure to a new high dose source of lead since the last time that he or she was screened. Examples of a new high dose source include, but are not limited to, a recent renovation of the child’s residence (if built before 1960 or if lead-based paint is known to be present), deterioration of the paint in the child’s residence, moving into a house built prior to 1960 that has peeling, chipping, or deteriorated paint, or an adult living in the household undertaking a new job or hobby that involves exposure to lead.

3. Each child older than 26 months of age but less than 72 months of age shall be screened if the child has never previously been screened for elevated blood lead levels.

## SUBCHAPTER 3. SPECIMEN COLLECTION AND LABORATORY TESTING

### 8:51A-3.1 Specimen collection

(a) Screening for elevated blood lead levels shall be by blood lead test.

(b)-(c) (No change.)

## SUBCHAPTER 4. FOLLOW-UP OF LEAD SCREENING RESULTS

### 8:51A-4.1 Reporting of lead screening results

(a) Each physician, registered professional nurse, as appropriate, or health care facility that screens a child for elevated blood lead levels shall provide the parent or legal guardian with the results of the blood lead test and an explanation of the significance of the results.

(b) For each child who has a blood lead test, on a venous blood sample, greater than or equal to five micrograms per deciliter, the physician, registered professional nurse, as appropriate, or health care facility shall notify in writing, the child’s parent or guardian of the test results and provide the parent or guardian with an explanation in plain language of the significance of the results.

### 8:51A-4.2 Medical follow-up of lead screening results

(a) Each physician, registered professional nurse, as appropriate, or health care facility that screens a child for elevated blood lead levels shall provide or make reasonable efforts to ensure the provision of risk reduction education and nutritional counseling for each child with a blood lead level equal to or greater than  $5 \mu\text{g}/\text{dL}$  of whole blood.

(b) The physician, registered professional nurse, as appropriate, or health care facility shall obtain, or make reasonable efforts to obtain, a venous confirmatory blood lead test whenever a capillary blood lead screening sample produces a result greater than or equal to  $5 \mu\text{g}/\text{dL}$ .

(c) For each child who has a blood lead level of  $5 \mu\text{g}/\text{dL}$  or greater on a test performed with a venous blood sample, the physician, registered professional nurse, as appropriate, or health care facility shall provide, or make reasonable efforts to ensure, the provision of diagnostic evaluation, medical treatment, and follow-up blood lead testing in accordance with currently accepted medical guidelines.

(d) (No change.)

(e) When a physician, registered professional nurse, as appropriate, or health care facility performs lead screening on a child and receives a result of  $5 \mu\text{g}/\text{dL}$  or greater on a test performed with a venous blood sample, the physician, registered professional nurse, as appropriate, or health care facility shall perform lead screening of all siblings or other members of the same household who are at least six months and less than 72 months of age, if these children have not been screened previously, or are at high risk for lead exposure, as determined by a PEA performed in accordance with N.J.A.C. 8:51A-2.1.

## HUMAN SERVICES

### (a)

### DIVISION OF AGING SERVICES

### OFFICE OF STATE HEALTH INSURANCE FOR THE AGED & DISABLED AND FACILITIES MANAGEMENT

### Lifeline Credit Program/Tenants Lifeline Assistance Program Manual

### Redoption with Amendments: N.J.A.C. 10:167D

### Adopted Repeal and New Rule: N.J.A.C. 10:167D-4 Appendix

Proposed: June 5, 2017, at 49 N.J.R. 1304(a).

Adopted: August 15, 2017, by Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Filed: August 18, 2017, as R.2017 d.169, **without change**.

Authority: N.J.S.A. 48:2-29.15 et seq., 48:2-29.30 et seq., 52:14C-1 et seq., and 52:14D-1 et seq.; and P.L. 2012, c. 17.

Effective Dates: August 18, 2017, Redoption;  
September 18, 2017, Amendments, Repeal, and  
New Rule.

Expiration Date: August 18, 2024.

**Summary of Public Comment and Agency Response:**

**No comments were received.**

#### Federal Standards Statement

The rules readopted with amendments, a new rule, and a repeal are not subject to Federal standards or requirements. The Lifeline Credit Program/Tenants Lifeline Assistance Program (Program) is fully State-funded and operates under the direction of the Department.

The Health Insurance Portability and Accountability Act of 1996, Pub.L. 104-191, and the regulations promulgated thereunder by the United States Secretary of Health and Human Services at 45 CFR Parts 160 and 164, known as the “Standards for Privacy of Individually Identifiable Health Information” (collectively referred to as “HIPAA”), apply to health information created or maintained by health care providers, health plans, and health care clearinghouses. The Department

has determined that it is a covered entity within the meaning of HIPAA and, therefore, must comply with HIPAA. Lifeline applicants often apply for the Program through their application for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program. To the extent that protected health information is involved, the rules readopted with amendments, a new rule, and a repeal would meet, but not exceed, the requirements of HIPAA.

Except as described above, there are no Federal standards applicable to the subject matter of the rules readopted with amendments, a new rule, and a repeal. Since any Federal requirements applicable to the rules are met, but not exceeded, no Federal standards analysis is required.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:167D.

**Full text** of the adopted amendments and new rule follows:

#### SUBCHAPTER 1. LIFELINE CREDIT PROGRAM/TENANTS' LIFELINE ASSISTANCE PROGRAM

##### 10:167D-1.1 Purpose and intent

(a) (No change.)

(b) The intent of the Tenants' Lifeline Assistance Program is to afford assistance to residents who, by virtue of their level of income and age or disability status, would be eligible for the Lifeline Credit Program; but because their utility costs are included as part of the rental, they do not receive an individual utility bill, and are, therefore, ineligible for the Lifeline Credit Program, but who are nonetheless deserving of financial relief from burdensome energy costs.

##### 10:167D-1.2 Legal authority

The New Jersey State budget for fiscal year 2004 transferred the responsibility for funding the Lifeline Credit Program and the Tenants' Lifeline Assistance Programs' benefits to the Board of Public Utilities (BPU). Pursuant to a Memorandum of Understanding between the Department and BPU, the Department shall continue to administer the Lifeline Programs.

##### 10:167D-1.3 Definitions

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

...  
 "Applicant" means an individual who applies or reapplies for the Lifeline Credit Program or the Tenants' Lifeline Assistance Program either personally or through an authorized agent.

"Authorized agent" means a person who initiates the application for a person who is incompetent or incapable of filing the application on his or her behalf in order to receive benefits from the Lifeline Credit Program or the Tenants' Lifeline Assistance Program.

"Beneficiary" means an individual who has been found eligible for the Lifeline Credit Program or Tenants' Lifeline Assistance Program.

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

...  
 "Electric utility" means every New Jersey public utility which provides residential electric service, as defined in this section, and is regulated by and subject to the jurisdiction of the BPU. Additionally, any municipality or other governmental entity providing residential electric service, as defined in this section, within the State of New Jersey, shall be deemed an electric utility for the limited purposes of the Lifeline Programs.

"Gas utility" means every New Jersey public utility which provides residential gas service, as defined in this section, and is regulated by and subject to the jurisdiction of the BPU. Additionally, any municipality or other governmental entity providing residential gas service, as defined in this section, within the State of New Jersey, shall be deemed a gas utility for the limited purposes of the Lifeline Programs.

...  
 "Lifeline Programs" means the Lifeline Credit Program and/or Tenants' Lifeline Assistance Program.

"Previous year" means the calendar year preceding the year in which the person is applying or reapplying for the Lifeline Programs. For example, 2002 is the "previous year" when referring to an application which is dated between January 1, 2003, through December 31, 2003.

1. If a person who is required to submit a Federal, State or City Income Tax return applies for the Lifeline Programs at the beginning of a calendar year but has not yet filed an income tax return for the previous year, the year preceding the previous year is considered to be the last or "previous year" when completing the Lifeline Programs application.

"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 Lifeline Programs. 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. 10:167D-4.2(d) for provisions.

...  
 "Tenants Assistance payment" means a benefit in the form of a check in an amount established by law which is issued to an individual who has been determined to be eligible for the Tenants' Lifeline Assistance Program.

...  
 "Unused balance" means any portion of the Lifeline Credit not applied against an eligible beneficiary's utility bill upon the termination of residential electric and/or gas service.

...

##### 10:167D-1.4 Lifeline Credit and Tenants Assistance payment

(a) (No change.)

(b) The Tenants Assistance payment shall consist of a single amount established by law, which on a yearly basis will be issued in the form of a check. Checks will be sent to eligible tenants who indirectly pay for utilities as part of their rental. Only one eligible tenant per household will be allowed to receive such assistance.

1. When an eligible beneficiary moves prior to the issuance of payment, the beneficiary must notify the Department. The beneficiary must request a change of address and submit proof of New Jersey residence and the Tenants Assistance payment will be forwarded to the beneficiary.

2. When an eligible beneficiary moves out of the State of New Jersey, dies or otherwise is determined ineligible, no benefit shall be granted.

3. When an eligible beneficiary has received Tenants Assistance payments and subsequently becomes ineligible, payments will be discontinued as soon as the Department becomes aware of the beneficiary's ineligibility.

(c) A Special Utility Supplement has been established to assist Supplemental Security Income (SSI) beneficiaries who are not eligible for the Lifeline Programs. This yearly supplement amount, established by law in lieu of Lifeline Credit or Tenants Assistance payment, will be added to each monthly SSI check in amount equal to 1/12 of the yearly supplement.

1. When an SSI beneficiary is no longer eligible for the SSI Program, any remaining balance of the Special Utility Supplement may be dispersed accordingly.

i. If the terminated SSI beneficiary is eligible for Lifeline Credit or Tenants Assistance payment, the remaining balance of the Special Utility Supplement shall be issued to the individual in the form of a check.

ii. If the terminated SSI beneficiary is not eligible for Lifeline Credit or Tenants Assistance payment, the remaining balance of the Special Utility Supplement shall be returned to the Treasurer, State of New Jersey.

## SUBCHAPTER 2. ADMINISTRATIVE ORGANIZATION

## 10:167D-2.1 Department of Human Services

The Department of Human Services is the administrative unit of the State government designated to administer the Lifeline Programs. As provided in the "Lifeline Credit Program" and "Tenants' Lifeline Assistance Program" acts, this Department is authorized to promulgate policies, rules, regulations and procedures as may be deemed necessary to implement the provisions of these acts.

## 10:167D-2.2 Lifeline Programs

Lifeline Programs are administered by the Department, which has the direct responsibility for processing applications and determining eligibility for either program, reimbursing utility companies for credits issued, recovering benefits improperly issued and authorizing the payment of benefits.

## 10:167D-2.3 Agency controls

(a) (No change.)

(b) The Department has the responsibility for reviewing a sample of beneficiaries' case records to assure that eligibility determinations are consistent with State law and regulations. A quality control review of sample cases selected on a random basis shall include:

1. An analysis of the beneficiary's case record, including the application, maintained by the Department;

2.-3. (No change.)

(c) (No change.)

## 10:167D-2.4 Responsibilities of the utility companies

(a)-(c) (No change.)

(d) Each electric and gas utility shall return to the Treasurer, State of New Jersey, any unused balances.

(e)-(f) (No change.)

## 10:167D-2.5 Confidentiality and disclosure of information

(a) All personally identifiable information regarding applicants or beneficiaries obtained or maintained under the Lifeline Programs shall be confidential and shall not be released without the written consent of the applicant or beneficiary or their authorized agent.

(b) Disclosure of information without the consent of the applicant, beneficiary or their authorized agent shall be limited to purposes directly connected with the administration of the Lifeline Programs pursuant to State law and regulations.

(c) The prohibition of (a) above against unauthorized disclosure shall not be construed to prevent:

1. (No change.)

2. The release to the Attorney General or other legal representative of this State of information or files relating to the claim of any applicant, beneficiary or their authorized agent challenging the Lifeline Programs' statute, regulations or a determination made pursuant thereto, or against whom an action or proceeding for the recovery of incorrectly or illegally applied or issued benefits has been instituted;

3. The release of information to electric utilities, gas utilities, the Pharmaceutical Assistance to the Aged and Disabled Program, the Social Security Administration and the New Jersey Division of Family Development;

4.-5. (No change.)

6. The release of information to the Department of Health and participating licensed veterinarians for the purpose of verifying eligibility for benefits under the Animal Population Control Program; or

7. (No change.)

## SUBCHAPTER 3. APPLICATION PROCESS

## 10:167D-3.1 General provisions

The application process includes all activity relating to a request for an 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.

## 10:167D-3.2 Authorized agent

(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 recognize any of the following persons listed in order of priority, as an authorized agent for the purpose of initiating such application:

1.-5. (No change.)

## 10:167D-3.3 Responsibilities in the application and renewal process

(a) Pursuant to statutory authority, N.J.S.A. 48:2-29.31, the Department shall establish procedures on the application process consistent with law and supervise the operation with the policy and procedures so established.

(b) The Department, through a Memorandum of Understanding with BPU, has responsibility in the application process to:

1. Explain the purposes and eligibility requirements of the Lifeline Programs and indicate the applicant's rights and responsibilities under their provisions;

2.-3. (No change.)

4. Notify the utility companies of eligible applicants and the amount of credit to be applied to their accounts; and

5. Maintain eligibility applications and supporting documents for audit purposes.

(c) The applicant has the responsibility to:

1. Complete the eligibility application form truthfully, legibly, and accurately.

i. All application questions must be fully answered, including providing a monthly rental amount or the amount of the lease if the applicant is applying for the Tenants' Lifeline Assistance Program;

ii. All necessary documentation of eligibility must be submitted to the Department;

iii. Read the certification and authorization and sign or mark the application; and

iv. Obtain the signature or mark of the spouse, if married, and the signature of the preparer, if applicable, on the application;

2. Upon request by the Department, provide documentation or assist the Department in obtaining documentation that supports his or her statements.

i. Upon request by the Department, the applicant shall supply a copy of the rental or lease agreement, the Tenant Verification form, which is incorporated herein by reference as N.J.A.C. 10:167D-4 Appendix, or a document that contains all the information and signatures required by the Tenant Verification form;

3. Agree to a review by the Department. Eligibility may be terminated and benefits recovered if the beneficiary refuses to cooperate with a quality control review; and

4. Upon request by the Department, reapply for the Lifeline Programs on the forms mailed by the Department in order to renew eligibility.

(d)-(e) (No change.)

## SUBCHAPTER 4. ELIGIBILITY

## 10:167D-4.1 Eligibility requirements

(a) To be eligible for the Lifeline Credit Program, an individual shall be a resident and the residential utility customer each year or the spouse of a residential utility customer and satisfy one of the following criteria:

1. Be a Pharmaceutical Assistance to the Aged and Disabled (PAAD) program beneficiary or determined to be eligible for PAAD benefits; or

2. Meet the residency, income, and age or disability requirements of the PAAD program but apply for Lifeline Credit Program only.

(b) When an individual is not a residential utility customer but is a tenant, as defined in N.J.A.C. 10:167D-1.3, who has the cost of utilities included in his or her monthly rental and the individual meets the eligibility requirements as outlined in (a)1 and 2 above, the individual is eligible to receive benefits from the Tenants' Lifeline Assistance Program.

(c) To be eligible for the Lifeline Programs, an individual shall comply with the application requirements of N.J.A.C. 10:167D-3.

## 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 \$26,655 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 \$32,680 to be eligible for the Lifeline Programs.

1. An applicant and spouse shall be considered separated when each maintains a separate residence and the applicant does not have access to or receive support from 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 eligibility purposes.

2. (No change.)

(c) All income, from whatever source derived, is considered when determining eligibility for the Lifeline Programs.

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.-xvi. (No change.)

xvii. Annuities, whether contributory, noncontributory, qualified or nonqualified;

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.-xxi. (No change.)

xxii. Net rental income after expenses.

2. Sources of income which are excluded in considering eligibility for the Lifeline Programs are as follows:

i. Benefit amounts received under the Lifeline Programs;

ii.-iv. (No change.)

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. (No change.)

Recodify existing viii.-x. as vii.-ix. (No change in text.)

x. Proceeds received by the beneficiary of a special needs trust as described in N.J.A.C. 10:167D-4.2(d);

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. (No change in text.)

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) To be considered a special needs trust to be excluded as income for determining eligibility for the Lifeline Programs, the trust shall include the following provisions:

1.-9. (No change.)

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. (No change.)

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 interest accumulated, cannot be left to other parties, but shall pass by intestacy. The trust shall not create other trusts within it.

(e) Upon request by the Department, the applicant must be able to document the amounts reported on the eligibility application, and will be

required to submit photocopies of his or her Federal, State and city income tax return and other acceptable evidence.

(f) Eligibility for the Lifeline Programs 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 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 eligibility.

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

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

(i) Beneficiaries are required to notify the Department immediately if their current year income exceeds the established income standard.

(j) 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.

## 10:167D-4.3 Residency requirement

(a) Only residents of this State shall be eligible for the Lifeline Programs.

(b) The applicant must be able to substantiate residence upon request by the Department, and is required to submit copies of two documents showing evidence of current residence at the time of application. The following are examples of proof of residence:

1. Motor vehicle records, such as a valid driver's license;

2. (No change.)

3. Public utility records and receipts, such as an electric bill;

4. (No change.)

5. Records of professional people or businesses, such as doctors and department stores;

6.-8. (No change.)

(c) (No change.)

(d) In determining the continued New Jersey residence of an absentee, the issue is whether the individual intends to return to New Jersey or remain indefinitely in the other jurisdiction. If a beneficiary leaves New Jersey with the intent to establish a principal residence elsewhere, the beneficiary becomes ineligible for benefits and must immediately notify the Department of the change of address.

## 10:167D-4.4 Age

(a) The applicant who is 65 years of age or older must be able to document his or her age upon request of the Department. The applicant must submit a copy of one of the following acceptable proofs of age:

1.-3. (No change.)

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

5. Railroad Retirement letter, which can be obtained from the Railroad Retirement Board.

(b) If the applicant cannot supply a copy of one of the proofs of age listed in (a)1 through 6 above, the applicant must submit copies of any two of the following acceptable proofs of age:

1.-5. (No change.)

6. Church record of Baptism for age five or after;

7.-18. (No change.)

## 10:167D-4.5 Citizenship

A person shall not be required to be a citizen of the United States in order to be eligible for the Lifeline Programs.

## 10:167D-4.6 Disability

(a) The applicant who is between 18 and 65 years of age and is receiving Social Security Title II disability benefits must be able to document his or her Social Security disability determination upon

request of the Department. The applicant must submit a copy of one of the following documents:

1. Social Security Award Certification issued by the Social Security Administration within the last six months of application; or
2. A document issued by the Social Security Administration, which establishes Medicare eligibility and is dated within six months of the date of the application.

#### 10:167D-4.7 Utility information

(a) (No change.)

(b) When an applicant is a tenant and the utility costs are included in the monthly rental, the applicant shall submit the name and address of his or her landlord, the amount paid in rent per month or the amount of the lease and, upon request, a copy of the rental or lease agreement or the verification of tenancy required by N.J.A.C. 10:167D-3.3(c)2i.

#### 10:167D-4.8 Eligibility applications

(a) The Department shall mail a Lifeline Programs application to all Medical Assistance to the Aged, Medicaid Only beneficiaries and New Jersey Care Special Medicaid Program beneficiaries, except for those residing in nursing facilities, who are eligible each year. There shall be only one application for those beneficiaries who apply for both PAAD and the Lifeline Programs.

(b) When an individual meets the residency, income, age, or disability requirements of the PAAD program and is not an SSI beneficiary and wishes to apply for the Lifeline Programs only, the individual shall complete the required application and return it to the Department.

(c) When necessary, the Department shall mail preprinted forms to those beneficiaries who met the qualifications for the Lifeline Programs only in the previous year and received benefits.

(d) When the Department receives the completed application form, the Department will determine whether the beneficiary is eligible for the Lifeline Programs and authorize credit or payment accordingly.

#### 10:167D-4.9 Social Security Account Number

(a) Each applicant must include his or her Social Security Account Number (SSAN) on the application form. The SSAN, a unique and verifiable number, is utilized to differentiate between persons with the same name. Married persons must also indicate the SSAN of their spouse.

(b) In the event that the applicant does not have a SSAN, a unique identifying number will be assigned by the Department. This number will be used to uniquely identify the beneficiary.

#### 10:167D-4.10 Certification

The applicant must certify that all answers to the questions and items on the application form are true and accurate to the best of his or her knowledge. This certification shall be dated, signed or marked by the applicant and spouse, if married, and the preparer of the form, if other than the applicant, before the application can be processed.

#### 10:167D-4.11 Authorization

(a) By signing or marking the certification and authorization statement on the application form, the applicant authorizes:

1.-2. (No change.)

#### 10:167D-4.12 Eligibility period

A Lifeline Credit shall be applied to the account(s) of a residential utility customer and remain on the account until it is used or the account is terminated. See N.J.A.C. 10:167D-1.4.

#### 10:167D-4.13 Appeal process

(a) When the Department determines that an applicant is ineligible for benefits, the applicant has the right to appeal the decision by submitting a written request for a fair hearing to the Lifeline Credit Program, Department of Human Services, PO Box 722, Trenton, NJ 08625-0722, 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) The Department will 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, pursuant to the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

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

(d) When the petitioner requests a fair hearing, they shall clearly indicate the existence of a disputed question of fact or law arising from the requirements and standards of the rules and statutes of the Lifeline Programs. If the petitioner fails to establish a contested case, the Department shall deny the hearing request.

Appendix

New Jersey Department of Human Services  
 Pharmaceutical Assistance to the Aged and Disabled (PAAD), Lifeline and Special Benefits Programs  
 PO Box 715  
 Trenton, NJ 08625-0715

**TENANT VERIFICATION**

Please print the landlord and the tenant(s) names and monthly amount of rent clearly.

This form must be signed by both the Landlord and the Tenant(s).

Landlord's Name: \_\_\_\_\_

Landlord's Address: \_\_\_\_\_

Tenant's (Applicant's) Name: \_\_\_\_\_

Co-Tenant's Name (if applicable): \_\_\_\_\_

Property Address: \_\_\_\_\_

The above-named Tenant(s) pay(s) rent to the above-named Landlord. The monthly amount of rent is \$\_\_\_\_\_.

Please verify the utility arrangement (check as appropriate):

The cost of electric

<input type="checkbox"/> is <i>included</i> in the rent payment.	<input type="checkbox"/> is <i>NOT included</i> in the rent payment; tenant responsible for own electric bill.	<input type="checkbox"/> is <i>NOT included</i> in the rent payment; tenant pays a separate charge for electric.
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The cost of natural gas

<input type="checkbox"/> is <i>included</i> in the rent payment OR natural gas is not used.	<input type="checkbox"/> is <i>NOT included</i> in the rent payment; tenant responsible for own natural gas bill.	<input type="checkbox"/> is <i>NOT included</i> in the rent payment; tenant pays a separate charge for natural gas.
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Is rent subsidized? (subsidized housing, section 8, etc)  YES  NO

By signing this form, I certify that the information stated above is true and correct to the best of my knowledge.

Landlord's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Tenant's (Applicant's) signature: \_\_\_\_\_ Date: \_\_\_\_\_

Co-tenant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Social Security number: \_\_\_\_\_

PHARMACEUTICAL ASSISTANCE TO THE AGED AND DISABLED (PAAD)

## SUBCHAPTER 5. RECOVERIES

## 10:167D-5.1 Benefits incorrectly paid

(a) The Department shall take all necessary action to recover the Tenants Assistance payments incorrectly or illegally made or the Lifeline Credit incorrectly or illegally applied, on behalf of an electric and/or gas utility customer, from the residential utility customer and any party or parties whose action or inaction resulted in the incorrect payment or from their respective estates, as the case may be. The action shall include, but is not limited to:

1. (No change.)
2. Reducing subsequent benefits from the Lifeline Programs to which the beneficiary may be entitled;
3. Reducing New Jersey State income tax refunds to which the beneficiary may be entitled; and
4. (No change.)

(b)-(e) (No change.)

(f) For the purposes of carrying out the provisions of this section, no public utility, as defined herein, shall be held liable for any Lifeline Credit either improperly or illegally obtained by a beneficiary once that beneficiary has been identified by the appropriate State instrumentality and made known to the utility as an eligible beneficiary.

1. (No change.)
- (g) (No change.)

(a)

## DIVISION OF AGING SERVICES

## OFFICE OF STATE HEALTH INSURANCE FOR THE AGED AND DISABLED AND FACILITIES MANAGEMENT

Hearing Aid Assistance to the Aged and Disabled  
Readoption with Amendments: N.J.A.C. 10:167E

Proposed: June 5, 2017, at 49 N.J.R. 1312(a).

Adopted: August 15, 2017, by Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Filed: August 18, 2017, as R.2017 d.170, **without change**.

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.

Effective Dates: August 18, 2017, Readoption;  
September 18, 2017, Amendments.

Expiration Date: August 18, 2024.

Summary of Public Comment and Agency Response:

**No comments were received.**

## Federal Standards Statement

The Hearing Aid Assistance to the Aged and Disabled (HAAAD) program is completely State-funded. N.J.A.C. 10:167E is not being readopted and amended under the authority of, or in order to implement, comply with, or participate in any program established under Federal law, or under a State statute that incorporates or refers to Federal law, standards, or requirements.

The Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, and the regulations promulgated thereunder by the United States Secretary of Health and Human Services at 45 CFR Parts 160 and 164, known as the "Standards for Privacy of Individually Identifiable Health Information," (hereinafter collectively referred to as "HIPAA") apply to health information created or maintained by health plans, and health care clearinghouses. The Department's Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program may be a covered entity, specifically, a health plan, within the meaning of HIPAA. As HAAAD applicants often apply for the program through their PAAD application, HIPAA may cover the HAAAD program.

All HAAAD program staff have had the appropriate HIPAA training. HAAAD does not disclose to other agencies any health related information from the PAAD/HAAAD combined application. Therefore,

to the extent HAAAD may be subject to HIPAA, the rules readopted with amendments would meet, but not exceed, the requirements of HIPAA.

Except as described above, there are no Federal standards applicable to the subject matter of the rules readopted with amendments. Since any Federal requirements applicable to the rules are met, but not exceeded, no Federal standards analysis is required.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 10:167E.

**Full text** of the adopted amendments follows:

## SUBCHAPTER 1. GENERAL PROVISIONS

## 10:167E-1.1 Purpose

(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) (No change.)

## 10:167E-1.2 Legal authority

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.

## SUBCHAPTER 2. DEFINITIONS

## 10:167E-2.2 Special needs trusts

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

1.-9. (No change.)

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. (No change.)

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. (No change.)

## SUBCHAPTER 4. APPLICATION PROCESS

## 10:167E-4.2 Authorized agent

(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.-5. (No change.)

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

(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. (No change.)

2. Process the PAAD and HAAAD applications;

3. (No change.)

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