

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH

21. HEALTH SERVICES

4215. OFFICE OF VITAL STATISTICS AND REGISTRATION

01. VITAL STATISTICS

<u>NJCFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4215-002	4215-100-010000-12	Salaries and Wages	(1,198)
11-100-046-4215-003	4215-100-010000-2	Materials and Supplies	(34)
11-100-046-4215-004	4215-100-010000-3	Services Other Than Personal	(91)
<i>Total Appropriation, Office of Vital Statistics and Registration</i>			1,323

4220. DIVISION OF FAMILY HEALTH SERVICES

02. FAMILY HEALTH SERVICES

<u>NJCFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4220-002	4220-100-020000-12	Salaries and Wages	(530)
11-100-046-4220-003	4220-100-020000-2	Materials and Supplies	(83)
11-100-046-4220-004	4220-100-020000-3	Services Other Than Personal	(69)
11-100-046-4220-005	4220-100-020000-4	Maintenance and Fixed Charges	(9)
<i>Special Purpose:</i>			
11-100-046-4220-219	4220-100-020010-5	WIC Farmers Market Program	(87)
11-100-046-4220-408	4220-100-020120-5	Breast Cancer Public Awareness Campaign	(90)
11-100-046-4220-310	4220-100-020530-5	Identification System for Children's Health and Disabilities	(300)
11-100-046-4220-286	4220-100-021120-5	Public Awareness Campaign for Black Infant Mortality	(500)
<i>Subtotal Appropriation, Direct State Services</i>			1,668

<u>NJCFS Account No.</u>	<u>IPB Account No.</u>	<u>Grants-in-Aid</u>	(thousands of dollars)
11-100-046-4220-501	4220-140-020080-61	Maternal, Child and Chronic Health Services	(26,756)
11-491-046-4220-011	4220-493-020150-61	Statewide Birth Defects Registry (CRFG)	(529)
11-100-046-4220-091	4220-140-020960-61	Poison Control Center	(587)
11-100-046-4220-460	4220-140-021040-61	Early Childhood Intervention Program	(86,648)
11-100-046-4220-502	4220-140-021130-61	Early Intervention Contracts	(892)
11-100-046-4220-496	4220-140-021690-61	Surveillance, Epidemiology, and End Results Expansion Program - CINJ	(2,000)
11-100-046-4220-462	4220-140-021920-61	Postpartum Education Campaign	(450)
<i>Less:</i>			
<i>Enhanced Federal Medicaid Matching Percentage</i>			(-3,768)
<i>Subtotal Appropriation, Grants-in-Aid</i>			114,094
<i>Total Appropriation, Division of Family Health Services</i>			115,762
<i>(From General Fund)</i>			115,233
<i>(From Casino Revenue Fund)</i>			529

Language -- Direct State Services - General Fund

11-100-046-4220-483	4220-472-021090	Notwithstanding the provisions of any law to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of New Jersey's Autism Registry.
11-100-046-4220-483	4220-472-021090	Notwithstanding the provisions of any law to the contrary, there is appropriated \$500,000 from the Autism Medical Research and Treatment Fund for the operations of the Governor's Council for Medical Research and Treatment of Autism.
11-100-046-4220-483	4220-472-021090	Receipts deposited in the Autism Medical Research and Treatment Fund are appropriated for the Governor's Council for Medical Research and Treatment of Autism, subject to the approval of the Director of the Division of Budget and Accounting.

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Language -- Direct State Services - General Fund

11-100-046-4220-457 4220-472-024730 Notwithstanding the provisions of subsection c. of section 6 of P.L.1983, c.6 (C.52:9U-6), subsection c. of section 5 of P.L.2003, c.200 (C.52:9EE-5), subsection c. section 5 of P.L.1999, c.201 (C.52:9E-5) and section 4 of P.L.1999, c.105 (C.30:6D-59) or any other law or regulation to the contrary, the amounts here in above appropriated to the New Jersey State Commission on Cancer Research, New Jersey State Commission on Brain Injury Research, New Jersey Commission on Spinal Cord Research, and the Governor's Council for Medical Research and Treatment of Autism are subject to the following condition: an amount from each appropriation, subject to the approval of the Director of the Division of Budget and Accounting, may be used to pay the salary and other benefits of one person who shall serve as Executive Director for all four entities, with the services of such person allocated to the four entities as shall be determined by the four entities.

Language -- Grants-In-Aid - General Fund

11-100-046-4220-460 4220-140-021040-61 Receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

11-100-046-4220-461 4220-140-021340-61 Of the amount hereinabove appropriated for Cancer Screening - Early Detection and Education Program, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

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

11-100-046-4220-501 4220-140-020080-61 Of the amount hereinabove appropriated for Maternal, Child and Chronic Health Services, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

11-100-046-4220-460 4220-140-021040-61 Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Early Childhood Intervention Program shall be conditioned on the Early Childhood Intervention Program's family cost sharing program involving a progressive charge for each hour of direct services provided to the child and/or the child's family in accordance with the child's Individualized Family Service Plan, based upon household size and gross income as set forth in the August 2007 or the next most recent published edition of the New Jersey Early Intervention System Family Cost Participation Handbook.

11-100-046-4220-496 4220-140-021690-61 Of the amount hereinabove appropriated for the Surveillance, Epidemiology and End Results Expansion Program-CINJ account, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

11-100-046-4220-460 4220-140-021040-6 In addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, such additional sums as may be necessary are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

11-100-046-4220-208 4220-417-024620 Upon a determination by the Commissioner of Health and Senior Services, made in consultation with the State Treasurer, that additional State funding is necessary to reimburse centers for services to uninsured clients, the Director of the Division of Budget and Accounting shall authorize the appropriation of such sums as the commissioner determines are necessary for grants to federally qualified health centers.

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4230. DIVISION OF EPIDEMIOLOGY, ENVIRONMENTAL AND OCCUPATIONAL HEALTH

03. PUBLIC HEALTH PROTECTION SERVICES

<u>NJCFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4230-002	4230-100-030000-12	Salaries and Wages	(4,790)
11-100-046-4230-003	4230-100-030000-2	Materials and Supplies	(1,404)
11-100-046-4230-004	4230-100-030000-3	Services Other Than Personal	(392)
11-100-046-4230-005	4230-100-030000-4	Maintenance and Fixed Charges	(69)
<i>Special Purpose:</i>			
11-100-046-4230-357	4230-100-030180-5	New Jersey Domestic Security Preparedness	(260)
11-100-046-4230-282	4230-100-030250-5	Cancer Registry	(400)
11-100-046-4230-374	4230-100-030260-5	Cancer Investigation and Education	(500)
11-100-046-4230-376	4230-100-030420-5	Emergency Medical Services for Children	(50)
11-100-046-4230-410	4230-100-030450-5	School Based Programs and Youth Anti-Smoking	(439)
11-100-046-4230-411	4230-100-030460-5	Anti-Smoking Programs	(43)
11-100-046-4230-028	4230-100-030900-5	New Jersey State Commission on Cancer Research	(94)
11-100-046-4230-404	4230-100-031660-5	Animal Welfare	(150)
11-100-046-4230-078	4230-101-034500-5	Worker and Community Right to Know	(2,382)
11-100-046-4230-335	4230-100-035950-5	New Jersey Coalition to Promote Cancer Prevention, Early Detection & Treatment	(85)
Subtotal Appropriation, Direct State Services			11,058
<u>NJCFS Account No.</u>	<u>IPB Account No.</u>	<u>Grants-in-Aid</u>	(thousands of dollars)
11-100-046-4230-434	4230-140-030280-61	Implementation of Comprehensive Cancer Control Program	(1,200)
11-100-046-4230-470	4230-140-030600-61	Hospital Asset Transformation Program - Debt Service	(18,218)
11-100-046-4230-369	4230-140-031620-61	Cancer Institute of New Jersey	(18,000)
11-100-046-4230-392	4230-140-031630-61	Cancer Institute of New Jersey, South Jersey Program	(5,400)
11-100-046-4230-105	4230-141-034500-61	Worker and Community Right to Know	(281)
Subtotal Appropriation, Grants-in-Aid			43,099
<i>Total Appropriation, Division of Epidemiology, Environmental and Occupational Health ...</i>			54,157

Language -- Direct State Services - General Fund

11-100-046-4230-382	4220-783-027830-5 4230-416-034160	The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.
11-100-046-4230-376	4230-100-030420-5	In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$150,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children Program.
11-100-046-4230-385	4230-461-030050-5	Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the "Emergency Medical Technician Training Fund" \$79,000 for Emergency Medical Services and \$125,000 for the First Response EMT Cardiac Training Program.
11-100-046-4230-386	4230-461-030510-5	
11-100-046-4230-028	4230-100-030900-5	The unexpended balance at the end of the preceding fiscal year in the New Jersey State Commission on Cancer Research account is appropriated.
11-100-046-4230-028	4230-100-030900-5	Amounts deposited in the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4230-078	4230-101-034500-5	Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right to Know account is payable from the "Worker and Community Right to Know Fund," and the receipts in excess of the amount anticipated, not to exceed \$614,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.
11-100-046-4230-105	4230-141-034500-61	
	4230-444-030190-5	Receipts derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$4,722,000, are appropriated for the Medical Emergency Disaster Preparedness for Bioterrorism program and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

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Language -- Direct State Services - General Fund

Notwithstanding the provisions of any law or regulation to the contrary, \$1,000,000 from the Cancer Research Fund established pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1) is transferred to the General Fund.

Language -- Grants-In-Aid - General Fund

<p>11-100-046-4230-369 4230-140-031620-61</p> <p>11-100-046-4230-382 4230-416-034160-61</p> <p>11-100-046-4230-470 4230-140-030600-61</p> <p>11-100-046-4230-439 4230-140-031635-61</p> <p>11-100-046-4230-369 4230-140-031620-61</p> <p>11-100-046-4230-392 4230-140-031630-61</p>	<p>From the amount hereinabove appropriated for the Cancer Institute of New Jersey, \$250,000 is appropriated to the Ovarian Cancer Research Fund.</p> <p>There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund, established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1), such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program, established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.</p> <p>There are appropriated such additional sums as are required to pay all amounts due from the State pursuant to any contract entered into between the State Treasurer and the New Jersey Health Care Facilities Financing Authority pursuant to section 6 of P.L.2000, c.98 (C.26:2I-7.1) in connection with the Hospital Asset Transformation Program.</p> <p>No funds hereinabove appropriated to the Department of Health and Senior Services shall be used for the Medical Waste Management Program. The Department of Health and Senior Services and the Department of Environmental Protection shall establish a transition plan to ensure provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et al.) are met.</p> <p>The unexpended balance at the end of the preceding fiscal year in the Cancer Research account is appropriated.</p> <p>Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Cancer Institute of New Jersey (CINJ) shall be conditioned upon the following provision: no funds shall be expended except to support CINJ's infrastructure necessary to support cancer research, prevention and treatment.</p> <p>The unexpended balance at the end of the preceding fiscal year in the Cancer Institute of New Jersey, South Jersey Program account are appropriated to the program for cancer-related capital equipment, design, engineering and construction expenses.</p>
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Language -- State Aid - General Fund

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

4245. DIVISION OF AIDS PREVENTION AND CONTROL 12. AIDS SERVICES

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4245-001	4245-100-120000-12	Salaries and Wages	(1,213)
11-100-046-4245-002	4245-100-120000-2	Materials and Supplies	(78)
11-100-046-4245-003	4245-100-120000-3	Services Other Than Personal	(98)
11-100-046-4245-004	4245-100-120000-4	Maintenance and Fixed Charges	(12)
Subtotal Appropriation, Direct State Services			1,401
<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Grants-in-Aid</u>	(thousands of dollars)
11-100-046-4245-056	4245-140-120800-61	AIDS Grants	(21,651)
11-100-046-4245-159	4245-140-120860-61	AIDS Drug Distribution Program	(17,220)
Subtotal Appropriation, Grants-in-Aid			38,871
<i>Total Appropriation, Division of AIDS Prevention and Control</i>			<i>40,272</i>

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Language -- Grants-In-Aid - General Fund

11-100-046-4245-159	4245-140-120860-61	Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," the amounts hereinabove appropriated for the AIDS Drug Distribution Program (ADDP) shall not be spent unless the AIDS Drug Distribution Program is designated as the authorized representative for the purposes of coordinating benefits with the Medicare Part D program, including enrollment and appeals of coverage determinations. ADDP is authorized to represent program beneficiaries in the pursuit of such coverage. ADDP representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; and facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in any Medicare Part D plan, that beneficiary shall be barred from all benefits of the ADDP Program.
11-100-046-4245-159	4245-140-120860-61	Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the AIDS Drug Distribution Program (ADDP) is conditioned upon the Department of Health and Senior Services coordinating the benefits of ADDP with the prescription drug benefits of the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer. The ADDP benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs, as determined by the Commissioner of Health and Senior Services, associated with enrollment in Medicare Part D for ADDP beneficiaries, and for Medicare Part D premium costs for ADDP beneficiaries.
11-100-046-4245-159	4245-140-120860-61	Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the AIDS Drug Distribution Program (ADDP) account, shall be available as payment as an ADDP benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under the Medicare Part D program established pursuant to the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003."
11-100-046-4245-159	4245-140-120860-61	Commencing with the start of the fiscal year, and consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA), no funds hereinabove appropriated from the AIDS Drug Distribution Program (ADDP) account shall be expended for any individual enrolled in the ADDP program unless the individual provides all data necessary to enroll the individual in the Medicare Part D program established pursuant to the MMA, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.
11-100-046-4245-001	4245-100-120000-12	In order to permit flexibility in the handling of appropriations, amounts may be transferred to and from the various items of appropriation within the AIDS Services program classification in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.
11-100-046-4245-002	4245-100-120000-2	
11-100-046-4245-003	4245-100-120000-3	
11-100-046-4245-004	4245-100-120000-4	
11-100-046-4245-132	4245-140-120300-61	
11-100-046-4245-056	4245-140-120800-61	
11-100-046-4245-158	4245-140-120850-61	
11-100-046-4245-159	4245-140-120860-61	
11-100-046-4245-159	4245-140-120860-61	The unexpended balance at the end of the preceding fiscal year in the AIDS Drug Distribution Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4245-056	4245-140-120800-61	Of the amount hereinabove appropriated for AIDS Grants, savings realized from reduced transportation costs may be transferred to the AIDS Drug Distribution Program account, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4245-159	4245-140-120860	Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the AIDS Drug Distribution Program shall be expended for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to drugs used for baldness and weight loss.
11-100-046-4245-159	4245-140-120860	Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the AIDS Drug Distribution Program shall be conditioned upon the following provision: the annual income eligibility for participation in this program shall not exceed 300% of federal poverty level. No funds shall be expended for recipients earning greater than 300% of the federal poverty level.

46. HEALTH AND SENIOR SERVICES

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

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
		<i>Personal Services:</i>	
11-100-046-4280-002	4280-100-080000-12	Salaries and Wages	(6,702)
11-100-046-4280-003	4280-100-080000-2	Materials and Supplies	(630)
11-100-046-4280-004	4280-100-080000-3	Services Other Than Personal	(2,893)
11-100-046-4280-005	4280-100-080000-4	Maintenance and Fixed Charges	(1,516)
		<i>Special Purpose:</i>	
11-100-046-4280-067	4280-100-080180-5	New Jersey Domestic Security Preparedness	(364)
11-100-046-4280-066	4280-100-080390-5	West Nile Virus - Laboratory	(640)
11-100-046-4280-006	4280-100-080000-7	Additions, Improvements and Equipment	(2,652)
<i>Total Appropriation, Division of Public Health and Environmental Laboratories</i>			<u>15,397</u>

Language -- Direct State Services - General Fund

11-100-046-4280-002	4280-100-080000	The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health and Senior Services for diagnostic laboratory services provided to any other agency or department, provided that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.
11-100-046-4280-003		
11-100-046-4280-004		
11-100-046-4280-005		
11-100-046-4280-070		
11-100-046-4280-006		
11-100-046-4280-002	4280-100-080000	Receipts from fees established by the Commissioner of Health and Senior Services for licensing of clinical laboratories, pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks, pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), are appropriated.
11-100-046-4280-003		
11-100-046-4280-004		
11-100-046-4280-005		
11-100-046-4280-070		
11-100-046-4280-006		
11-100-046-4280-004	4280-100-080000-3	The unexpended balance at the end of the preceding fiscal year in the Services Other Than Personal account in the Division of Public Health and Environmental Laboratories is appropriated for the costs of relocating the Public Health, Environmental and Agricultural Laboratory.

<i>Total Appropriation, Health Services</i>	<u>226,911</u>
<i>(From General Fund)</i>	226,382
<i>(From Casino Revenue Fund)</i>	<u>529</u>

Language -- Direct State Services - General Fund

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

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

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

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
		<i>Personal Services:</i>	
11-100-046-4260-002	4260-100-060000-12	Salaries and Wages	(2,735)
11-100-046-4260-003	4260-100-060000-2	Materials and Supplies	(58)
11-100-046-4260-004	4260-100-060000-3	Services Other Than Personal	(299)
11-100-046-4260-005	4260-100-060000-4	Maintenance and Fixed Charges	(90)
		<i>Special Purpose:</i>	
11-100-046-4260-080	4260-100-060010-5	Nursing Home Background Checks/Nursing Aide Certification Program	(979)
11-100-046-4260-099	4260-100-060090-5	Implement Patient Safety Act	(400)
11-100-046-4260-064	4260-100-061000-7	Additions, Improvements and Equipment	(37)
<i>Total Appropriation, Division of Long Term Care Systems Development & Quality Assurance</i>			<u>4,598</u>

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

Language -- Direct State Services - General Fund

	4260-101-060480-0	There are appropriated such sums as are required to the "Health Care Facilities Improvement Fund" to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health and Senior Services, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.
	4260-451-064540-0	
	4260-454-064510-0	
<i>11-100-046-4260-045</i>	4260-446-064460	Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

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

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
<i>11-100-046-4270-001</i>	4270-100-070000-12	Salaries and Wages	(1,408)
<i>11-100-046-4270-002</i>	4270-100-070000-2	Materials and Supplies	(15)
<i>11-100-046-4270-003</i>	4270-100-070000-3	Services Other Than Personal	(142)
<i>11-100-046-4270-004</i>	4270-100-070000-4	Maintenance and Fixed Charges	(86)
Subtotal Appropriation, Direct State Services			1,651
<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Grants-in-Aid</u>	(thousands of dollars)
<i>11-100-046-4270-077</i>	4270-140-070020-61	Health Care Subsidy Fund Payments	(57,298)
Subtotal Appropriation, Grants-in-Aid			57,298
<i>Total Appropriation, Division of Health Care Systems Analysis</i>			<i>58,949</i>

Language -- Grants-In-Aid - General Fund

<i>11-100-046-4270-077</i>	4270-140-070020-61	There are appropriated such sums as are necessary to pay prior-year obligations of programs within the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.
<i>11-100-046-4270-077</i>	4270-140-070020-61	Notwithstanding the provisions of any law or regulation to the contrary, \$6,000,000 of the amount hereinabove for the Health Care Subsidy Fund Payments account is appropriated from the Admission Charge Hospital Assessment revenue item.
<i>11-100-046-4270-077</i>	4270-140-070020-61	Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Health Care Subsidy Fund Payments shall be charged to the revenues derived from the \$0.35 increase in the cigarette tax rate imposed pursuant to P.L.2004, c.67.
<i>11-100-046-4270-077</i>	4270-140-070020-61	Notwithstanding the provisions of any law or regulation to the contrary, all revenues collected from the tax on cosmetic medical procedures pursuant to P.L.2004, c.53 (C.54:32E-1) shall be deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58).
<i>11-100-046-4270-077</i>	4270-140-070020-61	Notwithstanding the provisions of any law or regulation to the contrary, as a condition of the receipt of any monies hereunder by an acute care hospital that is requesting an advance of charity care/Medicaid or payments from the "Health Care Facilities Improvement Fund" or any payments over and above this act, the hospital shall comply with a request by the Commissioner of the Department of Health and Senior Services for a review of its finances and operations to ensure that access to health care is maintained and public funds are utilized for their intended purpose, the cost of such review to be borne by the acute care hospital, and shall comply with any financial and operational performance requirements imposed by the commissioner as deemed necessary as a result of the review.

46. HEALTH AND SENIOR SERVICES

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

Language -- Grants-In-Aid - General Fund

11-100-046-4270-077 4270-140-070020-61

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments in State Fiscal Year (SFY) 2011 shall be calculated pursuant to section 3 of P.L.2004, c.113 (C.26:2H-18.59i), except that: (a) in paragraph (1) of subsection b. of section 3 of P.L.2004, c.113, source data used shall be from calendar year 2009 for documented charity care claims data and hospital-specific gross revenue for charity care patients, and shall include all adjustments and void claims related to calendar year 2009 and any prior year submitted claim, as submitted by each acute care hospital or determined by the Department of Health and Senior Services (DHSS); (b) in paragraph (1) of subsection b. of section 3 of P.L.2004, c.113, source data used for each hospital's total gross revenue for all patients shall be from the Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DHSS advance submission request dated February 11, 2010, as submitted by each acute care hospital by March 11, 2010, and source data used for Medicare Cost Report data shall be from calendar year 2008; (c) for an eligible hospital that failed to submit its total gross revenue for all patients from the Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DHSS advance submission request dated February 11, 2010, in paragraph (1) of subsection b. of section 3 of P.L.2004, c.113, source data from calendar year 2008 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (d) each eligible hospital shall be assigned to one of two tiers based on its initial Relative Charity Care Percentage (RCCP) as calculated in paragraph (1) of subsection b. of section 3 of P.L.2004, c.113, with Tier 1 hospitals having an initial RCCP greater than 5%, and Tier 2 hospitals having an initial RCCP less than Tier 1; (e) the hospital-specific subsidy initially calculated in accordance with subsections a. and b. of section 3 of P.L.2004, c.113 for each eligible hospital shall not be reduced for Tier 1 hospitals, and shall be reduced by 50% for Tier 2 hospitals; (f) for each eligible hospital the difference shall be calculated between its initial calculated SFY 2011 charity care subsidy and its total SFY 2010 charity care allocation including any reallocations; (g) if an eligible hospital's initial calculated SFY 2011 charity care subsidy is more than its total SFY 2010 subsidy allocation including any reallocations, the hospital-specific subsidy calculation for each eligible hospital shall be its total SFY 2010 subsidy allocation including any reallocations plus 55% of the difference calculated above; (h) if an eligible hospital's initial calculated SFY 2011 charity care subsidy is less than its total SFY 2010 subsidy allocation including any reallocations, the hospital-specific subsidy calculation for each eligible hospital shall be its total SFY 2010 subsidy allocation including any reallocations minus 55% of the difference calculated above; (i) if the hospital-specific subsidy calculated thus far for an eligible hospital is calculated to be more than 98% of its documented charity care for calendar year 2009, the hospital-specific subsidy for each hospital shall be reduced to 98% of its documented charity care; and (j) the hospital-specific subsidy for an eligible hospital assigned to Tier 2 shall not be less than 15% of its documented charity care for calendar year 2009. The resulting number will constitute each eligible hospital's SFY 2011 charity care subsidy allocation. A proportionate increase will be applied to all hospitals if necessary such that the calculated SFY 2011 charity care subsidy allocation for all hospitals totaled shall not exceed \$665,000,000.

11-100-046-4270-077 4270-140-070020-61

Of the amount hereinabove appropriated for Health Care Subsidy Fund Payments, any amounts not allocated to a hospital-specific State fiscal year 2011 charity care subsidy is appropriated, subject to the approval of the Director of the Division of Budget and Accounting, to the Health Care Stabilization Fund established pursuant to P.L. 2008, c.33 and applied as set forth in such act. Combined funding for charity care and the Health Care Stabilization Fund shall not exceed \$695,000,000.

11-100-046-4270-077 4270-140-070020-61

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

11-100-046-4270-077 4270-140-070020-61

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

11-100-046-4270-077 4270-140-070020-61

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

11-100-046-4270-077 4270-140-070020-61

Notwithstanding the provisions of any law or regulation to the contrary, any additional federal disproportionate share hospital matching funds received as a result of the conversion to a municipal hospital known as Hoboken University Medical Center are appropriated for the Hoboken University Medical Center in an amount to be determined by the Division of Medical Assistance and Health Services, subject to the approval of the Director of the Division of Budget and Accounting.

46. HEALTH AND SENIOR SERVICES

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

Language -- Grants-In-Aid - General Fund
11-100-046-4270-077 4270-140-070020-61

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the Health Care Subsidy Fund for charity care payments are subject to the following condition: any hospital which received its entire fiscal year 2010 charity care allocation shall have its fiscal year 2011 charity care allocation reduced by 1/2 of 1 month of its fiscal year 2010 charity care allocation, subject to the Director of the Division of Budget and Accounting.

Total Appropriation, Health Planning and Evaluation 63,547

**20. PHYSICAL AND MENTAL HEALTH
25. HEALTH ADMINISTRATION
4210. DIVISION OF MANAGEMENT AND ADMINISTRATION
99. ADMINISTRATION AND SUPPORT SERVICES**

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4210-008	4210-100-990000-12	Salaries and Wages	(1,264)
11-100-046-4210-009	4210-100-990000-2	Materials and Supplies	(49)
11-100-046-4210-010	4210-100-990000-3	Services Other Than Personal	(238)
<i>Special Purpose:</i>			
11-100-046-4210-100	4210-100-990010-5	Office of Minority and Multicultural Health	(1,500)
11-100-046-4210-015	4210-100-990030-5	Affirmative Action and Equal Employment Opportunity	(51)
<i>Total Appropriation, Division of Management and Administration</i>			<u>3,102</u>
<i>Total Appropriation, Health Administration</i>			<u>3,102</u>

**20. PHYSICAL AND MENTAL HEALTH
26. SENIOR SERVICES
4275. DIVISION OF SENIOR SERVICES
22. MEDICAL SERVICES FOR THE AGED**

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4275-189	4275-100-220000-12	Salaries and Wages	(3,004)
11-100-046-4275-190	4275-100-220000-2	Materials and Supplies	(66)
11-100-046-4275-191	4275-100-220000-3	Services Other Than Personal	(799)
11-100-046-4275-192	4275-100-220000-4	Maintenance and Fixed Charges	(70)
11-100-046-4275-193	4275-100-220000-7	Additions, Improvements and Equipment	(12)
Subtotal Appropriation, Direct State Services			<u>3,951</u>

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Grants-in-Aid</u>	(thousands of dollars)
11-100-046-4275-366	4275-140-225060-61	Global Budget for Long Term Care	(94,501)
11-100-046-4275-060	4275-140-225070-61	Payments for Medical Assistance Recipients - Nursing Homes	(755,215)
11-100-046-4275-247	4275-140-225220-61	Medical Day Care Services	(98,724)
11-491-046-4275-073	4275-493-229990-61	Hearing Aid Assistance for the Aged and Disabled (CRFG)	(120)
<i>Less:</i>			
<i>Enhanced Federal Medicaid Matching Percentage</i>			(-309,323)
Subtotal Appropriation, Grants-in-Aid			<u>639,237</u>
<i>Total Appropriation, Medical Services for the Aged</i>			<u>643,188</u>

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

24. PHARMACEUTICAL ASSISTANCE TO THE AGED AND DISABLED

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4275-194	4275-100-240000-12	Salaries and Wages	(4,107)
11-100-046-4275-195	4275-100-240000-2	Materials and Supplies	(83)
11-100-046-4275-196	4275-100-240000-3	Services Other Than Personal	(1,533)
11-100-046-4275-197	4275-100-240000-4	Maintenance and Fixed Charges	(339)
11-100-046-4275-198	4275-100-240000-7	Additions, Improvements and Equipment	(16)
Subtotal Appropriation, Direct State Services			<u>6,078</u>
<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Grants-in-Aid</u>	(thousands of dollars)
11-100-046-4275-087	4275-140-245010-61	Pharmaceutical Assistance to the Aged - Claims	(3,750)
11-100-046-4275-281	4275-140-245040-61	Pharmaceutical Assistance to the Aged and Disabled - Claims	(76,381)
11-491-046-4275-059	4275-493-245040-61	Pharmaceutical Assistance to the Aged and Disabled - Claims (CRFG)	(91,740)
11-100-046-4275-330	4275-140-245050-61	Senior Gold Prescription Discount Program	(5,166)
Subtotal Appropriation, Grants-in-Aid			<u>177,037</u>
<i>Total Appropriation, Pharmaceutical Assistance to the Aged and Disabled</i>			<u>183,115</u>

55. PROGRAMS FOR THE AGED

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4275-208	4275-100-550000-12	Salaries and Wages	(153)
11-491-046-4275-066	4275-491-550000-12	Salaries and Wages (CRFD)	(658)
11-491-046-4275-066	4275-491-550000-19	Employee Benefits (CRFD)	(138)
11-100-046-4275-209	4275-100-550000-2	Materials and Supplies	(6)
11-491-046-4275-067	4275-491-550000-2	Materials and Supplies (CRFD)	(14)
11-100-046-4275-210	4275-100-550000-3	Services Other Than Personal	(60)
11-491-046-4275-068	4275-491-550000-3	Services Other Than Personal (CRFD)	(47)
11-100-046-4275-211	4275-100-550000-4	Maintenance and Fixed Charges	(1)
11-491-046-4275-267	4275-491-550000-4	Maintenance and Fixed Charges (CRFD)	(2)
<i>Special Purpose:</i>			
11-100-046-4275-213	4275-100-555020-5	Federal Programs for the Aged (State Share)	(143)
11-491-046-4275-268	4275-491-550000-7	Additions, Improvements and Equipment (CRFD)	(12)
Subtotal Appropriation, Direct State Services			<u>1,234</u>
<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Grants-in-Aid</u>	(thousands of dollars)
11-100-046-4275-397	4275-140-550150-61	Community Based Senior Programs	(30,400)
11-491-046-4275-272	4275-493-550150-61	Community Based Senior Programs (CRFG)	(14,748)
Subtotal Appropriation, Grants-in-Aid			<u>45,148</u>
<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>State Aid</u>	(thousands of dollars)
11-100-046-4275-227	4275-150-551540-60	County Offices on Aging	(2,498)
11-100-046-4275-228	4275-150-551550-60	Older Americans Act-State Share	(4,654)
Subtotal Appropriation, State Aid			<u>7,152</u>
<i>Total Appropriation, Programs for the Aged</i>			<u>53,534</u>

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES 57. OFFICE OF THE PUBLIC GUARDIAN

<u>NICFS Account No.</u>	<u>IPB Account No.</u>	<u>Direct State Services</u>	(thousands of dollars)
<i>Personal Services:</i>			
11-100-046-4275-218	4275-100-570000-12	Salaries and Wages	(451)
11-100-046-4275-219	4275-100-570000-2	Materials and Supplies	(8)
11-100-046-4275-220	4275-100-570000-3	Services Other Than Personal	(148)
11-100-046-4275-221	4275-100-570000-4	Maintenance and Fixed Charges	(27)
<i>Total Appropriation, Office of the Public Guardian</i>			<i>634</i>
<i>Total Appropriation, Division of Senior Services</i>			<i>880,471</i>
<i>(From General Fund)</i>			<i>772,992</i>
<i>(From Casino Revenue Fund)</i>			<i>107,479</i>
<i>Total Appropriation, Senior Services</i>			<i>880,471</i>
<i>(From General Fund)</i>			<i>772,992</i>
<i>(From Casino Revenue Fund)</i>			<i>107,479</i>

Language -- Direct State Services - General Fund

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services in the Department of Human Services or the Department of Health and Senior Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services or the Department of Health and Senior Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is subject to the following condition: any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3.m), or in 42 U.S.C.S. 1396a(a)(25)(A), including but not limited to a pharmacy benefit manager writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Health and Senior Services to permit and assist the matching of the Department of Health and Senior Services' program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

11-100-046-4275-201	4275-100-280000	Such sums as may be necessary, not to exceed \$1,860,000, may be credited from the Energy Assistance program account in the Board of Public Utilities to the Lifeline program account and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4275-202		
11-100-046-4275-203		
11-100-046-4275-204		
11-100-046-4275-206		
11-100-046-4275-239	4275-421-574210	Receipts from the Office of the Public Guardian for Elderly Adults are appropriated.

Language -- Grants-In-Aid - General Fund

11-100-046-4275-060	4275-140-225070-61	In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.
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11-100-046-4275-285	4275-140-220080-61	In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred between the various items of appropriation within the Medical Services for the Aged and Programs for the Aged program classifications to ensure the continuity of long-term care support services for beneficiaries receiving services within the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.
11-100-046-4275-060	4275-140-225070-61	
11-100-046-4275-247	4275-140-225220-61	
11-100-046-4275-223	4275-140-225330-61	
11-100-046-4275-297	4275-140-226000-61	
11-100-046-4275-087	4275-140-245010-61	
11-100-046-4275-281	4275-140-245040-61	
11-100-046-4275-303	4275-140-550030-61	
11-100-046-4275-248	4275-140-550120-61	
11-100-046-4275-324	4275-140-550130-61	
11-100-046-4275-276	4275-140-550300-61	
11-100-046-4275-254	4275-140-550930-61	
11-100-046-4275-226	4275-140-554500-61	
	4275-140-554525-61	

11-100-046-4275-060	4275-140-225070-61	All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the preceding fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.
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46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

11-100-046-4275-060	4275-140-225070-61	Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4275-060	4275-140-225070-61	Subject to federal approval, the appropriations for those programs within the Medical Services for the Aged program classification are conditioned upon the Division of Medical Assistance and Health Services in the Department of Human Services and the Department of Health and Senior Services implementing policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The Division of Medical Assistance and Health Services and the Department of Health and Senior Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.
11-100-046-4275-060	4275-140-225070-61	Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Department of Health and Senior Services to fund the costs of enhanced audit recovery efforts of the Department within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4275-366	4275-140-225060-61	Notwithstanding the provisions of any law or regulation to the contrary, resources in the Global Budget for Long Term Care line item may be supplemented with transfers from the Medical Services for the Aged Program accounts, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4275-060	4275-140-225070-61	The amounts hereinabove appropriated for Payments for Medical Assistance Recipients-Nursing Homes are available for the payment of obligations applicable to prior fiscal years.
11-100-046-4275-060	4275-140-225070-61	Notwithstanding the provisions of any law or regulation to the contrary, payments from the Payments for Medical Assistance Recipients-Nursing Homes account shall be made at 50% only for bedhold days at facilities with total occupancy rates at 90% or higher based on the occupancy percentage reported on each facility's latest cost report; however, nursing homes shall hold a bed for a Medicaid beneficiary who is hospitalized for up to ten days.
11-100-046-4275-060	4275-140-225070-61	Such sums as may be necessary are appropriated from the General Fund for the payment of increased nursing home rates to reflect the costs incurred due to the payment of a nursing home provider assessment, pursuant to the "Nursing Home Quality of Care Improvement Fund Act," P.L.2003, c.105 (C.26:2H-92 et seq.), and P.L.2004, c.41, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4275-060	4275-140-225070-61	Notwithstanding the provisions of N.J.A.C.8:85 or any other law to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care shall be conditioned upon the following: (1) each Special Care Nursing Facility shall receive the same per diem reimbursement rate as that nursing facility was entitled to receive in fiscal year 2010; (2) the per diem reimbursement rates effective July 1, 2010, for all other nursing facilities shall be developed according to the new rate setting methodology that shall be codified under N.J.A.C.8:85 during fiscal year 2011; (3) regardless of the actual calculated reimbursement per diem rate arising from implementation of this methodology, a nursing facility's per diem reimbursement rate shall not vary more than \$5.00 from the per diem reimbursement rate received by that facility during fiscal year 2010; and (4) monies designated pursuant to subsection c. of section 6 of P.L.2003, c.105 (C.26:2H-97) for distribution to nursing homes less the portion of those funds to be paid as pass-through payments in accordance with paragraph 1 of subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97) shall be combined with amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care for the purpose of Medicaid reimbursement to nursing facilities according to the new rate setting methodology. For the purposes of this paragraph, a nursing facility's per diem reimbursement rate shall not include, if the nursing facility is eligible for reimbursement, the difference between the full calculated Provider Tax add-on and the Quality of Care portion of the Provider Tax add-on.
11-100-046-4275-247	4275-140-225220-61	Notwithstanding the provisions of any law or regulation to the contrary, no payment for Medicaid Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the Medical Day Care Services account, shall be provided unless the services are prior authorized by professional staff designated by the Department of Health and Senior Services.
11-100-046-4275-247	4275-140-225220-61	Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Medical Day Care Services shall be conditioned upon the following provision: the per diem reimbursement rate for all adult Medical Day Care providers, regardless of provider type, shall be set at \$78.50.
11-100-046-4275-247	4275-140-225220-61	Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: physical therapy, occupational therapy and speech therapy shall no longer serve as a permissible criteria for eligibility in the adult Medical Day Care Program.
11-100-046-4275-247	4275-140-225220-61	Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: effective August 15, 2010, no payments for Medicaid adult medical day care services shall be provided on behalf of any beneficiary who received prior authorization for these services based exclusively on the need for medication administration.

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

<i>11-100-046-4275-247</i>	4275-140-225220-61	Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: no licensed facility in the adult Medical Day Care Program may serve or receive reimbursement for more than 200 Medicaid beneficiaries per day. Furthermore, no reimbursement will be provided for any claim in excess of a given facility's licensed capacity as established by the Department of Health and Senior Services.
<i>11-100-046-4275-247</i>	4275-140-225220-61	Notwithstanding the provisions of N.J.A.C.8:87 or any other law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned upon the following provision: the daily reimbursement for pediatric medical day care shall remain at the rate established in fiscal year 2010.
<i>11-100-046-4275-087</i>	4275-140-245010-61	The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled Program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), are available for the payment of obligations applicable to prior fiscal years.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for, or receipt of, PAAD or Senior Gold Prescription Discount Program benefits shall be void, and no PAAD and Senior Gold Prescription Discount Program payments shall be made as a result of any such provision.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5.00 for generic drugs and \$7.00 for brand name drugs.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	At any point during the year, and notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c).
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program and the Senior Gold Prescription Discount Program shall continue during the current fiscal year, provided that the manufacturer's rebates for PAAD claims paid as secondary to Medicare Part D and for the Senior Gold Prescription Discount Program shall apply only to the amount paid by the State under the PAAD and Senior Gold Prescription Discount Program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Notwithstanding the provisions of any other law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification and the Senior Gold Prescription Discount Program account shall be expended for prescription claims with no Medicare Part D coverage except under the following conditions: (1) reimbursement for the cost of all legend and non-legend drugs shall be calculated based on the lesser of the Average Wholesale Price less a volume discount not to exceed 17.5% as shall be determined by the Commissioner and the Director of the Division of Budget and Accounting; the federal Maximum Allowable Cost; the State Maximum Allowable Cost; or a pharmacy's usual and customary charge; (2) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$3.99 shall remain in effect through the current fiscal year, including the current increments for impact allowances, as determined by revised qualifying requirements, and allowances for 24-hour emergency services; and (3) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the New Jersey Drug Utilization Review Board, or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled and the Senior Gold Prescription Discount programs, there are appropriated from the General Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.
<i>11-100-046-4275-330</i>	4275-140-245050-61	

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

<i>11-100-046-4275-087</i>	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program are available to a pharmacy that has not submitted an application to enroll as an approved medical supplier in the Medicare program, unless it already is an approved Medicare medical supplier. Pharmacies shall not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAAD. Beneficiaries are responsible for the applicable PAAD or Senior Gold Prescription Discount Program copayment.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program and the Senior Gold Prescription Discount Program are conditioned upon the Department of Health and Senior Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Health and Senior Services and the Director of the Division of Budget and Accounting.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs are conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAAD programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the new federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and Senior Gold Prescription Discount programs, and for Medicare Part D premium costs for PAAD beneficiaries.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program recipients, no funds hereinabove appropriated to the PAAD program or Senior Gold Prescription Discount Program accounts shall be expended for any individual unless the individual enrolled in the PAAD program or Senior Gold Prescription Discount Program provides all data necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled programs, and Senior Gold Prescription Discount Program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	
<i>11-100-046-4275-087</i>	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under Medicare Part D, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program shall be designated the authorized representative for the purposes of coordinating benefits with Medicare Part D, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If the beneficiary declines enrollment in any Medicare Part D plan, the beneficiary shall be barred from all benefits of the PAAD program.
<i>11-100-046-4275-281</i>	4275-140-245040-61	
<i>11-100-046-4275-330</i>	4275-140-245050-61	Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize drug coverage under Medicare Part D, the appropriation for the Senior Gold Prescription Discount Program is conditioned on the Senior Gold Prescription Discount Program being designated the authorized representative for the purpose of coordinating benefits with the Medicare drug program, including appeals of coverage determinations. The Senior Gold Prescription Discount Program is authorized to represent program beneficiaries in the pursuit of such coverage. Senior Gold Prescription Discount Program representation shall include, but not be limited to, the following actions: pursuit of appeals, grievances, and coverage determinations.

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

Language -- Grants-In-Aid - General Fund

11-100-046-4275-087	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended to cover medications not on the formulary of a PAAD program or Senior Gold Prescription Discount Program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by the PAAD program and Senior Gold Prescription Discount Program which are specifically excluded by the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA). In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the MMA, to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.
11-100-046-4275-281	4275-140-245040-61	
11-100-046-4275-330	4275-140-245050-61	
11-100-046-4275-087	4275-140-245010-61	Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to: drugs used for baldness, weight loss, and skin conditions.
11-100-046-4275-281	4275-140-245040-61	
11-100-046-4275-330	4275-140-245050-61	
11-100-046-4275-330	4275-140-245050-61	From the amount hereinabove appropriated for the Senior Gold Prescription Discount Program, an amount not to exceed \$3,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4275-060	4275-140-225070-61	Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste, and abuse, are appropriated to Medical Services for the Aged in the Division of Senior Services.
	4275-140-280030-61	
11-100-046-4275-224	4275-140-280900-61	Such sums as may be necessary, not to exceed \$70,840,000, for payments for the Lifeline Credit and Tenants' Lifeline Assistance programs, may be credited from the Energy Assistance Program account in the Board of Public Utilities to the Lifeline program account and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budgeting and Accounting.
11-100-046-4275-297	4275-140-226000-61	In order to permit flexibility in implementing ElderCare Initiatives and the Global Budget for Long-Term Care within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.
11-100-046-4275-297	4275-140-226000-61	In order to permit flexibility in implementing the ElderCare Advisory Commission Initiatives within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.
11-100-046-4275-060	4275-140-225070-61	Notwithstanding the provisions of P.L. 2004, c.41 (C.26:2H-94 et seq.), the State Treasurer shall transfer to the General Fund an amount not to exceed \$17,775,000 per quarter, or \$71,100,000 for the full fiscal year, from revenues collected from the annual assessment on nursing homes, subject to the approval of the Director of the Division of Budget and Accounting.
11-100-046-4275-397	4275-140-550150-61	Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, the amount appropriated for Community Based Senior Programs is subject to the following provision: private for-profit agencies shall be eligible grantees for funding from the Community Based Senior Programs account for Alzheimer's Disease activities, provided however, that the sum of grants awarded to private for-profit agencies shall not exceed 105% of the sum of grants received by such agencies in the prior fiscal year.
11-100-046-4275-060	4275-140-225070-61	Notwithstanding the provisions of any law or regulation to the contrary, payments from the Payments for Medical Assistance Recipients-Nursing Homes account shall be conditioned upon the following provisions: no funding shall be provided for therapeutic days at facilities with total occupancy rates of less than 90% as reported on each facility's latest cost report. Payment for therapeutic days at facilities with occupancy rates of 90% or greater shall be made at 50%.
11-100-046-4275-281	4275-140-245040-61	The unexpended balance at the end of the preceding fiscal year in the Pharmaceutical Assistance to the Aged and Disabled - Claims account are appropriated.

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

11-491-046-4275-051	4275-493-225000-61	In addition to the amounts hereinabove appropriated, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.
11-491-046-4275-072	4275-493-228880-61	
11-491-046-4275-073	4275-493-229990-61	
11-491-046-4275-059	4275-493-245040-61	
11-491-046-4275-051	4275-493-225000-61	All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.
11-491-046-4275-072	4275-493-228880-61	
11-491-046-4275-073	4275-493-229990-61	
11-491-046-4275-059	4275-493-245040-61	

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

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

<i>11-491-046-4275-051</i>	4275-493-225000-61	In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.
<i>11-491-046-4275-072</i>	4275-493-228880-61	
<i>11-491-046-4275-073</i>	4275-493-229990-61	
<i>11-491-046-4275-059</i>	4275-493-245040-61	
<i>11-491-046-4275-051</i>	4275-493-225000-61	For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services, but ensure that no overspending will occur in the program classification.
<i>11-491-046-4275-072</i>	4275-493-228880-61	
<i>11-491-046-4275-073</i>	4275-493-229990-61	
<i>11-491-046-4275-051</i>	4275-493-225000-61	Notwithstanding the provisions of P.L.1988, c.92 (C.30:4E-5 et seq.) to the contrary, funds appropriated for the Home Care Expansion Program (HCEP) shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Global Budget for Long Term Care or alternative programs, and only for so long as those individuals require services covered by the HCEP.
<i>11-491-046-4275-072</i>	4275-493-228880-61	
<i>11-491-046-4275-073</i>	4275-493-229990-61	
<i>11-491-046-4275-059</i>	4275-493-245040-61	Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund, Medical Services for the Aged, or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year's annual appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.
<i>11-491-046-4275-059</i>	4275-493-245040-61	The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.
<i>11-491-046-4275-059</i>	4275-493-245040-61	Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provision contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.
<i>11-491-046-4275-059</i>	4275-493-245040-61	Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled-Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5.00 for generic drugs and \$7.00 for brand name drugs.
<i>11-491-046-4275-059</i>	4275-493-245040-61	Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 2003, no State funds are appropriated for the Drug Utilization Review Council in the Department of Health and Senior Services, and therefore, the functions of the Council shall cease.
<i>11-491-046-4275-059</i>	4275-493-245040-61	At any point during the year, and notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended, when PAAD is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services. Name brand manufacturers must provide for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c).
<i>11-491-046-4275-059</i>	4275-493-245040-61	Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through the Department of Human Services, providing for the payment of rebates to the State. Furthermore, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the PAAD program shall continue during the current fiscal year, provided that the manufacturers' rebates for PAAD claims paid as secondary to Medicare Part D shall apply only to the amount paid by the State under the PAAD program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program.
<i>11-491-046-4275-059</i>	4275-493-245040-61	Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program are available to a pharmacy that has not submitted an application to enroll as an approved medical supplier in the Medicare program, unless it already is an approved Medicare medical supplier. Pharmacies shall not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAAD. Beneficiaries are responsible for the applicable PAAD copayment.

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

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

- 11-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended for prescription claims with no Medicare Part D coverage except under the following conditions: (1) reimbursement for the cost of all legend and non-legend drugs shall be calculated based on the lesser of the Average Wholesale Price less a volume discount not to exceed 17.5% as shall be determined by the Commissioner and the Director of the Division of Budget and Accounting; the federal Maximum Allowable Cost; the State Maximum Allowable Cost; or a pharmacy's usual and customary charge; (2) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$3.99 shall remain in effect through the current fiscal year, including the current increments for impact allowances, as determined by revised qualifying requirements, and allowances for 24-hour emergency services; and (3) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the New Jersey Drug Utilization Review Board, or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services.
- 11-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the Pharmaceutical Assistance to the Aged and Disabled program are conditioned upon the Department of Health and Senior Services coordinating benefits with any voluntary prescription drug mail-order or specialty pharmacy in a Medicare Part D provider network or private third party liability plan network for beneficiaries enrolled in a Medicare Part D program or beneficiaries with primary prescription coverage that requires use of mail order. The mail-order program may waive, discount, or rebate the beneficiary copayment and mail-order pharmacy providers may dispense up to a 90-day supply on prescription refills with the voluntary participation of the beneficiary, subject to the approval of the Commissioner of Health and Senior Services and the Director of the Division of Budget and Accounting.
- 11-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD program recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior Services) associated with enrollment in Medicare Part D for beneficiaries of the PAAD and the Senior Gold Prescription Discount Program, and for Medicare Part D premium costs for PAAD program beneficiaries.
- 11-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2006, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.
- 11-491-046-4275-059 4275-493-245040-61 Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) program recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.
- 11-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under Medicare Part D, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be designated the authorized representative for the purposes of coordinating benefits with Medicare Part D, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD representation shall not result in any additional financial liability on behalf of such program beneficiaries and shall include, but need not be limited to, the following actions: application for the premium and cost-sharing subsidies on behalf of eligible program beneficiaries; pursuit of appeals, grievances, or coverage determinations; facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in a Medicare Part D plan, that beneficiary shall be barred from all benefits of the PAAD program.
- 11-491-046-4275-059 4275-493-245040-61 Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

46. HEALTH AND SENIOR SERVICES

20. PHYSICAL AND MENTAL HEALTH 26. SENIOR SERVICES

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

11-491-046-4275-059	4275-493-245040-61	Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended to cover medications not on the formulary of a PAAD program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by PAAD which are specifically excluded by the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA). In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the MMA, to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.
11-491-046-4275-059	4275-493-245040-61	Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs including but not limited to: drugs used for baldness, weight loss, and skin conditions.
11-491-046-4275-059	4275-493-245040-61	The unexpended balance at the end of the preceding fiscal year in the Pharmaceutical Assistance to the Aged and Disabled - Claims account are appropriated.
11-491-046-4275-082	4275-493-555010-61	Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, \$400,000 shall be charged to the Casino Simulcasting Fund.
11-491-046-4275-272	4275-493-550150-61	Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, the amount appropriated for Community Based Senior Programs is subject to the following provision: private for-profit agencies shall be eligible grantees for funding from the Community Based Senior Programs account for Alzheimer's Disease activities, provided however, that the sum of grants awarded to private for-profit agencies shall not exceed 105% of the sum of grants received by such agencies in the prior fiscal year.

<i>Total Appropriation, Department of Health and Senior Services</i>	1,174,031
<i>Totals by Category:</i>	
<i>Direct State Services</i>	52,095
<i>Grants-In-Aid</i>	1,114,784
<i>State Aid</i>	7,152
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<i>Totals by Fund:</i>	
<i>General Fund</i>	1,066,023
<i>Casino Revenue Fund</i>	108,008
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Language -- Direct State Services - General Fund

DEPARTMENT OF HEALTH AND SENIOR SERVICES

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

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

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

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

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Health and Senior Services shall devise, at the commissioner's discretion, rules or guidelines that allocate reductions in health service grants to the extent possible toward administration, and not client services.

46. HEALTH AND SENIOR SERVICES

Language -- Direct State Services - General Fund

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

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

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

On or before January 1, 2011, the Department of Health and Senior Services shall provide a report to the Governor, State Treasurer, President of the Senate and Speaker of the General Assembly on the Department's plan for the conversion of the Medicaid fee-for-service long-term care benefit to managed care. The report shall provide an update to the Department's April 2009 report, and shall include but not be limited to details on plan design, included and excluded populations, a rollout schedule for managed care implementation in all 21 counties, and projected savings in Medicaid expenditures relative to fee-for-service projections for fiscal year 2011 through 2015.