

ACTS
OF THE
Second Annual Session
OF THE
Two Hundred and Eighth Legislature
OF THE
STATE OF NEW JERSEY



1999

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REORGANIZATION PLANS

(2231)

**REORGANIZATION PLAN NO. 001-1999
A PLAN FOR THE TRANSFER, CONSOLIDATION, AND
REORGANIZATION OF THE HEALTH ACCESS
NEW JERSEY PROGRAM FROM THE NEW JERSEY
DEPARTMENT OF HEALTH AND SENIOR SERVICES INTO
THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES**

PLEASE TAKE NOTICE that on May 24, 1999, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 001-1999 (hereafter referred to as the "Plan"), to provide for the transfer, consolidation and reorganization of the Health Access New Jersey Program from the New Jersey Department of Health and Senior Services into the New Jersey Department of Human Services.

This Plan is part of the continuing effort to consolidate and align the structure of the Executive Branch in the interest of efficiency and economy, without qualitative or quantitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

This Plan will foster the efficient implementation of a coherent policy for the delivery of health care services by the transfer of the Health Access New Jersey Program, created by P.L.1992, c.160, as amended, (codified principally at C.26:2H-18.65) to the Department of Human Services. The Health Access New Jersey Program provides subsidies for health benefits coverage in order to provide health care for low income, uninsured children, working people and those temporarily unemployed, based on a sliding income scale with modest copayments. It also includes the provision of early preventive and primary care. Currently, the Department of Health and Senior Services administers this Program.

Pursuant to N.J.S.A.30:4D-1 et seq., the Department of Human Services, through the Division of Medical Assistance and Health Services, is the single State agency designated to administer the provisions of the New Jersey Medical Assistant and Health Services Act. This Department also administers the Children's Health Care Coverage Program, created by P.L.1997, c.272 (C.30:41-1 et seq.), which provides health care coverage for both Medicaid eligible clients and children in low-income families.

Citizens of this State will benefit from having one department in State government responsible for the administration of all State-subsidized

programs regarding the provision of subsidized, low-cost health care insurance for individuals. This transfer of functions will result in improved efficiency, ensure the coordinated delivery of health care services and simplify the administrative process.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find with respect to the transfer, consolidation, and reorganization provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purpose set forth in section 2 of that act, and that each aspect of this Plan will:

1. Promote the more effective management of the Executive Branch by consolidating within one agency programs related to the provision of State-subsidized health care insurance for individuals;
2. Promote better and more efficient execution of the laws, and provide for the expeditious administration of the public business by consolidating and integrating similar programs within one agency;
3. Group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;
4. Promote economy to the fullest extent consistent with the efficient operations of the Executive Branch;
5. Increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and
6. Eliminate duplication and overlapping of effort by having the Health Access New Jersey Program administered by the department whose mission includes the provision of subsidized health care services, thereby better utilizing State resources.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

A. ORGANIZATIONAL UNITS

1. The functions, powers and duties of the Commissioner of the Department of Health and Senior Services and the Department of Health and Senior Services pursuant to sections 5 and 15, P.L.1992, c.160, as

amended, to provide for the administration of the Health Access New Jersey Program under that department's jurisdiction shall be transferred to the Commissioner of Human Services and the Department of Human Services.

2. The powers, functions and duties hereby transferred in 1 above shall be organized and implemented within the Department of Human Services, as determined by the Commissioner of Human Services.

3. Only the records, property, and General Fund appropriations available to the Department of Health and Senior Services used in connection with the administration of the Health Access New Jersey Program shall be transferred to the Department of Human Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). With the exception of the Health Access New Jersey Program, the remaining functions, powers and duties of the Commissioner of Health and Senior Services under P.L.1992, c.160, as amended, shall remain with the Commissioner of Health and Senior Services.

4. Whenever any law, rule, regulation, order, contract, document, judicial or administrative proceeding or other matter relating to the Health Access New Jersey Program refers to the Department of Health and Senior Services, the same shall mean the Department of Human Services.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes, and will eliminate overlapping and duplication of effort.

2. This Plan, or any section or part thereof, that conflicts with federal law or regulation shall be considered null and void unless and until addressed and corrected through an interagency agreement, federal waiver or other means.

3. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provisions of this Plan or the application thereof to any person, or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of this Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of the Plan are declared to be severable.

5. This Plan is intended to protect and promote the public health, safety and welfare and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effectuated pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

7. The Commissioners of the Department of Human Services and the Department of Health and Senior Services may enter into inter-agency agreements, as necessary and appropriate, to effectuate the provisions of this Plan. Nothing in the Plan shall be construed to change the Single State Agency status of the Division of Medical Assistance and Health Services of the Department of Human Services.

A copy of this Plan was filed on May 24, 1999 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on July 23, 1999, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than July 23, 1999, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed May 24, 1999.
Effective July 23, 1999.