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CHIEF EXECUTIVE

cc-Mr. Brendan T. Bryne, Secretary  
to Governor  
Mr. Elmer V. Andrews, Director of Welfare  
Mrs. Elizabeth Keenan, Assistant to the Commissioner

JWT:29  
Encl.

*John W. Trumbour*  
John W. Trumbour, Commissioner

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Very truly yours,

Enclosed herewith for filing is the following regu-  
lation of the State Commission for the Blind of the Division  
of Welfare of this Department:  
A. B. Director's letter #30, Eligibility of  
Residents of Institutions.

Honorable Edward J. Patten  
Secretary of State  
State House  
Trenton, New Jersey  
Dear Secretary Patten:

October 15, 1956

*FLC*  
*Trumbour*

RECEIVED  
STATE OF NEW JERSEY

OCT 17 9 12 AM '56

OFFICE OF  
CHIEF EXECUTIVE

Mrs. Elizabeth Keenan, Secretary to the Commissioner  
Mr. Samuel A. VandenBurg, Director of Welfare  
to General  
cc-Mr. Brandon J. Blake, Secretary

ENCY  
ML:53

John H. Thompson, Commissioner  
*[Handwritten Signature]*

DEPARTMENT OF INSTITUTIONS AND AGENCIES

Attn: Mr. Blake

Residence of Institutions  
A. B. Director, a letter re: investigation of

of welfare of this department  
action of the State Commission for the Blind of the Division  
enclosed herewith for filing in the following reg-

Dear Secretary Keenan:

Enclosed herewith  
State House  
Secretary of State  
Honorable Brandon J. Blake

October 12, 1956

415  
*[Handwritten Signature]*

DEPARTMENT OF INSTITUTIONS AND AGENCIES

DIVISION OF Welfare

Name of Institution, Agency, etc.

New Jersey State Commission for the Blind

REGULATION # A. B. Letter #30

ISSUED: 10/30/56

TITLE: A. B. Director's Letters

SUBJECT: Blind Assistance Regulations

STATUTORY REFERENCE: Chapter 82 Laws of 1956 Amending R.S. 30:6-4.

Approved:

by

John W. Tramburg

*G. F. Meyer*  
George F. Meyer  
Executive Director



State of New Jersey  
 COMMISSION FOR THE BLIND  
 GEORGE F. MEYER, EXECUTIVE DIRECTOR  
 1100 RAYMOND BOULEVARD  
 NEWARK 5, NEW JERSEY

October 30, 1956

A. B. Director's Letter #30

Eligibility of Residents of Institutions

To County Welfare Board Directors:

A. Legal Basis

1. Federal - Social Security Act Amendments of 1950 to Section 1002 (a) (12) and Section 1006 of Title X.
2. State - Chapter 82, Laws of 1956 amending Section 30:6-4, Revised Statutes of New Jersey which now reads as follows:  
 "No person shall be eligible to relief under this article who is, because of a physical or mental condition, or other cause, an inmate of or resident of, or in need of prolonged care in, any public institution unless:

1. the institution, if publicly owned and operated, is a medical institution, other than an institution for tuberculosis or mental disease, designated and approved as such by the Department of Institutions and Agencies, and

2. the institution, if privately owned and operated, does not come within the definition of a hospital to which payment or distribution of funds is permitted to be made by counties or municipalities of this State pursuant to any provision of chapter 5 of Title 44 of the Revised Statutes, and is licensed or approved by the Department of Institutions and Agencies pursuant to any provision of Title 30 of the Revised Statutes, and

3. the individual is not a patient in such institution as the result of a diagnosis of tuberculosis or psychosis."

B. Explanation of the Laws

1. The assistance provisions of both federal and state law bar payments of Blind Assistance to needy persons otherwise eligible if they are residing in public institutions generally, but permit such payments to patients in eligible public medical institutions (other than institutions or hospitals for tuberculosis or mental disease, or any institution in which the person is being cared for or treated as the result of a diagnosis of tuberculosis or psychosis.)

Federal matching of grants in such cases is conditioned on the establishment by the State agency of definitions and standards by which public medical institutions can be identified and distinguished from other public institutions, and definitions and standards by which patient status can be identified and distinguished from other types of institutional residence such as custodial care only.

2. Under state law, a person residing in a private institution is not eligible for assistance unless

- a. He is a patient (but not as a result of a diagnosis of tuberculosis or psychosis) in an eligible private medical institution (i.e. any approved private medical institution, excluding, however, institutions for tuberculosis or mental disease and excluding institutions coming within the definition of a hospital to which payment or distribution of funds is permitted to be made by counties or municipalities of this State pursuant to any provision of Chapter 5 of Title 44 of the Revised Statutes); or

- b. He is a resident of an eligible non-medical institution;

and

- c. If the institution is operated on a non-profit or charitable basis, and is a medical institution (as referred to under a.) or is a non-medical institution (as referred to under b.) or the institution includes identified medical and non-medical sections, then the institution must also have qualified under Ruling No. 17 of the Bureau of Assistance, and the conditions of the client's presence there must meet the provisions of Ruling No. 17.

C. Intent of State Law

It is the intent of Title 30:6-4, Revised Statutes, that Blind Assistance

recipients shall be cared for in so far as possible in their own or other suitable family homes. It is clear, however, that certain clients require care and services which they cannot obtain except where established standards are adhered to and special personnel and equipment available; or the client's social and emotional needs can best be met by residence in a supervised congregate living arrangement. The law recognizes these situations and provides for payments to clients who live in approved public or private institutions as specified in B., preceding.

D. Definition of Terms

For definition of terms see Section 15 (D) of County Series Number 3.

E. Procedure

In order to achieve a desirable uniformity of policy and procedure for providing patient care in eligible institutions (public and private, medical and non-medical) and in the homes of related persons or clients own home, the Commission for the Blind will accept as binding on the County Welfare Boards, for Blind Assistance clients, Sections 15, 16, 17, and 18 together with Attachments 7 and 10 of County Series No. 3 as well as Ruling No. 17 issued by the Bureau of Assistance, Department of Institutions and Agencies, except as otherwise specified below.

1. These sections together with such suitable revisions or amendments as may be made are accepted in principle, and shall be considered to apply to Blind Assistance applicants and recipients.

2. The Commission for the Blind reserves the right to further modify these regulations to bring them into conformity with Blind Assistance Law and established procedure.

3. Nothing contained in the aforementioned regulation shall be deemed to supersede any existing Blind Assistance regulation and procedure.

4. In the event of any contradiction, implied or apparent, between existing Blind Assistance regulations and the aforementioned, the former shall take precedence.

5. In submitting case data and recommendations to the Commission for the Blind where Form PA 4 is required an extra copy of Form PA 4 shall be included for the Commission's review and files. Form ODA-2D need not be completed for Blind Assistance clients.

6. Certification of need for Patient care shall follow the procedure of Section 17 (j) County Series #3; however, the appropriate certification form shall be filled in in triplicate with one copy going to the Commission for the Blind.

7. Refunds as expressed in these regulations shall be returned to the Commission for the Blind and the Commission will credit the appropriate accounts.

8. "Pay-as-you-go Agreements" as used in Ruling 17, Section 8, shall be defined for the Blind Assistance program as an agreement between the Home and the individual having the following elements:

a. The agreement is stated in writing and was reduced to writing within the following time limits:

(1) in the case of an individual admitted to the home prior to June 7, 1956 at or about the time of admission;

(2) in the case of an individual admitted to the home on and after June 7, 1956 but before October 30, 1956, within 30 days following October 30, 1956;

(3) in the case of an individual admitted to the Home on and after October 30, 1956, within 30 days following such admission.

9. Ruling 17, Section 12, specifically does not apply in the Blind Assistance program.

F. Residence

Statutory provisions and official regulations relating to "residence" eligibility of applicants for blind assistance generally shall apply equally to residents in institutional settings.

This regulation supersedes A. B. Director's Letters #12 and #22.

COMMISSION FOR THE BLIND

*George F. Meyer*

George F. Meyer  
Executive Director

GFM:JK:ac

Approved: Elmer V. Andrews, Director  
Division of Welfare

ASSEMBLY, No. 264

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1956

By Mr. VERVAET

Referred to Committee on Institutions, Public Health and Welfare

AN ACT concerning assistance to needy blind persons, and amending section  
30:6-4 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 30:6-4 of the Revised Statutes is amended to read as  
2 follows:

3 30:6-4. No person shall be eligible to relief under this article who  
4 **[suffers from mental or physical infirmity which in itself would make him**  
5 **a charge upon any other institution or agency and which prior to loss of**  
6 **sight incapacitated him and made him a public charge.]** *is, because of physi-*  
7 *cal or mental condition, or other cause, an inmate of, or resident of, or in*  
8 *need of prolonged care in, any public or private institution unless:*

9 (1) *the institution, if publicly owned and operated, is a medical institu-*  
10 *tion, other than an institution for tuberculosis or mental disease, designated*  
11 *and approved as such by the Department of Institutions and Agencies, and*

12 (2) *the institution, if privately owned and operated, does not come*  
13 *within the definition of a hospital to which payment or distribution of funds*  
14 *is permitted to be made by counties or municipalities of this State pursu-*  
15 *ant to any provision of chapter 5 of Title 44 of the Revised Statutes, and is*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted  
and is intended to be omitted in the law.**

16 licensed or approved by the Department of Institutions and Agencies pur-  
 17 suant to any provision of Title 30 of the Revised Statutes, and

18 (3) the individual is not a patient in such institution as the result of  
 19 a diagnosis of tuberculosis or psychosis.

20 No person shall receive such relief while publicly soliciting alms within  
 21 the State. "Publicly soliciting" shall be construed to mean the wearing,  
 22 carrying or exhibiting signs denoting blindness or carrying receptacles for  
 23 the reception of alms or doing same by proxy or by begging from house to  
 24 house.

1 2. This act shall take effect immediately.

#### STATEMENT

This bill is designed to create uniformity between grants of assistance to  
 blind persons and to aged persons by permitting blind persons to receive assist-  
 ance under certain circumstances while in medical institutions as is permitted  
 for aged persons under R. S. 44:7-5.

No logical reason exists for the present discrimination against needy blind  
 persons resident in medical institutions as compared with the more favored  
 treatment given aged needy persons under similar circumstances.