

2. The decedent died before November 1, 1986.
3. The funeral director provided embalming and preparation services.
4. The funeral director submitted, and the agency received, a properly completed and notarized petition on Form PA-11C or substantially similar document on or before the expiration date hereof.
5. The decedent was programmatically eligible for funeral payment; and
 - i. The agency made or is authorized to make a funeral contribution under prior regulation; or
 - ii. The agency was not authorized to make a funeral contribution under prior regulation because the decedent's resources in combination with the contributions of others exceeded agency payment limits.

(c) The amounts to be paid are as follows:

1. For funerals for which the agency contributed—\$600.00.
2. For funerals for which the agency did not contribute—the amount by which \$1500 exceeds the total amount paid for funeral and burial, but not more than \$600.00.

(d) Time of payment: The agency will make the retroactive payments as promptly as possible but, in the absence of irregularity, not later than 30 days after the date of receipt of the petition. The agency will reconcile irregularities as promptly as possible and make payment within 30 days after the last irregularity in any petition is reconciled.

(e) Other agency action shall be as follows:

1. The agency will communicate with all funeral directors to whom the agency made funeral payments for decedents who died on or after September 8, 1985, identifying the decedents, and advising of these provisions for retroactive payments.
2. Unless it is known that a retroactive payment cannot be made, the agency will communicate with the funeral director who conducted the funeral of any other person known or believed to have died on or after September 8, 1985 while programmatically eligible, identifying the decedent and advising of these provisions for retroactive payments. If the identity of the funeral director is not known, communication shall be made with others, such as next-of-kin or hospital administrators as indicated, for the information.
3. The agency will supply blank copies of Form PA-11C in reasonable quantity to any funeral director requesting them. The agency will establish procedures for prompt responses to inquiries and processing of petitions.

New Rule, R.1987 d.136, effective March 3, 1987.

See: 18 N.J.R. 2176(a), 19 N.J.R. 452(a).

10:83-1.11 New Jersey Supplemental Security Income payment levels

(a) Pursuant to Section 1618(a) of the Social Security Act, the Department has elected to "pass-through" to eligible Supplemental Security Income (SSI) recipients, and to incorporate herein by reference, the full amount of any Federal cost-of-living adjustment (COLA) to Social Security payments. Notice of such COLAs shall be published in the New Jersey Register as a notice of administrative change to the payment levels set forth in (b) below, effective on the date specified in the notice.

(b) New Jersey Supplemental Security Income payment levels are as follows:

<u>Living Arrangement Categories</u>	<u>Payment Level</u>
<u>Eligible Couple</u>	<u>1/1/96</u>
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less	\$80/705.00*
Residential Health Care Facilities and certain residential facilities for children and adults	\$1,221.36
Living Alone or with Others	\$730.36
Living in Household of Another, Receiving Support and Maintenance	\$563.09
<u>Eligible Individual</u>	
Licensed Medical Facility (Hospital, Skilled Nursing Facility or Intermediate Care Facility) Publicly operated community residence of 16 or less	\$40/470.00*
Residential Health Care Facilities and certain residential facilities for children and adults	\$620.05
Living Alone or with Others	\$501.25
Living with Ineligible Spouse (No other individuals in household)	\$730.36
Living in Household of Another, Receiving Support and Maintenance	\$357.65

* The lower figure applies when Medicaid payments with respect to an individual equal an amount over 50 percent of the cost of services provided in a month.

Amended by R.1983 d.594, effective December 19, 1983, operative January 1, 1984.

See: 15 N.J.R. 1734(a), 15 N.J.R. 2171(b).

SSI payment levels increased.

Originally filed as an adopted Emergency Amendment as R.1982, d.215, Temporary Supplemental Security Income payment levels effective July 19, 1982 until September 30, 1982. Superseded by payment levels effective October 1, 1982, representing a \$2.10 increase in optional State supplement pursuant to the Legislature's increase in annual Lifeline benefits.

Amended by R.1983 d.383, effective August 30, 1983, with changes upon adoption effective October 1, 1983.

See: 15 N.J.R. 1188(a), 15 N.J.R. 1586(a).

Originally filed as an emergency rule, R.1983 d.290, effective July 1, 1983.

Amended by R.1983 d.594, effective December 19, 1983, operative January 1, 1984.
 See: 15 N.J.R. 1734(a), 15 N.J.R. 2171(b).
 SSI payment levels increased.
 Amended on emergency basis, R.1984 d.466, effective September 28, 1984 (operative October 1, 1984).
 See: 16 N.J.R. 2846(a).
 Readopted, R.1984 d.565, effective November 28, 1984 (amendments effective January 1, 1985.)
 See: 16 N.J.R. 2846(a), 16 N.J.R. 3453(a).
 Previously filed as emergency rule R.1984 d.466.
 Payment levels raised.
 Emergency Amendment, R.1985 d.712, effective December 27, 1985. (operative January 1, 1986).
 See: 18 N.J.R. 216(a).
 Payment levels raised in 1986.
 Readoption R.1986 d.75, effective February 24, 1986.
 See: 18 N.J.R. 216(a), 18 N.J.R. 566(a).
 Emergency Amendment, R.1987 d.79, effective December 29, 1986 (operative January 1, 1987; expired February 27, 1987).
 See: 19 N.J.R. 246(a).
 Payment levels raised in 1987.
 Adopted Concurrent Proposal, R.1987 d.172, effective April 6, 1987.
 See: 19 N.J.R. 246(a), 19 N.J.R. 533(a).
 Emergency Amendment, R.1988 d.54, effective and operative January 4, 1988 (expired March 4, 1988).
 See: 20 N.J.R. 208(a).
 Payment levels raised in 1988.
 Adopted Concurrent Proposal, R.1988 d.143, effective March 4, 1988.
 See: 20 N.J.R. 208(a), 20 N.J.R. 809(c).
 Emergency Amendment, R.1989 d.58, effective December 30, 1988 (operative January 1, 1989, expired February 28, 1989).
 See: 21 N.J.R. 208(a).
 Payment levels raised in 1989.
 Amended by R.1989 d.98, effective February 21, 1989.
 See: 20 N.J.R. 2563(a), 21 N.J.R. 511(a).
 Recodified from Appendix A.
 Amended by R.1989 d.172, effective February 28, 1989.
 See: 21 N.J.R. 208(a), 21 N.J.R. 764(a).
 Provisions of emergency amendment retained.
 Emergency Amendment, R.1990 d.23, effective December 15, 1989, operative January 1, 1990 (expired February 13, 1990).
 See: 22 N.J.R. 64(a).
 Payment levels increased.

Adopted Concurrent Proposal, R.1990 d.149, effective February 7, 1990.
 See: 22 N.J.R. 64(a), 22 N.J.R. 800(a).
 Provisions of emergency amendment R.1990 d.23 readopted without change.
 Emergency Amendment, R.1991 d.38, effective December 31, 1990; operative January 1, 1991 (expires March 1, 1991).
 See: 23 N.J.R. 234(a).
 Increased Payment Levels.
 Adopted Concurrent Proposal, R.1991 d.168, effective February 27, 1991.
 See: 23 N.J.R. 234(a), 23 N.J.R. 1008(a).
 Provisions of emergency amendment R.1991 d.38 readopted without change.
 Emergency Amendment, R.1992 d.39, effective December 26, 1991; operative January 1, 1992 (expires February 24, 1992).
 See: 24 N.J.R. 300(a).
 Increased payment levels.
 Adopted concurrent proposal, R.1992 d.124, effective February 21, 1992.
 See: 24 N.J.R. 300(a), 24 N.J.R. 952(a).
 Provisions of emergency amendment R.1992 d.39 readopted without change.
 Amended by R.1993 d.166, effective April 19, 1993.
 See: 24 N.J.R. 434(a), 25 N.J.R. 1764(b).
 Passthrough of 3 percent Federal COLA and incorporation by reference of such future COLAs to be published as a notice of administrative change in the New Jersey Register.
 Administrative Change: Payment levels, effective January 1, 1994.
 See: 26 N.J.R. 235(b).
 Administrative Change: Payment levels, effective January 1, 1995.
 See: 26 N.J.R. 5023(a).
 Administrative Change: Payment levels, effective January 1, 1996.
 See: 28 N.J.R. 185(a).

Case Notes

Appeals remanded for determination regarding whether former regulation setting forth specific monthly income level as cutoff for home health care benefits under the Medical Assistance for the Aged program provided a minimum standard of living compatible with decency and health. *Texter v. Dept. of Human Services*, 178 N.J.Super. 104, 428 A.2d 505 (App.Div.1981) affirmed in part, modified in part 88 N.J. 376, 443 A.2d 178 (1982).