

CHAPTER 155**CATASTROPHIC ILLNESS IN CHILDREN
RELIEF FUND PROGRAM****Authority**

N.J.S.A. 26:2-148 et seq., specifically 26:2-159.

Source and Effective Date

R.1999 d.354, effective September 17, 1999.
See: 31 N.J.R. 2164(a), 31 N.J.R. 3090(a).

Executive Order No. 66(1978) Expiration Date

Chapter 155, Catastrophic Illness in Children Relief Fund Program, expires on September 17, 2004.

Chapter Historical Note

Chapter 155, Catastrophic Illness in Children Relief Fund Program, originally codified in Title 8 as Chapter 18, Catastrophic Illness in Children Relief Fund Program, was filed and became effective prior to September 1, 1969.

Chapter 18, Catastrophic Illness in Children Relief Fund Program, was repealed by R.1983 d.101, effective April 4, 1983. See: 14 N.J.R. 1436(b), 15 N.J.R. 544(a).

Chapter 18, Catastrophic Illness in Children Relief Fund Program, was adopted as new rules by R.1989 d.557, effective November 7, 1989. See: 21 N.J.R. 1781(a), 21 N.J.R. 3501(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Catastrophic Illness in Children Relief Fund Program, was readopted as R.1994 d.572, effective October 21, 1994. See: 26 N.J.R. 3573(a), 26 N.J.R. 4380(a).

Chapter 18 was recodified as N.J.A.C. 10:155 by R.1995 d.608, effective December 4, 1995. See: 27 N.J.R. 3554(a), 27 N.J.R. 4890(b).

Pursuant to Executive Order No. 66 (1978), Chapter 155, Catastrophic Illness in Children Relief Fund Program, was readopted as R.1999 d.354, effective September 17, 1999. See: Source and Effective Date. See, also, section annotations.

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**APPENDIX I. EXAMPLES OF CATASTROPHIC
ILLNESS IN CHILDREN RELIEF FUND
PROGRAM****SUBCHAPTER 1. CATASTROPHIC ILLNESS IN
CHILDREN RELIEF FUND PROGRAM****10:155-1.1 Purpose and scope**

(a) The purpose of this subchapter is to establish criteria for eligibility and establish a standard methodology for determining the amount of financial assistance to be allocated for services of a child's health providers and vendors for families in the State of New Jersey whose child suffers from a catastrophic illness.

(b) The procedures established shall be followed by the Catastrophic Illness in Children Relief Fund Commission.

10:155-1.2 Definitions

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

"Act" means P.L. 1987, Chapter 370, N.J.S.A. 26:2-148 et seq. which establishes the Catastrophic Illness in Children Relief Fund.

"Batch" means a grouping of applications for the purpose of applying the provisions of N.J.A.C. 10:155-1.6, 1.7 and 1.8.

"Catastrophic Fund" or "Fund" means the Catastrophic Illness in Children Relief Fund.

"Catastrophic illness" means any illness or condition for which the incurred medical expenses not covered by any other State or Federal program or any other insurance contract or trust funds or settlements relative to the medical condition of a child exceed 10 percent of the first \$100,000 of annual income of a family plus 15 percent the excess income over \$100,000.

"Chairperson" means the chief executive officer of the Commission who is elected by the Commission membership from the public members for a term of one year.

"Child" means a person under 19 years of age.

"Commission" means the 11 member Catastrophic Illness in Children Relief Fund Commission created by the Act and appointed by the Governor to administer the Fund. The Commission, chaired by a public member, is "in but not of" the Department of Human Services.

"Days" means calendar days.

“Eligibility standard” means that dollar amount greater than 10 percent of the first \$100,000 of annual income of a family plus 15 percent of the excess income over \$100,000.

“Executive director” means the professional employed by the Commission, in accordance with NJ Department of Personnel’s procedures, to administer the Fund on a day-to-day basis on behalf of the Commission.

“Family” means a child and the child’s parent, parents, or legal guardian, as the case may be, who is legally responsible for the child’s medical expenses.

“Family responsibility” means the amount equal to 10 percent of the eligibility standard.

“Health insurance” means contracts, excluding automobile insurance contracts, whereby an insurer is obligated to pay or allow a benefit for the child as a named insured due to bodily injury, disablement, sickness, or because of any expense relating thereto or because of expense incurred in the prevention of sickness to include limited scope plans such as dental, vision, and prescription drug.

“Income” means the following:

1. Wages before deductions;
2. Public Assistance;
3. Social Security Benefits;
4. Supplemental Security Income;
5. Unemployment and Workman’s Compensation;
6. Strike Benefits from Union Funds;
7. Veteran’s Benefits;
8. Training Stipends;
9. Alimony;
10. Child Support;
11. Military Family Allotment;
12. Regular Support from Absent Family Member;
13. Pension Payments;
14. Insurance or Annuity Payments;
15. Income from Estates and Trusts;
16. Dividends;
17. Interest Income;
18. Rental Income;
19. Royalties; and
20. Other sources of income not mentioned above; however,
21. Income does not include the following money receipts: withdrawals from a bank; sale of property, house or car; tax refunds; gifts; one-time insurance payments; or compensation from injury, unless the injury directly relates to a child’s condition which is the basis for an application being made to the Fund. Also disregarded is non-cash income and any money raised by fundraising.

“Local agency” means the agency responsible for assisting families in the application process, forwarding applications to the State Office, and making appropriate referrals to other state programs and benefits.

“State Office of Catastrophic Illness in Children Relief Fund (State Office)” means the Office of the Executive Director of the Fund, which has responsibility for administering the Fund on a day-to-day basis on behalf of the Commission.

“Threshold” means the point at which a child’s out-of-pocket medical expenses exceed 10 percent of the first \$100,000 of annual income of a family plus 15 percent of the excess income over \$100,000. After the child’s medical expenses reach this threshold, a child has passed the initial screen for eligibility for assistance from the Fund.

Amended by R.1990 d.619, effective December 17, 1990.

See: 22 N.J.R. 2669(b), 22 N.J.R. 3754(a).

Definition for deductible deleted; definitions of eligibility standard and family responsibility added.

Amended by R.1991 d.595, effective December 16, 1991.

See: 23 N.J.R. 2564(a), 23 N.J.R. 3754(b).

Definition for county case manager deleted; local agency added; money raised by fundraising excluded from definition of income.

Amended by R.1993 d.438, effective September 7, 1993.

See: 25 N.J.R. 2169(a), 25 N.J.R. 4128(a).

Amended by R.1995, d.608, effective December 4, 1995.

See: 27 N.J.R. 3554(a), 27 N.J.R. 4890(b).

Amended by R.1998 d.504, effective October 19, 1998.

See: 30 N.J.R. 2562(a), 30 N.J.R. 3837(a).

Inserted “Chairperson” and “Health insurance”; and in “Family responsibility”, substituted a reference to the eligibility standard for reference to a family’s income.

Amended by R.1999 d.354, effective October 18, 1999.

See: 31 N.J.R. 2164(a), 31 N.J.R. 3090(a).

In “Catastrophic Illness” and “Threshold”, substituted references to 10 percent for references to 15 percent, and substituted references to 15 percent for references to 20 percent; and in “Eligibility standard”, substituted “greater than 10 percent” for “equal to 15 percent” following “amount”, and substituted a reference to 15 percent for a reference to 20 percent.

Case Notes

Availability of severely disabled child’s special needs trust (SNT) rendered co-trustee ineligible for reimbursement from Catastrophic Illness in Children Relief Fund. *Lewis v. Catastrophic Ill. Fund*, 336 N.J.Super. 361 (A.D. 2001).

10:155-1.3 General requirements

(a) Pursuant to the Act, the Fund will provide assistance to families having a child with a catastrophic illness. A child shall have passed the initial screen for eligibility for the Fund’s assistance when a child’s incurred and verified medical expenses (not covered by private insurance or other public programs) for a prior consecutive 12 month period exceed the amount represented by 10 percent of the first \$100,000 of verified annual income of a family plus 15 percent of the excess income over \$100,000.