

**CHAPTER 140****PERSONAL ASSISTANCE SERVICES PROGRAM****Authority**

N.J.S.A. 30:4G-21.

**Source and Effective Date**

R.1997 d.361, effective August 11, 1997.  
 Sec: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 140, Personal Assistance Services Program, expires on August 11, 2002.

**Chapter Historical Note**

Chapter 140, Personal Assistance Services Program, was originally codified in Title 10 as Chapter 123A, Personal Attendant Services Program. Chapter 123A was adopted as R.1992 d.314, effective August 17, 1992. See: 23 N.J.R. 2091(b), 24 N.J.R. 2914(a).

Pursuant to Executive Order No. 66(1978), Chapter 123A, Personal Attendant Services Program, was readopted as R.1997 d.361, effective August 11, 1997, and the chapter was renamed Chapter 123A, Personal Assistance Services Program, Subchapter 5, Personal Attendants, was renamed Subchapter 5, Personal Assistants, and Subchapter 6, Consumer Information and Personal Assistant Training, was adopted as new rules by R.1997 d.361, effective September 2, 1997. See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Chapter 123A, Personal Assistance Services Program, was recodified as N.J.A.C. 10:140, effective March 1, 1999. See: 31 N.J.R. 687(a).

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**SUBCHAPTER 1. GENERAL PROVISIONS****10:140-1.1 Purpose**

(a) Pursuant to the provisions of N.J.S.A. 30:4G-13 et seq., the Department of Human Services provides support to individuals with chronic physical disabilities in meeting their daily needs for personal care and assistance with activities of daily living in order to live independently within their community. The Personal Assistance Services Program, administered by county designated agencies in each of New Jersey's 21 counties and within the limits of funds appropriated or otherwise made available to it, shall assist self-directed adults with chronic physical disabilities to:

1. Be employed in a paid occupation;
2. Receive training or education related to employment; or
3. Actively participate in community-based independent living.

Amended by R.1997 d.361, effective September 2, 1997.  
 See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Designated the existing paragraph as (a); in the first sentence, substituted "within their community" for "and assure quality of service"; rewrote the second sentence; and added clauses 1 and 2.

**10:140-1.2 Scope**

These rules apply to all activities and persons participating in the Personal Assistance Services Program, including, but not limited to, the designated State contracting agency, applicants, consumers, personal assistants, and county agen-

cies administering the program, and subcontracted provider agencies.

Amended by R.1997 d.361, effective September 2, 1997.  
See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Substituted "Personal Assistance Services Program" for "Personal Attendant Services Program", "consumers" for "recipients" and "personal assistants" for "personal attendants".

### 10:140-1.3 Personal Assistance Consumer Bill of Rights

(a) Each consumer, and, as appropriate, each applicant:

1. Shall be treated with courtesy, respect, and full recognition of one's dignity, individuality, and right to control one's own household and lifestyle, including the identification and determination of one's own needs, schedules and the services necessary to meet these needs;
2. Shall be served by personal assistants who are properly trained and competent to perform their duties;
3. Shall receive services in compliance with all State laws and regulations without discrimination based on race, religion, gender, age, creed or disability in the provision or quality of services;
4. Shall be free from mental and physical abuse, neglect and exploitation, and shall be free from chemical and physical restraints;
5. Shall be accorded privacy while receiving services, in communications and in all daily activities;
6. Shall be accorded respect for one's property rights;
7. Shall have one's personal, financial and medical records treated as confidential;
8. Shall be free to fully exercise one's civil and due process rights and to be assisted by a personal assistant as appropriate and necessary;
9. Shall receive in a timely manner all decisions regarding eligibility and amount and kind of services and the reasons therefore in writing and, if appropriate, orally, along with the administrative hearings and appeals procedure;
10. Shall have access to a fair appeals process through which disputes can be resolved;
11. Shall receive written information regarding consumer standards and responsibilities in the Personal Assistance Services Program and shall have them verbally explained as needed;
12. Shall have as few personal assistants entering one's home as possible;
13. Shall have the right to interview, screen and select one's personal assistant; and
14. Shall dismiss those personal assistants who do not respect consumer rights.

Amended by R.1997 d.361, effective September 2, 1997.  
See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Changed the section name; in (a)14, substituted "Shall dismiss" for "To terminate" and "assistants who" for "attendants that"; and substituted "shall" for "to" and "personal assistants" for "personal attendants" throughout the section.

### 10:140-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context indicates otherwise:

"Administrative hearing" means a hearing held by the Office of Administrative Law (OAL) pursuant to N.J.S.A. 52:14B-9 et seq., N.J.S.A. 52:14F-1 et seq., N.J.A.C. 1:1-1 and N.J.A.C. 10:6.

"Administrative review" means an independent examination of an agency action that is conducted by the State Program Administrator or designee, by convening a meeting of the relevant parties in the action under dispute and/or by examining the relevant records and documents in accordance with N.J.A.C. 10:6-1.4.

"Adverse agency action" means the denial, reduction, suspension or termination of services, or the denial of a request for an exception, or the failure to act upon a request for services within prescribed time frames.

"Advisory Council" means the State Consumer Advisory Council on Personal Assistance Services, created by N.J.S.A. 30:4G-20.

"Applicant" means a person who applies for services under the Personal Assistance Services Program.

"Assessor" means a person who is employed by the program to conduct eligibility assessments and has a master's of social work degree, or a bachelor's degree and three years of experience in rehabilitation services, or is a registered nurse with a bachelor of science degree in nursing.

"Available" means, as applied to a caregiver, physically present, able, and appropriate, as determined with full consideration of the consumer's personal situation.

"Chore service" means light housekeeping activities. This service does not include inside or outside maintenance of the dwelling or property.

"Chronic physical disability" means a severe impairment of a permanent nature which so restricts a person's ability to perform essential activities of daily living that the person needs assistance to maintain the person's independence and health.

"Commissioner" means the Commissioner of the Department of Human Services.

3. The county designated agency shall review the request for an extension and shall make a determination on whether to grant an extended suspension beyond the initial period or to terminate services. All decisions will be made on a case-by-case basis.

4. At the end of a 90-day suspension period, the county designated agency shall determine whether the consumer's services are to be resumed or terminated, and provide appropriate written notification to the consumer regarding the decision rendered.

(c) Consumers who are involuntarily suspended or terminated from services shall receive written notice from the county designated agency at least 30 days prior to the effective date of the suspension or termination. Consumers may receive notice of an involuntary suspension or termination in less than 30 days at the discretion of the county designated agency in those situations described in (e)4, 7 and 8 below.

(d) Involuntary suspensions or terminations may be the result of State mandated reductions in program funding to the county designated agency when the county designated agency has no alternative means of supplementing funding for the services.

1. In determining whether services will be involuntarily suspended or involuntarily terminated, the county designated agency shall consider the current and future availability of alternative means of funding the services.

2. Consumers shall receive written notice of involuntary suspensions or terminations due to State mandated reductions in program funding, in accordance with N.J.A.C. 10:140-3.9(c).

(e) Involuntary suspensions and terminations shall be a result of non-compliance with program regulations and procedures which include, but are not limited to:

1. Failure to submit information necessary to determine or reaffirm social and financial program eligibility in a timely fashion in accordance with N.J.A.C. 10:140-3.2 and 3.3(d);

2. Failure to pay the appropriate consumer fee or to sign time sheets as specified in N.J.A.C. 10:140-4.3(b) and (g), respectively;

3. Failure to comply with the training requirements specified in N.J.A.C. 10:140-6.1;

4. Abuse or misuse of personal assistance services or personal assistants as verified by the county designated agency;

5. Continued non-acceptance and/or dismissal of personal assistants without proper justification;

6. Failure to meet program eligibility requirements pursuant to N.J.A.C. 10:140-2.1, unless an exception has

been granted in accordance with N.J.A.C. 10:140-2.2 and 2.3;

7. Failure of the consumer to manage personal situations which result in placing the health or welfare of a personal assistant at increased risk, as determined by the county designated agency; or

8. Duplication of personal assistance services through other service programs or funding sources as verified by the county designated agency.

(f) In determining whether services will be involuntarily suspended or involuntarily terminated as described in (e) above, the county designated agency shall consider the specifics of the situation, on a case-by-case basis, including, but not limited to, the following factors:

1. The severity of the situation;

2. Any recurrences or patterns in the situation; and

3. The effort and willingness demonstrated by the consumer to resolve the issue or to mediate the problem.

Recodified from 10:123A-3.8 and amended by R.1997 d.361, effective September 2, 1997.

See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Inserted new (b) and (d); recodified (b) as (c) and (c) as (e); and added (f). Former N.J.A.C. 10:123A-3.9, "Adverse agency actions", recodified to N.J.A.C. 10:123A-3.10.

#### 10:140-3.10 Adverse agency actions

(a) An applicant or consumer may request an administrative review of an agency denial, reduction, suspension or termination of services, denial of a request for an exception, or a failure to act upon a request for services within prescribed time frames.

(b) If services received or requested are to be denied, reduced, suspended or terminated, the county designated agency shall provide written notice and, if appropriate, oral notice to the applicant or consumer at least 30 days prior to such action. Consumers may receive notice in less than 30 days in accordance with N.J.A.C. 10:140-3.9(c).

(c) The written notice of such adverse action shall indicate the reason(s) for the action to be taken, citing the basis for the decision.

(d) In addition, all written notices of such adverse action shall contain the following statement:

"An applicant to or eligible consumer of the Personal Assistance Services Program, who is dissatisfied with any decision regarding an eligibility determination or other matters pertaining to participation in the Personal Assistance Services Program, may file a request for an administrative review of that decision. The applicant or eligible consumer shall not be afforded an administrative review when the adverse agency action is due to State mandated reductions in funding, unless the request for a review is based on a

claim of inaccuracy or misapplication by the county designated agency.

A request for an administrative review must be made within 30 days of the date of written notice of an adverse agency action.

Requests for an administrative review may be made by telephone or letter to the:

State Program Administrator  
State Office of Disability Services  
PO Box 700  
Trenton, New Jersey 08625-0700  
1-888-285-3036

(e) A request for a review will operate as a stay of any adverse agency action pending the outcome of the administrative review or any subsequent appeal. A stay of an adverse action may be denied either at the discretion of the county designated agency based on a case-by-case determination of severity in one of those situations described in N.J.A.C. 10:140-3.9(e)4 and 7, or because the request for a review based on a State mandated reduction in funding does not claim an incorrect computation or misapplication by the county designated agency.

(f) Once a stay of the adverse agency action is applied, personal assistance services to a consumer shall not be suspended, reduced or terminated prior to the completion of the administrative review and the rendering of the decision, except when:

1. The sole issue is one of a State mandated reduction in funding and the consumer's claim of inaccuracy or misapplication is invalid; or
2. A change in the consumer's circumstances occurs, affecting eligibility or award of services under the Program, while the decision of the administrative review is still pending and the consumer does not request an additional administrative review related to the subsequent adverse agency action.

(g) Within 30 days from the completion of the administrative review, the State Program Administrator shall render a decision and that decision shall be sent in writing to the applicant or consumer.

(h) Applicants or consumers who disagree with the decision of the administrative review may request a hearing before an Administrative Law Judge pursuant to N.J.A.C. 10:140-3.11. Instructions for such requests shall be incorporated into the written results noted in (g) above.

Recodified from 10:123A-3.9 and amended by R.1997 d.361, effective September 2, 1997.  
See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

In (a), inserted “, suspension”, and substituted “prescribed time frames” for “a reasonable time”; in (b), inserted “, suspended” and “unless waived in accordance with N.J.A.C. 10:140-3.9(c)”, and substituted “county designated agency” for “county office”; rewrote (d) and (e); inserted new (f); and recodified (f) and (g) as (g) and (h). Former N.J.A.C. 10:123A-3.10, “Hearings and appeals”, recodified to N.J.A.C. 10:123A-3.11.

#### 10:140-3.11 Hearings and appeals

(a) Administrative hearings under this chapter shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

1. A request for an administrative hearing shall be denied to a consumer who disputes an involuntary suspension, involuntary termination or reduction of services resulting from a State mandated reduction in funds to the county designated agency, unless the request is based on a claim of incorrect computation or misapplication by the county designated agency.

2. In the event that an administrative hearing request is based on a claim that the level of services awarded was computed incorrectly or misapplied as a result of a State mandated reduction in funds, the consumer shall be permitted a stay of an adverse agency action pursuant to N.J.A.C. 10:140-3.10(e).

(b) An administrative hearing may be requested by calling or writing to the:

State Program Administrator  
State Office of Disability Services  
PO Box 700  
Trenton, New Jersey 08625-0700  
1-888-285-3036

(c) In all cases, an administrative hearing must be requested within 30 days of receiving the adverse agency decision noted in N.J.A.C. 10:140-3.10.

(d) Upon receipt of a request for an administrative hearing, the Administrative Hearings Coordinator will then forward the request to the Office of Administrative Law, the State agency responsible for conducting the administrative hearings process.

(e) Upon completion of the administrative hearings process, a final decision regarding the matter in dispute shall be rendered by the director of the designated State agency.

(f) If the applicant or eligible consumer objects to the final decision made in accordance with (e) above, a notice of appeal may be filed by the applicant or eligible consumer with the Appellate Division of the Superior Court of New Jersey. Such appeals shall be made within 45 days of the date of the final decision.

(g) Further information about filing a notice of appeal may be obtained by calling or writing the:

Appellate Division of the Superior Court of New Jersey  
 Richard J. Hughes Justice Complex  
 PO Box 006  
 Trenton, New Jersey 08625-0006  
 (609) 292-4822

Recodified from 10:123A-3.10 and amended by R.1997 d.361, effective September 2, 1997.

See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Inserted (a)1 and (a)2; in (b), amended the Division's address; added (d) through (g); and substituted "administrative hearings" for "hearings" throughout the section. Former N.J.A.C. 10:123A-3.11, "Confidentiality and disclosure of information", recodified to N.J.A.C. 10:123A-3.12.

#### 10:140-3.12 Confidentiality and disclosure of information

(a) All identifiable personal information regarding applicants or consumers under this program obtained or maintained under this program shall be confidential and shall not be released without the written consent of the applicant or consumer or their authorized agent except as noted in (b) and (c) below. In the case of applicants or consumers who have AIDS or are HIV positive, release of any information shall also be subject to the provisions of N.J.S.A. 26:5C-5 et seq. and N.J.A.C. 8:61-4.1.

(b) Disclosure of information without the consent of the applicant, consumer, or his or her authorized agent shall be limited to purposes directly connected with the Program pursuant to State law and regulations. Such purposes shall include, but not be limited to, the following:

1. The determination or reaffirmation of eligibility;
2. The provision of services;
3. The determination of cost share liabilities; and/or
4. Compliance with training requirements.

(c) The prohibition of (a) above against unauthorized disclosure shall not be construed to prevent:

1. The release of statistical or summary data or information in which applicants or consumers cannot be identified;
2. The release to the Attorney General or other legal representative of this State of information or files relating to the claim of any applicant, consumer or his or her authorized agent challenging the Program's statutory or regulatory authority or a determination made pursuant thereto; or
3. The release of information or files to the State Treasurer or to his or her duly authorized representatives for an audit, review of expenditures, or similar activity authorized by law.

Recodified from 10:123A-3.11 and amended by R.1997 d.361, effective September 2, 1997.

See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

In (a), substituted "identifiable personal" for "personally identifiable", and added N.J.A.C. reference; in (b), added "Such purposes shall include, but not be limited to, the following:"; and inserted (b)1 through (b)4.

## SUBCHAPTER 4. CONTRACTING AND FEES

### 10:140-4.1 Contracting for services

(a) The county designated agency shall either:

1. Contract with other service providers, including, but not limited to, private individuals, for the provision of personal assistance services; or
2. Employ individuals as personal assistants where appropriate and develop employment policies consistent with N.J.A.C. 10:140-5 for individuals working as personal assistants.

Amended by R.1997 d.361, effective September 2, 1997.

See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Substituted "county designated agency" for "designated county agency", "personal assistance services" for "personal attendant services", and "personal assistants" for "personal attendants" throughout the section.

### 10:140-4.2 Provider fees

(a) Fees for services under the Personal Assistance Services Program shall be based on an hourly rate to be paid to the contracting service provider agency or contracting individual personal assistant for each hour of personal assistance service provided under this program. The fees for each hour of personal assistance service authorized by the county designated agency shall be paid to the contracting service provider agency or individual personal assistant.

(b) The reimbursement for personal assistance services shall not exceed \$12.00 per hour on weekdays and \$14.00 per hour on weekends and holidays.

(c) The fee for assessments of applicants and as appropriate, eligible consumers shall be \$100.00 for each initial assessment authorized by the county designated agency; \$50.00 for annual reassessments; and \$25.00 for each follow-up assessment authorized by the county designated agency.

(d) The fees for reimbursement of personal assistance services and assessments described in (b) and (c) above shall be reviewed by the Advisory Council every two years.

Amended by R.1997 d.361, effective September 2, 1997.

See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

Rewrote (a) through (c); and added (d).

Amended by R.1999 d.368, effective October 18, 1999.

See: 31 N.J.R. 1439(a), 31 N.J.R. 3089(b).

In (b), increased the maximum weekday reimbursement from \$11.00 to \$12.00 per hour.

### 10:140-4.3 Consumer fees

(a) The consumer fee for personal assistance services shall be based on the ability of the consumer and/or the consumer's spouse to pay for these services. The consumer fee shall apply only to a consumer and that consumer's spouse whose combined annual gross income exceeds the State's applicable income eligibility limit for social services established pursuant to the Social Services Block Grant Act (P.L. 97-35, 42 U.S.C. §§ 1397 et seq.) and set forth at (d) below.

(b) Failure of the consumer to pay the appropriate consumer fee within 60 days of the date of billing pursuant to the consumer sliding fee scale at (d) below, without good cause, shall be grounds for termination or suspension from the Personal Assistance Services Program.

(c) The consumer sliding fee scale schedule at (d) below shall be applied to eligible consumers. For the purposes of assessing consumer fees under this scale, the county designated agency shall calculate family size and annual gross income pursuant to the Social Services Block Grant Act (P.L. 97-35, 42 U.S.C. §§ 1397 et seq.). The percentage column indicated on the fee scale denotes the percentage of the total cost of the service to be paid by the consumer.

(d) The consumer sliding fee scale is as follows:

#### CONSUMER SLIDING FEE SCALE

Single (One Person)	Family (Size 2)	Family (Size 3)	Family (Size 4)	Family (Size 5)	Percentage
0-15,162	0-19,827	0-24,493	0-29,158	0- 33,823	0%
15,163-18,163	19,828-22,828	24,494-27,494	29,159-32,159	33,824- 36,824	1%
18,164-21,164	22,829-25,829	27,495-30,495	32,160-35,160	36,825- 39,825	2%
21,165-24,165	25,830-28,830	30,496-33,496	35,161-38,161	39,826- 42,826	3%
24,166-27,166	28,831-31,831	33,497-36,497	38,162-41,162	42,827- 45,827	4%
27,167-29,167	31,832-33,832	36,498-38,498	41,163-43,163	45,828- 47,828	5%
29,168-31,168	33,833-35,833	38,499-40,499	43,164-45,164	47,829- 49,829	6%
31,169-33,169	35,834-37,834	40,500-42,500	45,165-47,165	49,830- 51,830	7%
33,170-35,170	37,835-39,835	42,501-44,501	47,166-49,166	51,831- 53,831	8%
35,171-36,171	39,836-40,836	44,502-45,502	49,167-50,167	53,832- 54,832	9%
36,172-37,172	40,837-41,837	45,503-46,503	50,168-51,168	54,833- 55,833	10%
37,173-38,173	41,838-42,838	46,504-47,504	51,169-52,169	55,834- 56,834	11%
38,174-39,174	42,839-43,839	47,505-48,505	52,170-53,170	56,835- 57,835	12%
39,175-39,675	43,840-44,340	48,506-49,006	53,171-53,671	57,836- 58,336	13%
39,676-40,176	44,341-44,841	49,007-49,507	53,672-54,172	58,337- 58,837	14%
40,177-40,677	44,842-45,342	49,508-50,008	54,173-54,673	58,838- 59,338	15%
40,678-41,178	45,343-45,843	50,009-50,509	54,674-55,174	59,339- 59,839	16%
41,179-41,679	45,844-46,344	50,510-51,010	55,175-55,675	59,840- 60,340	17%
41,680-42,180	46,345-46,845	51,011-51,511	55,676-56,176	60,341- 60,841	18%
42,181-42,681	46,846-47,346	51,512-52,012	56,177-56,677	60,842- 61,342	19%
42,682-43,182	47,347-47,847	52,013-52,513	56,678-57,178	61,343- 61,843	20%
43,183-43,683	47,848-48,348	52,514-53,014	57,179-57,679	61,844- 62,344	21%
43,684-44,184	48,349-48,849	53,015-53,515	57,680-58,180	62,345- 62,845	22%
44,185-44,685	48,850-49,350	53,516-54,016	58,181-58,681	62,846- 63,346	23%
44,686-45,186	49,351-49,851	54,017-54,517	58,682-59,182	63,347- 63,847	24%
45,187-45,687	49,852-50,352	54,518-55,018	59,183-59,683	63,848- 64,348	25%
45,688-46,188	50,353-50,853	55,019-55,519	59,684-60,184	64,349- 64,849	26%
46,189-46,689	50,854-51,354	55,520-56,020	60,185-60,685	64,850- 65,350	27%
46,690-47,190	51,355-51,855	56,021-56,521	60,686-61,186	65,351- 65,851	28%
47,191-47,691	51,856-52,356	56,522-57,022	61,187-61,687	65,852- 66,352	29%
47,692-48,192	52,357-52,857	57,023-57,523	61,688-62,188	66,353- 66,853	30%
48,193-48,693	52,858-53,358	57,524-58,024	62,189-62,689	66,854- 67,354	31%
48,694-49,194	53,359-53,859	58,025-58,525	62,690-63,190	67,355- 67,855	32%
49,195-49,695	53,860-54,360	58,526-59,026	63,191-63,691	67,856- 68,356	33%
49,696-50,196	54,361-54,861	59,027-59,527	63,692-64,192	68,357- 68,857	34%
50,197-50,697	54,862-55,362	59,528-60,028	64,193-64,693	68,858- 69,358	35%
50,698-51,198	55,363-55,863	60,029-60,529	64,694-65,194	69,359- 69,859	36%
51,199-51,699	55,864-56,364	60,530-61,030	65,195-65,695	69,860- 70,360	37%
51,700-52,200	56,365-56,865	61,031-61,531	65,696-66,196	70,361- 70,861	38%
52,201-52,701	56,866-57,366	61,532-62,032	66,197-66,697	70,862- 71,362	39%
52,702-53,202	57,367-57,867	62,033-62,533	66,698-67,198	71,363- 71,863	40%
53,203-53,703	57,868-58,368	62,534-63,034	67,199-67,699	71,864- 72,364	41%
53,704-54,204	58,369-58,869	63,035-63,535	67,700-68,200	72,365- 72,865	42%
54,205-54,705	58,870-59,370	63,536-64,036	68,201-68,701	72,866- 73,366	43%

Single (One Person)	Family (Size 2)	Family (Size 3)	Family (Size 4)	Family (Size 5)	Percentage
54,706-55,206	59,371-59,871	64,037-64,537	68,702-69,202	73,367- 73,867	44%
55,207-55,707	59,872-60,372	64,538-65,038	69,203-69,703	73,868- 74,368	45%
55,708-56,208	60,373-60,873	65,039-65,539	69,704-70,204	74,369- 74,869	46%
56,209-56,709	60,874-61,374	65,540-66,040	70,205-70,705	74,870- 75,370	47%
56,710-57,210	61,375-61,875	66,041-66,541	70,706-71,206	75,371- 75,871	48%
57,211-57,711	61,876-62,376	66,542-67,042	71,207-71,707	75,872- 76,372	49%
57,712-58,212	62,377-62,877	67,043-67,543	71,708-72,208	76,373- 76,873	50%
58,213-58,713	62,878-63,378	67,544-68,044	72,209-72,709	76,874- 77,374	51%
58,714-59,214	63,379-63,879	68,045-68,545	72,710-73,210	77,375- 77,875	52%
59,215-59,715	63,880-64,380	68,546-69,046	73,211-73,711	77,876- 78,376	53%
59,716-60,216	64,381-64,881	69,047-69,547	73,712-74,212	78,377- 78,877	54%
60,217-60,717	64,882-65,382	69,548-70,048	74,213-74,713	78,878- 79,378	55%
60,718-61,218	65,383-65,883	70,049-70,549	74,714-75,214	79,379- 79,879	56%
61,219-61,719	65,884-66,384	70,550-71,050	75,215-75,715	79,880- 80,380	57%
61,720-62,220	66,385-66,885	71,051-71,551	75,716-76,216	80,381- 80,881	58%
62,221-62,721	66,886-67,386	71,552-72,052	76,217-76,717	80,882- 81,382	59%
62,722-63,222	67,387-67,887	72,053-72,553	76,718-77,218	81,383- 81,883	60%
63,223-63,723	67,888-68,388	72,554-73,054	77,219-77,719	81,884- 82,384	61%
63,724-64,224	68,389-68,889	73,055-73,555	77,720-78,220	82,385- 82,885	62%
64,225-64,725	68,890-69,390	73,556-74,056	78,221-78,721	82,886- 83,386	63%
64,726-65,226	69,391-69,891	74,057-74,557	78,722-79,222	83,387- 83,887	64%
65,227-65,727	69,892-70,392	74,558-75,058	79,223-79,723	83,888- 84,388	65%
65,728-66,228	70,393-70,893	75,059-75,559	79,724-80,224	84,389- 84,889	66%
66,229-66,729	70,894-71,394	75,560-76,060	80,225-80,725	84,890- 85,390	67%
66,730-67,230	71,395-71,895	76,061-76,561	80,726-81,226	85,391- 85,891	68%
67,231-67,731	71,896-72,396	76,562-77,062	81,227-81,727	85,892- 86,392	69%
67,732-68,232	72,397-72,897	77,063-77,563	81,728-82,228	86,393- 86,893	70%
68,233-68,733	72,898-73,398	77,564-78,064	82,229-82,729	86,894- 87,394	71%
68,734-69,234	73,399-73,899	78,065-78,565	82,730-83,230	87,395- 87,895	72%
69,235-69,735	73,900-74,400	78,566-79,066	83,231-83,731	87,896- 88,396	73%
69,736-70,236	74,401-74,901	79,067-79,567	83,732-84,232	88,397- 88,897	74%
70,237-70,737	74,902-75,402	79,568-80,068	84,233-84,733	88,898- 89,398	75%
70,738-71,238	75,403-75,903	80,069-80,569	84,734-85,234	89,399- 89,899	76%
71,239-71,739	75,904-76,404	80,570-81,070	85,235-85,735	89,900- 90,400	77%
71,740-72,240	76,405-76,905	81,071-81,571	85,736-86,236	90,401- 90,901	78%
72,241-72,741	76,906-77,406	81,572-82,072	86,237-86,737	90,902- 91,402	79%
72,742-73,242	77,407-77,907	82,073-82,573	86,738-87,238	91,403- 91,903	80%
73,243-73,743	77,908-78,408	82,574-83,074	87,239-87,739	91,904- 92,404	81%
73,744-74,244	78,409-78,909	83,075-83,575	87,740-88,240	92,405- 92,905	82%
74,245-74,745	78,910-79,410	83,576-84,076	88,241-88,741	92,906- 93,406	83%
74,746-75,246	79,411-79,911	84,077-84,577	88,742-89,242	93,407- 93,907	84%
75,247-75,747	79,912-80,412	84,578-85,078	89,243-89,743	93,908- 94,408	85%
75,748-76,248	80,413-80,913	85,079-85,579	89,744-90,244	94,409- 94,909	86%
76,249-76,749	80,914-81,414	85,580-86,080	90,245-90,745	94,910- 95,410	87%
76,750-77,250	81,415-81,915	86,081-86,581	90,746-91,246	95,411- 95,911	88%
77,251-77,751	81,916-82,416	86,582-87,082	91,247-91,747	95,912- 96,412	89%
77,752-78,252	82,417-82,917	87,083-87,583	91,748-92,248	96,413- 96,913	90%
78,253-78,753	82,918-83,418	87,584-88,084	92,249-92,749	96,914- 97,414	91%
78,754-79,254	83,419-83,919	88,085-88,585	92,750-93,250	97,415- 97,915	92%
79,255-79,755	83,920-84,420	88,586-89,086	93,251-93,751	97,916- 98,416	93%
79,756-80,256	84,421-84,921	89,087-89,587	93,752-94,252	98,417- 98,917	94%
80,257-80,757	84,922-85,422	89,588-90,088	94,253-94,753	98,918- 99,418	95%
80,758-81,258	85,423-85,923	90,089-90,589	94,754-95,254	99,419- 99,919	96%
81,259-81,759	85,924-86,424	90,590-91,090	95,255-95,755	99,920-100,420	97%
81,760-82,260	86,425-86,925	91,091-91,591	95,756-96,256	100,421-100,921	98%
82,261-82,761	86,926-87,426	91,592-92,092	96,257-96,757	100,922-101,422	99%
82,762-83,262	87,427-87,927	92,093-92,593	96,758-97,258	101,423-101,923	100%

(e) Each consumer and that consumer's spouse shall provide verification of annual gross family income for determination of applicable fees upon application to the Personal Assistance Services Program and every 12 months thereafter. The determination of applicable fees shall be made by

the county designated agency and redetermined every 12 months.

1. Acceptable verification includes, but is not limited to, pay stubs, W-2 forms or photostatic copies of the actual 1040 form filed with the Internal Revenue Service,

business records, pension statements and/or correspondence from employers or agencies (for example, Social Security Administration, State employment agencies).

(f) If the costs of an eligible consumer's personal assistance services are covered in whole or in part by another State or Federal government program or insurance contract, the government program or insurance carrier shall be the primary payer and the Personal Assistance Services Program shall be the secondary payer.

(g) The consumer receiving personal assistance services shall sign time sheets attesting to the hours of service rendered, and the individual personal assistant or provider agency shall then be paid by the county designated agency.

(h) Upon determination of the applicable consumer fees pursuant to this section, the county designated agency shall provide the consumer with a billing of the cost of personal assistance services to be paid by the consumer on a monthly basis.

(i) All collected consumer fees shall be retained by the county designated agency for the provision of personal assistance services.

Amended by R.1997 d.361, effective September 2, 1997.  
See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

In (b), substituted "Failure of the consumer" for "Consumer failure"; in (c), substituted "consumers" for "individuals and their spouses", and inserted the second sentence; in (d), substituted "consumer sliding fee scale" for "client sliding fee scale"; in (e), substituted "annual gross family income" for "his or her income"; and added the second sentence; in (g), substituted "time sheets" for "weekly vouchers"; added (h) and (i); and substituted "consumer's" for individual's, "Personal Assistance Services" for "Personal Attendant Services", "personal assistance" for "personal attendant"; and "county designated agency" for "designated county agency" throughout the section.

#### 10:140-4.4 Standards for adjustments in consumer fees

(a) Adjustments in consumer fees shall be based on verifiable increased or decreased expenses which result from the consumer's disability which may include, but are not limited to, items such as:

1. Unreimbursed or unreimbursable medical expenses;
2. Transportation expenses;
3. Adaptations to home or vehicle that are related to the consumer's disability; or
4. Unreimbursed or unreimbursable additional hours of personal assistance services over and above those hours authorized to the consumer by this program, if certified as necessary by the county designated agency and if paid for by the consumer out of pocket.

(b) Adjustments in consumer fees may also be considered when the following verifiable expenses are increased or decreased:

1. College tuition;

2. Alimony/child support; or
3. Emergency home repair expenses.

(c) Adjustments in consumer fees shall be re-evaluated annually or more frequently if necessary in order to redetermine the eligible consumer's ability to pay for services.

Amended by R.1997 d.361, effective September 2, 1997.  
See: 29 N.J.R. 1456(a), 29 N.J.R. 3883(a).

In (a)3, added "that are related to the consumer's disability"; in (a)4, added "and if paid for by the consumer out of pocket"; in (c) added "in order to redetermine the eligible consumer's ability to pay for services"; and substituted "personal assistance" for "personal attendant", and "county designated agency" for "designated county agency" throughout the section.

#### 10:140-4.5 Procedures for requesting adjustments in consumer fees

(a) A consumer requesting adjustments in consumer fees shall submit a written request and justification to the county designated agency. Within 60 days following the date that the required forms for completing the adjustment are received by the consumer from the county designated agency, the consumer shall submit verification of expenses pursuant to N.J.A.C. 10:140-4.4.

(b) Upon receipt of a written request and justification for a consumer fee adjustment, the county designated agency shall review the request and submit to the State Program Administrator materials pertaining to the request along with a recommendation regarding the appropriateness of the request and the amount of the adjustment.

(c) Upon receipt of the information described in N.J.A.C. 10:140-4.5(b), the State Program Administrator shall review the request and recommendation and render a decision based on the facts presented.

(d) Upon receipt of a decision by the county designated agency from the State Program Administrator, the county designated agency shall provide the consumer with written notice regarding the disposition of the request for an adjustment in consumer fee.

(e) Adjustments in consumer fee which are approved shall be effective as of the first day of the calendar month succeeding the month in which the written request is received by the county designated agency.

(f) A consumer requesting adjustment in his or her consumer fee shall continue to pay the original percentage of the total cost of service assessed pursuant to N.J.A.C. 10:140-4.3(a), (b), (c), and (d), pending the consumer's submission of written justification and verification of expenses under N.J.A.C. 10:140-4.5(a) and (b) and approval by the State Program Administrator of the consumer's request for an adjustment under N.J.A.C. 10:140-4.5(c).