

CHAPTER 260

AN ACT concerning the "Catastrophic Illness in Children Relief Fund" and amending P.L.1987, c.370.

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

1. Section 2 of P.L.1987, c.370 (C.26:2-149) is amended to read as follows:

C.26:2-149 Definitions relative to catastrophic illness in children.

2. As used in this act:
 - a. "Catastrophic illness" means any illness or condition the medical expenses of which are not covered by any other State or federal program or any insurance contract and exceed 10% of the first \$100,000 of annual income of a family plus 15% of the excess income over \$100,000.
 - b. "Child" means a person 21 years of age and under.
 - c. "Commission" means the Catastrophic Illness in Children Relief Fund Commission.
 - d. "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.
 - e. "Fund" means the Catastrophic Illness in Children Relief Fund.
 - f. "Income" means all income, from whatever source derived, actually received by a family.
 - g. "Resident" means a person legally domiciled within the State for a period of three months immediately preceding the date of application for inclusion in the program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile. Absence from this State for a period of 12 months or more is prima facie evidence of abandonment of domicile. The burden of establishing legal domicile within the State is upon the parent or legal guardian of a child.

2. Section 7 of P.L.1987, c.370 (C.26:2-154) is amended to read as follows:

C.26:2-154 Powers; duties.

7. The commission has, but is not limited to, the following powers and duties:
 - a. Establish in conjunction with the Special Child Health Services program established pursuant to P.L.1948, c.444 (C.26:1A-2 et seq.) a program for the purposes of this act, administer the fund and authorize the payment or reimbursement of the medical expenses of children with catastrophic illnesses;
 - b. Establish procedures for application to the program, determining the eligibility for the payment or reimbursement of medical expenses for each child, and processing fund awards and appeals. The commission shall also establish procedures to provide that, in the case of an illness or condition for which the family, after receiving assistance pursuant to this act, recovers damages for the child's medical expenses pursuant to a settlement or judgment in a legal action, the family shall reimburse the fund for the amount of assistance received, or that portion thereof covered by the amount of the damages less the expense of recovery;
 - c. Establish the amount of reimbursement for the medical expenses of each child using a sliding fee scale based on a family's ability to pay for medical expenses which takes into account family size, family income and assets and family medical expenses and adjust the financial eligibility criteria established pursuant to subsection a. of section 2 of this act based upon the moneys available in the fund;
 - d. Disseminate information on the fund and the program to the public;
 - e. Adopt bylaws for the regulation of its affairs and the conduct of its business, adopt an official seal and alter the same at pleasure, maintain an office at the place within the State as it may designate, and sue and be sued in its own name;
 - f. Appoint, retain or employ staff, experts or consultants on a contract basis or otherwise, who are deemed necessary, and employ investigators or other professionally qualified personnel who may be in the noncompetitive division of the career service of the Civil Service, and as may be within the limits of funds appropriated or otherwise made available to it for its purposes;
 - g. Maintain confidential records on each child who applies for assistance under the fund;
 - h. Do all other acts and things necessary or convenient to carry out the purposes of this act;and
 - i. Adopt rules and regulations in accordance with the "Administrative Procedure Act,"

P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.

3. Section 9 of P.L.1987, c.370 (C.26:2-156) is amended to read as follows:

C.26:2-156 Financial assistance.

9. Whenever a child has a catastrophic illness and is eligible for the program, the child, through his parent or legal guardian, shall receive financial assistance from monies in the fund subject to the rules and regulations established by the commission and the availability of monies in the fund. The financial assistance shall include, but is not limited to, payments or reimbursements for the cost of medical treatment, hospital care, drugs, nursing care and physician services.

4. This act shall take effect immediately and shall be retroactive to January 1, 2002.

Approved January 14, 2004.