

**ADOPTION SECTION**

**HUMAN SERVICES**

**DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

**Notice of January 1, 2013 Increase in the Community Spouse's Share of a Couple's Combined Countable Resources**

**Medicaid Only**

**Notice of Administrative Changes**

**N.J.A.C. 10:71-4.8**

Agency Control Number: 13-PN-03.

**Take notice** that, pursuant to N.J.A.C. 10:71-4.8(a)1 and (a)1i, the Department of Human Services is adjusting the maximum and minimum amounts of a community spouse's share of a couple's combined countable resources, as indexed annually in accordance with 42 U.S.C. § 1396r-5(g). The maximum amount is increased from \$113,640 to \$115,920 and the minimum amount is increased from \$22,728 to \$23,184. The last public notice regarding such indexing may be found at 44 N.J.R. 1780(b).

**Full text** of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### 10:71-4.8 Institutional eligibility; resources of a couple

(a) In the determination of resource eligibility for an individual requiring long-term care, the county welfare agency shall establish the combined countable resources of a couple as of the first period of continuous institutionalization beginning on or after September 30, 1989. This determination shall be made upon request for a resource assessment in accordance with N.J.A.C. 10:71-4.9 or at the time of application for Medicaid benefits. The total countable resources of the couple shall include all resources owned by either member of the couple individually or together. The county welfare agency shall establish a share of the resources to be attributed to the community spouse in accordance with this section. (No community spouse's share of resources may be established if the institutionalized individual's current continuous period of institutionalization began at any time before September 30, 1989.)

1. The community spouse's share of the couple's combined countable resources is based on the couple's countable resources as of the first moment of the first day of the month of the current period of institutionalization beginning on or after September 30, 1989 and shall not exceed \$[113,640]**115,920**, as indexed annually in accordance with 42 U.S.C. § 1396r-5(g) and published as a notice in the New Jersey Register, and unless authorized in (a)4 or 5 below. The community spouse's share of the couple's resources shall be the greater of:

i. \$[22,728]**23,184**, as indexed annually in accordance with 42 U.S.C. § 1396r-5(g) and published as a notice in the New Jersey Register; or

ii. (No change.)

2. - 9. (No change.)