

ADOPTION SECTION

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of January 1, 2013 Income Standards for Medicaid Only Eligibility

Notice of Administrative Changes

Medicaid Only

N.J.A.C. 10:71-5.4, 5.5, 5.6, and 5.9

Agency Control Number: 13-PN-02.

Take notice that, pursuant to N.J.A.C. 10:71-5.4(a)12, the Department of Human Services is adjusting the maximum income level of persons not determined to be "living in the household of another" who receive in-kind support and maintenance to reflect the annual cost-of-living adjustment to the SSI payment standard made by the Social Security Administration in accordance with 42 U.S.C. § 1382f. The income level (at N.J.A.C. 10:71-5.4(a)12) for an individual shall be \$256.67 and for a couple shall be \$375.33. The last public notice regarding such indexing may be found at 44 N.J.R. 1780(c).

Take further notice that, pursuant to N.J.A.C. 10:71-5.5(g), Table A of that subsection, which is used in deeming computation amounts, is being revised in accordance with Federal cost-of-living adjustments made pursuant to 42 U.S.C. §

1382f. The last public notice regarding such indexing may be found at 44 N.J.R.

1780(c). The adjusted amounts shall be:

1. The living allowance for each ineligible child shall be \$356.00.
2. The remaining income amount for Head of Household shall be \$355.00.
3. The remaining income amount for those receiving support and maintenance shall be \$237.33.
4. The spouse to spouse deeming eligibility levels are increased to:
 - i. Residential healthcare facility: \$1,804.36.
 - ii. Eligible individual living alone or with ineligible spouse: \$1,219.
 - iii. Living alone or with others: \$1,097.25.
 - iv. Living in the household of another: \$803.09.
5. The parental allowance--deeming to children remaining income is increased to:
 - i. Earned only, one parent: \$1,420.
 - ii. Earned only, parent and spouse of parent: \$2,132.
 - iii. Unearned only, one parent: \$710.00.
 - iv. Unearned only, parent and spouse of parent: \$1,066.
 - v. Both earned and unearned, one parent: \$710.00.
 - vi. Both earned and unearned, parent and spouse of parent: \$1,066.

Take further notice that, pursuant to N.J.A.C. 10:71-5.6(a), the eligibility income standards for aged, blind, and disabled persons who make application for Medicaid Only benefits are being adjusted to reflect the annual cost-of-living adjustment to the

Social Security Income (SSI) payment standard made by the Social Security Administration in accordance with 42 U.S.C. § 1382f. The eligibility income standards are codified at N.J.A.C. 10:71-5.6(c)5 in Table B. The last public notice regarding such indexing may be found at 44 N.J.R. 1780(c). The adjusted monthly income levels shall be:

Variation in Living Arrangements	Medicaid Eligibility Income Standards	
	<u>Individual</u>	<u>Couple</u>
1. Residential Healthcare Facility	\$920.50	\$1,804.36
2. Living alone or with others	\$741.25	\$1,091.36
3. Living alone or with ineligible spouse	\$1,091.36	
4. Living in household of another	\$517.65	\$803.76
5. Title XIX approved facility: Includes persons in acute general hospitals, nursing facilities, intermediate care facilities/mental retardation (ICF/MR) and licensed special hospitals (Class A, B, C) and Title XIX psychiatric hospitals (for persons under age 21 and age 65 and over) or a combination of such facilities for a full calendar month.	\$2,130.00†	

†Gross income (that is, income prior to any exclusions) is applied to this Medicaid "Cap."

Take further notice that, pursuant to N.J.A.C. 10:71-5.9(e), the Department of Human Services is adjusting, at N.J.A.C. 10:71-5.9(e)2 and 3, the maximum amount of income allowed to be deemed from a sponsor to an alien to reflect the annual cost-of-living adjustment to the SSI standard made by the Social Security Administration in accordance with 42 U.S.C. § 1382f. The last public notice regarding such indexing may be found at 44 N.J.R. 1780(c). In determining the deeming amounts, the county welfare agency shall determine the total gross earned (wages and net earnings from self-employment) and gross unearned income of the sponsor (and spouse if living with the sponsor) and then:

1. Subtract \$710.00 for the sponsor.
2. Subtract \$1,066 for the sponsor if living with his or her spouse.
3. Subtract \$1,420 for the sponsor if his or her spouse is a co-sponsor.
4. Subtract \$ 355.00 for any other dependent of the sponsor who is or could be claimed for Federal Income Tax purposes.

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

10:71-5.4 Includable income

(a) Any income which is not specifically excluded under the provisions of N.J.A.C. 10:71-5.3 shall be includable in the determination of countable income.

Such income shall include, but is not limited to, the following:

1. – 11. (No change.)

12. Support and maintenance furnished in-kind (community cases):

Support and maintenance encompasses the provision to an individual of his or her needs for food, clothing, and shelter at no cost or reduced value.

Persons determined to be "living in the household of another" in accordance with N.J.A.C. 10:71-5.6 shall not be considered to be receiving in-kind support and maintenance as the income eligibility levels have been reduced in recognition of such receipt. Persons not determined to be "living in the household of another" who receive in-kind support and maintenance shall be considered to have income in the amount of:

~~[\$252.66]~~**256.67** for an individual

~~[\$369.33]~~**375.33** for a couple

i. – iii. (No change.)

13. (No change.)

(b) (No change.)

10:71-5.5 Deeming of income

(a) – (g) (No change.)

Table A

Deeming Computation Amounts

1. Living allowance for each ineligible child \$[350.00]**356.00**

2. Remaining income amount

<u>Head of</u> <u>Household</u>	<u>Receiving Support</u> <u>and Maintenance</u>
\$[349.00] 355.00	\$ [273.44] 237.33

3. Spouse to Spouse Deeming--Eligibility Levels

a. Residential Health Care Facility \$[1,786.36]**1,804.36**

b. Eligible Individual Living Alone or with Ineligible
Spouse \$[1,201.00]**1,219.00**

c. Living Alone or with Others \$[1,073.36]**1,097.25**

d. Living in the Household of Another \$ [791.76]**803.09**

4. Parental Allowance--Deeming to Children Remaining Income is:

Parent and

	<u>One Parent</u>	<u>Spouse of Parent</u>
a. Earned only	\$[1,396.00] 1,420.00	\$[2,096.00] 2,132.00
b. Unearned only	\$ [698.00] 710.00	\$[1,048.00] 1,066.00
c. Both earned and unearned	\$ [698.00] 710.00	\$[1,048.00] 1,066.00

10:71-5.6 Income eligibility standards

(a) – (b) (No change.)

(c) The following provisions apply to non-institutional living arrangements:

1. – 4. (No change.)

5. Table B follows:

Table B		Medicaid Eligibility Income Standards	
Variations in Living Arrangements		<u>Individual</u>	<u>Couple</u>
I.	Residential Health Care Facility	\$ [908.05] 920.50	\$[1,786.36] 804.36
II.	Living Alone or with Others	\$ [729.25]	\$[1,073.36]

	741.25	1,091.36
III. Living Alone or with Ineligible Spouse	\$[1,073.36]	
	1,091.36	
IV. Living in Household of Another	\$ [509.65]	\$ [791.76]
	517.65	803.76
V. Title XIX Approved Facility: Includes persons in acute general hospitals, nursing facilities, intermediate care facilities/mental retardation (ICFMR) and licensed special hospitals (Class A, B, C)and Title XIX psychiatric hospitals (for persons under age 21 and age 65 and over) or a combination of such facilities for a full calendar month.	\$[2,094.00†]	
	2,130.00†	

† Gross income (that is, income prior to any income exclusions) is applied to this Medicaid "Cap."

(d) – (e) (No change.)

10:71-5.9 Deeming from sponsor to alien

(a) – (d) (No change.)

(e) To determine the amount of income to be deemed to an alien, the dollar amounts in (e)2 and 3 below will be updated annually by publication of a notice of administrative changes in the New Jersey Register reflecting the Federal cost-of-living adjustment to the SSI standards established pursuant to 42 U.S.C. §1382f.

The CWA shall proceed as follows:

1. (No change.)

2. Subtract \$[698.00]**710.00** for the sponsor, \$[1,048]**1,066** for the sponsor if living with his or her spouse, \$[1,396]**1,420** for the sponsor if his or her spouse is a cosponsor.

3. Subtract \$[349.00]**355.00** for any other dependent of the sponsor who is or could be claimed for Federal Income Tax purposes.

4. (No change.)

(f) (No change.)