



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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ALAN J. GIBBS
Commissioner

SAUL M. KILSTEIN
Director

MEDICAID COMMUNICATION NO. 92-28

DATE: 12/28/92

TO: County Welfare Agency Directors

SUBJECT: January 1, 1993 Income Levels and Spousal Resource Standards for Medicaid Only

REFERENCE: Medicaid Only Manual, N.J.A.C. 10:71-4.8, 5.4, 5.5, 5.6 and 5.7

Attached, in Office of Administrative Law format, are revisions to the Medicaid Only Manual relating to the new eligibility standards and deeming computation amounts. These changes reflect the 3.0 percent Federal cost-of-living adjustment to the SSI eligibility standards. In anticipation of their adoption, we are sharing these new figures with you to be used in eligibility determinations effective January 1, 1993. You will be immediately advised should these new figures not be adopted. Upon adoption of these revisions, replacement pages to the Manual will be issued.

Also, you will note at N.J.A.C. 10:71-4.8, the resource standards for determining how much of a couple's resources are to be protected for the community spouse have been increased effective January 1, 1993.

Questions should be referred to field service staff assigned to your county.

Sincerely,

Saul M. Kilstein
Director

SMK:RHh
Attachment

cc: Marion E. Reitz, Director
Division of Family Development

Nicholas Scalera, Director
Division of Youth and Family Services

Full text of the emergency adoption and concurrent proposal follows (additions indicated in underline 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 a 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 CWA 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 \$[68,700] 70,740 unless authorized in 4 or 5 below. The community spouse's share of the couple's resources shall be the greater of:

i. \$[13,740] 14,148; or

ii. One half of the couple's combined countable resources.

2. through 9. (No change.)

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:

\$[160.67] 164.67 for an individual

\$[231.00] 237.33 for a couple

i. (No change.)

13. (No change.)

(b) (No change.)

10:71-5.5 Deeming of income

(a)-(f) (No change.)

(g) A table for deeming computation amounts follows:

TABLE A

Deeming Computation Amounts

1. Living allowance for each ineligible child \$[211.00] 218.00

2.	Remaining income	Head of	Receiving Support
	amount	Household	and Maintenance
		\$[211.00] <u>218.00</u>	\$[140.66] <u>145.33</u>

3. Spouse to Spouse Deeming - Eligibility Levels

a.	Residential Health Care Facility	\$[1,125.36] <u>1,149.36</u>
b.	Eligible individual living alone with ineligible spouse	\$[869.36] <u>894.36</u>
c.	Living alone or with others	\$[664.25] <u>683.25</u>
d.	Living in the house- hold of another	\$[515.09] <u>527.76</u>

4. Parental Allowance -
Deeming to Children

Remaining income is:		1 Parent	Parent & Spouse of Parent
a.	Earned only	\$[844.00] <u>868.00</u>	\$[1,266.00] <u>1,304.00</u>
b.	Unearned only	\$[422.00] <u>434.00</u>	\$[633.00] <u>651.00</u>
c.	Both earned and unearned	\$[422.00] <u>434.00</u>	\$[633.00] <u>651.00</u>

10:71-5.6 Income eligibility standards

(a) and (b) (No change.)

(c) Non-institutional living arrangements

1.-4. (No change.)

5. Table B follows:

TABLE B

Variations in Living Arrangement	Medicaid Eligibility Income Standards	
	Individual	Couple
I. Residential Health		
Care Facility	\$[572.05] <u>584.05</u>	\$[1,125.36] <u>1,149.36</u>
II. Living Alone or		
with Others	\$[453.25] <u>465.25</u>	\$[658.36] <u>677.36</u>
III. Living alone with		
Ineligible Spouse	\$[658.36] <u>677.36</u>	
IV. Living in the House-		
hold of Another	\$[325.65] <u>333.65</u>	\$[515.09] <u>527.76</u>

V. Title XIX Approved Facility: \$[1,266.00] 1,302.00*

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 under age 21
and age 65 and over) or a
combination of such facilities
for a full calendar month.

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

(d)-(g) (No change.)

10:71-5.7 Deeming from sponsor to alien

(a)-(d) (No change.)

(e) To determine the amount of income to be deemed to an alien, the CWA shall proceed
as follows:

1. (No change.)

2. Subtract \$[422.00] 434.00 for the sponsor, \$[633.00] 651.00 for the sponsor if living with his or her spouse, \$[844.00] 866.00 for the sponsor if his or her spouse is a co-sponsor.
 3. Subtract \$[211.00] 217.00 for any other dependent of the sponsor who is or could be claimed for Federal Income Tax purposes.
 4. (No change.)
- (f) (No change.)