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MEDICAID COMMUNICATION NO. 23-06

DATE: September 11, 2023

TO: NJ FamilyCare Eligibility Determining Agencies

SUBJECT: NJ WorkAbility
N.J.A.C. 10:72-9

Pursuant to recently enacted legislation ([Senate Bill 3455 P.L. 2021, c 344](#)), eligibility under the NJ WorkAbility program has been expanded effective April 1, 2023 with the following changes:

- Individuals aged 65 and older may be eligible under the program, provided that a disability determination was made prior to age 65;
- The income of a spouse shall not be considered in determining eligibility; and
- Assets shall not be considered in determining eligibility.

The legislation provides for additional program expansion, including the removal of the income limit and the establishment of a premium structure. Another Medicaid Communication will be published once these provisions are made operational. Until that time, the income criteria for eligibility remain as follows:

- Countable unearned income must be less than 100% of the Federal Poverty Level. (Social Security Disability benefits and Railroad Disability benefits received by the individual on his or her own account shall not be counted as income.)
- Total countable income (earned and unearned), after disregards, shall not exceed 250% of the Federal Poverty Level.
- If not electronically verified, proof of employment is required and may be documented through the submission of pay stubs or other federally recognized tax forms.

If you have any questions regarding this Medicaid Communication, please refer them to the Division's Office of Eligibility field service staff member for your agency at 609-588-2556.

JLJ:bp

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