

**CHAPTER 78**

**NJ FAMILYCARE**

**Authority**

N.J.S.A. 30:4D-1 et seq. and 30:4J-8 et seq.

**Source and Effective Date**

R.2006 d.347, effective September 1, 2006.  
See: 38 N.J.R. 2602(a), 38 N.J.R. 3095(a), 38 N.J.R. 4222(a).

**Chapter Expiration Date**

Chapter 78, NJ FamilyCare, expires on September 1, 2011.

**Chapter Historical Note**

Chapter 78, NJ FamilyCare, was adopted as special new rules by R.2000 d.393, effective September 6, 2000, to expire March 5, 2001. See: 32 N.J.R. 3603(a). The provisions of R.2000 d.393 were readopted as R.2001 d.113, effective March 5, 2001. See: 32 N.J.R. 3603(a), 33 N.J.R. 1126(a).

Subchapter 9, Premium Support Program (PSP), was adopted as special new rules by R.2001 d.286, effective July 20, 2001. See: 33 N.J.R. 2913(a). Subchapter 9, Premium Support Program (PSP), expired on January 20, 2002.

Subchapter 9, Premium Support Program (PSP), was adopted as new rules by R.2002 d.199, effective July 1, 2002. See: 33 N.J.R. 2913(a), 34 N.J.R. 2331(b).

Subchapter 11, Provisions Governing Former New Jersey Health Access Enrollees, was adopted as special new rules by R.2002 d.29, effective December 21, 2001. See: 34 N.J.R. 602(a), 38 N.J.R. 2602(a), 38 N.J.R. 2828(a).

Chapter 78, NJ FamilyCare, was readopted as R.2006 d.347, effective September 1, 2006. See: Source and Effective Date. See, also, section annotations.

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## SUBCHAPTER 1. INTRODUCTION

### 10:78-1.1 Program outline

(a) This chapter contains the criteria for NJ FamilyCare eligibility for certain uninsured parents, caretakers and caretaker relatives and children not eligible under the provisions of N.J.A.C. 10:69, AFDC-Related Medicaid, and 10:79, NJ FamilyCare Children's Program, as well as certain uninsured single individuals and couples without dependent children not eligible under the provisions of N.J.A.C. 10:90, Work First New Jersey Program. Prior to June 15, 2002, NJ FamilyCare also provided subsidized health insurance to those legal immigrants who were lawfully admitted for permanent residence and who met all other qualifications under the provisions of N.J.A.C. 10:69, 10:72 and 10:79, but for the Federal immigrant residency restrictions. After June 14, 2002, no applications were accepted from individuals who were parents, caretakers and caretaker relatives. As of September 1, 2005, the program was reopened to new applicants who were parents, or caretakers, of dependent children under the age of 19 and who meet the eligibility criteria contained in N.J.A.C. 10:78-3.4(a)6 and this chapter. For all applications received after February 28, 2010, all programs under this chapter are closed to any enrollments of, or benefits for, parents and caretakers whose benefits are not funded or payable under Title XIX of the Social Security Act. Therefore, such applications for such persons will not be processed for enrollment. Additionally, on and after April 1, 2010, applicants or beneficiaries who are adult restricted aliens, as defined at N.J.A.C. 10:78-3.2, are ineligible for enrollment in, or benefits from, the NJ FamilyCare Program and any other program under this chapter, except as allowed pursuant to N.J.A.C. 10:78-3.2(e)2; this termination of enrollments and benefits does not apply to individuals who are pregnant women or children under the age of 19.

(b) Individuals financially ineligible for Medicaid under the provisions of N.J.A.C. 10:71, 10:72 or 10:69 and who are income ineligible for FamilyCare under the provisions of this chapter shall be evaluated for eligibility as Medically Needy under the provisions of N.J.A.C. 10:70.

(c) Eligibility under the provisions of this chapter shall be limited to those individuals not otherwise eligible for Medicaid or NJ FamilyCare, including:

1. Parents and caretakers of children under the age of 19, as described and limited at N.J.A.C. 10:78-3.4;
2. Pregnant women whose income is over 185 percent, but does not exceed 200 percent, of the Federal poverty level (FPL);
3. Immigrant pregnant women lawfully admitted for permanent residence who would be eligible for Medicaid but for Federal immigrant residency restrictions;
4. Single individuals and couples without dependent children; and
5. Children under the age of 21.

(d) Persons found eligible for NJ FamilyCare will receive services as set forth in N.J.A.C. 10:78-7.1, Scope of services.

Special amendment, R.2002 d.214, effective June 10, 2002 (to expire March 5, 2006).

See: 34 N.J.R. 2338(a).

Rewrote (a) and (b).

Amended by R.2006 d.347, effective October 2, 2006.

See: 38 N.J.R. 2602(a), 38 N.J.R. 3095(a), 38 N.J.R. 4222(a).

Rewrote (a); in the introductory paragraph of (c), substituted "FamilyCare" for "KidCare"; in (c)2, inserted "and does not exceed 200 percent," and substituted "level (FPL)" for "line".

Special amendment, R.2010 d.133, effective June 1, 2010.

See: 42 N.J.R. 1404(a).

In (a), deleted a comma following "caretakers", substituted "As" for "However, as", substituted "were" for "are" preceding the third occurrence of "parents", and inserted the last three sentences; and in (c)1, inserted "as described and limited at N.J.A.C. 10:78-3.4".

### 10:78-1.2 Purpose

(a) The purpose of the rules contained within this chapter is to:

1. Set forth eligibility criteria for the NJ FamilyCare program; and
2. Specify the rights and responsibilities of program applicants and beneficiaries.

(b) Circumstances which are neither specifically nor generally addressed in these rules shall be referred to designated staff of the Division of Medical Assistance and Health Services for resolution.

(c) The director of the eligibility determination agency shall assign copies of this chapter to administrative staff, all staff responsible for the determination of NJ FamilyCare eligibility, social services staff as appropriate and shall ensure that each staff member is thoroughly familiar with its requirements in order to apply the policies and procedures consistently.

(d) The Division of Medical Assistance and Health Services shall issue amendments to this chapter as they are promulgated in accordance with New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.