

CHAPTER 71

MEDICAID ONLY MANUAL

Authority

N.J.S.A. 30:4D-3, 7, 7a, 7b and 7c.

Source and Effective Date

R.1995 d.651, effective November 17, 1995.  
See: 27 N.J.R. 3543(a), 27 N.J.R. 5046(a).

Executive Order No. 66(1978) Expiration Date

Chapter 71, Medicaid Only Manual, expires on November 17, 2000.

Chapter Historical Note

All provisions of this chapter became effective July 1, 1976 as R.1976 d.157. See: 7 N.J.R. 464(d), 8 N.J.R. 287(d). Amendments became effective April 1, 1977 as R.1977 d.57. See: 8 N.J.R. 556(b), 9 N.J.R. 126(b). Further amendments became effective October 1, 1977 as R.1977 d.336. See: 9 N.J.R. 341(a), 9 N.J.R. 479(c).

Revisions for 1978: Revisions became effective April 1, 1978 as R.1978 d.73. See: 10 N.J.R. 13(c), 10 N.J.R. 153(a). Further amendments became effective June 22, 1978 as R.1978 d.212. See: 10 N.J.R. 190(c), 10 N.J.R. 344(c). Further amendments became effective August 23, 1978 as R.1978 d.296. See: 10 N.J.R. 106(a), 10 N.J.R. 443(a).

Revisions for 1979: Revisions became effective May 17, 1979 as R.1979 d.198. See: 11 N.J.R. 193(a), 11 N.J.R. 283(d). Further revisions became effective July 1, 1979 as R.1979 d.257. See: 11 N.J.R. 282(b), 11 N.J.R. 382(b). Further amendments became effective November 1, 1979 as R.1979 d.364. See: 11 N.J.R. 379(b), 11 N.J.R. 519(e). Further amendments became effective November 13, 1979 as R.1979 d.449. See: 11 N.J.R. 518(a), 11 N.J.R. 527(d).

Revisions for 1980: Revisions became effective January 16, 1980 as R.1980 d.27. See: 11 N.J.R. 557(b), 12 N.J.R. 86(b). Further revisions became effective May 1, 1980 as R.1980 d.187 and d.188. See: 12 N.J.R. 125(a), 12 N.J.R. 322(b). Further revisions became effective July 1, 1980 as R.1980 d.223. See: 12 N.J.R. 324(b).

Revisions for 1981: The text of Subchapters 4 and 5 was completely replaced effective June 4, 1981 as R.1981 d.177. See: 12 N.J.R. 663(a), 13 N.J.R. 364(b). An emergency amendment became effective July 1, 1981 as R.1981 d.276. See: 13 N.J.R. 501(a). The concurrent proposal of this emergency amendment was adopted effective September 24, 1981 as R.1981 d.385. See: 13 N.J.R. 501(a), 13 N.J.R. 773(a).

Revisions for 1982: Amendments became effective August 31, 1982 as R.1982 d.314. See: 14 N.J.R. 758(a), 14 N.J.R. 1058(a). Further amendments became effective October 18, 1982 as R.1982 d.354. See: 14 N.J.R. 816(a), 14 N.J.R. 1162(c).

Revisions for 1983: Amendments became effective June 6, 1983 as R.1983 d.167. See: 15 N.J.R. 422(a), 15 N.J.R. 925(b). Subchapter 3 was readopted effective July 20, 1983 as R.1983 d.317. See: 15 N.J.R. 948(a), 15 N.J.R. 1382(a). Subchapters 4 and 5 were readopted effective August 22, 1983 as R.1983 d.373. See: 15 N.J.R. 999(b), 15 N.J.R. 1477(a). Further amendments became effective August 30, 1983 as R.1983 d.381. See: 15 N.J.R. 1187(a), 15 N.J.R. 1585(a). Further amendments became effective September 6, 1983 as R.1983 d.373. See: 15 N.J.R. 999(b), 15 N.J.R. 1477(a). An emergency rule and concurrent proposal became effective December 19, 1983 (operative January 1, 1983). See: 15 N.J.R. 1733(a), 15 N.J.R. 2171(a).

Revisions for 1984: Amendments became effective June 18, 1984 as R.1984 d.244. See: 16 N.J.R. 684(a), 16 N.J.R. 1611(a). An emergency adoption became effective September 28, 1984 (operative October 1, 1984) as R.1984 d.467. See: 16 N.J.R. 2845(a). The concurrent

proposal of this emergency amendment was adopted effective November 28, 1984 (with amendments effective January 1, 1985) as R.1984 d.566. See: 16 N.J.R. 2845(a), 16 N.J.R. 3451(a).

Revisions for 1985: Amendments became effective April 15, 1985 (operative May 1, 1985) as R.1985 d.169. See: 17 N.J.R. 39(a), 17 N.J.R. 969(b). Amendments became effective September 16, 1985 as R.1985 d.474. See: 17 N.J.R. 1525(a), 17 N.J.R. 2274(a). An emergency amendment became effective December 27, 1985 (operative January 1, 1986, expires February 24, 1986) as R.1985 d.714. See: 18 N.J.R. 215(a).

Revisions for 1986: Subchapters 7, 8 and 9 were readopted effective January 6, 1986 with amendments effective February 3, 1986 as R.1986 d.5. See: 17 N.J.R. 2340(a), 18 N.J.R. 276(a). Further amendments became effective February 24, 1986 as R.1986 d.74. See: 18 N.J.R. 215(a), 18 N.J.R. 565(a). Further amendments became effective March 3, 1986 as R.1986 d.53. See: 17 N.J.R. 2732(a), 18 N.J.R. 484(a). Further amendments became effective March 17, 1986 as R.1986 d.71. See: 17 N.J.R. 2522(a), 18 N.J.R. 564(b). Further amendments became effective April 7, 1986 (operative May 1, 1986) as R.1986 d.97. See: 17 N.J.R. 2954(a), 18 N.J.R. 691(a). Further amendments became effective May 5, 1986 (operative June 2, 1986) as R.1986 d.165. See: 17 N.J.R. 2524(a), 18 N.J.R. 985(b). An amendment to 10:71-4.2 and repeal of 10:71-4.3 became effective December 15, 1986 as R.1986 d.481. See: 18 N.J.R. 542(a), 18 N.J.R. 2457(a).

Pursuant to Executive Order No. 66(1978), Chapter 71 was readopted as R.1991 d.33, effective December 24, 1990. See: 22 N.J.R. 3357(a), 23 N.J.R. 215(a). Pursuant to Executive Order No. 66(1978), Chapter 71 was readopted as R.1995 d.651, effective November 17, 1995. See: Source and Effective Date. See, also, section annotations.

Law Review and Journal Commentaries

Healthy Financial Planning for Nursing Home Care. Michael K. Feinberg, 138 N.J.Law. 33 (Mag.) (Jan./Feb. 1991).

Nursing Homes in the Garden State: A Legal Perspective. Janice Chapin, 141 N.J.Law. 38 (Mag.) (July/August 1991).

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### SUBCHAPTER 1. INTRODUCTION

#### 10:71-1.1 General introduction

On January 1, 1974, Title XVI of the Social Security Act replaced previous Titles I (Old Age Assistance), X (Aid to the Blind) and XIV (Aid to the Disabled), which were repealed. The Social Security Administration administers Title XVI, Supplemental Security Income (SSI), which provides cash payments to the aged, blind and disabled. Individuals who desire medical care only apply through the county welfare board for the Medicaid Only program under Title XIX.

#### 10:71-1.2 Choice of program by applicant

(a) An aged, blind or disabled person who desires Medicaid and does not wish to receive a money payment may apply for the Medicaid Only program. To qualify for this program, he/she must have financial eligibility as determined by the regulations and procedures set forth in this manual.

(b) Persons who are neither aged, blind nor disabled qualify for Medicaid benefits when they are determined by the county welfare board to be eligible for Title IV-A payments (Aid to Families with Dependent Children) or assistance to the families of the working poor (a State program). Persons whose eligibility is thus established may choose to receive Medicaid Only benefits without accepting money payments. Regulations governing these programs are set forth in the public assistance manual and assistance standards handbook.

#### 10:71-1.3 Living arrangements

(a) Aged, blind and disabled persons who are living in the community and meet the requirements of the SSI program may receive Medicaid Only.

(b) Aged, blind and disabled persons who are receiving care in an eligible medical institution and, because of income or resources, do not qualify for SSI may be eligible for Medicaid Only.