

**CHAPTER 69**

**AFDC-RELATED MEDICAID**

**Authority**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193; the Balanced Budget Act of 1997, Public Law 105-33; Section 1902(a)8, 1902(a)10, 1902(e) and Section 1931(a) of the Social Security Act (42 U.S.C. § 1396a(a)8, 1396a(a)10, 1396a(e) and 1396u-1(a) respectively); 42 C.F.R. 435.2 through 435.170 and 436.100 through 436.128; N.J.S.A. 30:4D-1 et seq.; N.J.S.A. 44:10 -3, P.L. 1997 c.13, 14, 37, 38 and 352.

**Source and Effective Date**

R.2005 d.64, effective January 15, 2005.  
See: 36 N.J.R. 3622(a), 37 N.J.R. 646(a).

**Chapter Expiration Date**

Chapter 69, AFDC-Related Medicaid, expires on January 15, 2010.

**Chapter Historical Note**

Chapter 69, Reimbursement to Pharmaceutical Consultants in Long-Term Care Facilities, was adopted as R.1976 d.6, effective January 9, 1976. See: 7 N.J.R. 504(a), 8 N.J.R. 70(c).

Chapter 69, Reimbursement to Pharmaceutical Consultants in Long-Term Care Facilities, was repealed by Emergency Repeal R.1976 d.216, effective July 12, 1976. See: 8 N.J.R. 385(c).

Chapter 69, Hearing Aid Assistance to the Aged and Disabled, was adopted as new rules by R.1988 d.250, effective June 6, 1988. See: 20 N.J.R. 519(a), 20 N.J.R. 1220(a).

Pursuant to Executive Order No. 66(1978), Chapter 69, Hearing Aid Assistance to the Aged and Disabled, was readopted as R.1993 d.281, effective May 14, 1993. See: 25 N.J.R. 228(a), 25 N.J.R. 2589(a).

Pursuant to Reorganization Plan No. 001-1996, Chapter 69, Hearing Aid Assistance to the Aged and Disabled, was recodified as N.J.A.C. 8:83B, effective October 15, 1997. See: 29 N.J.R. 4679(a).

Chapter 69, AFDC-related Medicaid, was adopted as new rules by R.1999 d.233, effective July 19, 1999. See: 31 N.J.R. 1009(a), 31 N.J.R. 1960(a).

Subchapter 11, Resources, was repealed and Subchapter 11, Resources, was adopted as special new rules by R.2000 d.411, effective September 12, 2000 (to expire March 12, 2001). See: 32 N.J.R. 3598(a). Subchapter 11, Resources, was repealed and Subchapter 11, Resources, was adopted as new rules by R.2001 d.123, effective March 12, 2001. See: 32 N.J.R. 3598(a), 33 N.J.R. 1123(c).

Subchapter 12, Presumptive Eligibility for AFDC-Related Medicaid Children, was adopted as new rules by R.2000 d.266, effective July 3, 2000. See: 32 N.J.R. 159(a), 32 N.J.R. 2493(a).

Chapter 69, AFDC-Related Medicaid, was readopted as R.2005 d.64, effective January 15, 2005. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. AFDC-RELATED MEDICAID IN NEW JERSEY**

- 10:69-1.1 Background
- 10:69-1.2 Purpose and scope
- 10:69-1.3 Administrative organization
- 10:69-1.4 AFDC-related Medicaid
- 10:69-1.5 Definitions

**SUBCHAPTER 2. THE APPLICATION PROCESS**

- 10:69-2.1 General provisions
- 10:69-2.2 Provisions governing the initial contact
- 10:69-2.3 Purpose and scope of first contact
- 10:69-2.4 Completion of forms
- 10:69-2.5 Registration of applications

- 10:69-2.6 Eligibility for Aid to Families with Dependent Children (AFDC)-related Medicaid
- 10:69-2.7 Financial need
- 10:69-2.8 Eligibility factors other than need
- 10:69-2.9 Deprivation of parental support in AFDC-C related Medicaid
- 10:69-2.10 Ineligible family members
- 10:69-2.11 Residence requirement
- 10:69-2.12 Support from relatives
- 10:69-2.13 Repayment (all segments)
- 10:69-2.14 Administrative action on application
- 10:69-2.15 Notice of approval, disapproval and pending status and other information to client
- 10:69-2.16 Withdrawal
- 10:69-2.17 Dismissal of application when client cannot be located
- 10:69-2.18 Verification
- 10:69-2.19 Use of PA-1C as an application request

**SUBCHAPTER 3. ESTABLISHING PROGRAM ELIGIBILITY IN AFDC-RELATED MEDICAID**

- 10:69-3.1 Establishing eligibility for AFDC-related Medicaid
- 10:69-3.2 Documentation and recording of program eligibility requirements
- 10:69-3.3 Sources of evidence regarding eligibility
- 10:69-3.4 Verification of income
- 10:69-3.5 Recording of documentation
- 10:69-3.6 Issuance of summons or subpoena
- 10:69-3.7 Eligible unit
- 10:69-3.8 Applicant and eligible unit AFDC-C and-F
- 10:69-3.9 AFDC-related Medicaid citizenship/eligibility requirements
- 10:69-3.10 Parent in AFDC-C and-F Medicaid segments
- 10:69-3.11 Parent-minor in AFDC-related Medicaid
- 10:69-3.12 Circumstances requiring special handling
- 10:69-3.13 Age requirements
- 10:69-3.14 Noneligible persons in the household
- 10:69-3.15 Deprivation of parental support or care (AFDC-C)
- 10:69-3.16 Continued absence of parent from the home
- 10:69-3.17 Work criteria; determination of principal earner
- 10:69-3.18 Residence requirements
- 10:69-3.19 Temporary absence from State
- 10:69-3.20 Management of out-of-State case records
- 10:69-3.21 Abandonment of State residence
- 10:69-3.22 Notice of termination
- 10:69-3.23 County residence for identification
- 10:69-3.24 Change of county residence
- 10:69-3.25 Verification of residence
- 10:69-3.26 Procedures governing release from State institutions
- 10:69-3.27 Release from a State institution
- 10:69-3.28 Temporary absence of a family member
- 10:69-3.29 Child or parent in an institution
- 10:69-3.30 Absence for reasons other than institutional
- 10:69-3.31 Legally responsible relatives (LRRs)
- 10:69-3.32 Support orders for legally responsible relatives
- 10:69-3.33 (Reserved)
- 10:69-3.34 Liquidation of all debts, claims, interests, settlements, and trust funds
- 10:69-3.35 Repayment
- 10:69-3.36 Action by CBOSS upon voluntary liquidation
- 10:69-3.37 (Reserved)
- 10:69-3.38 Strikers

**SUBCHAPTER 4. MEDICAID SPECIAL**

- 10:69-4.1 General provisions
- 10:69-4.2 Determination of eligibility: Medicaid Special
- 10:69-4.3 College students and Medicaid Special

**SUBCHAPTER 5. CONTINUING ELIGIBILITY IN AFDC-RELATED MEDICAID**

- 10:69-5.1 Continuing eligibility defined
- 10:69-5.2 Requirements for periodic redetermination
- 10:69-5.3 Process of redetermination
- 10:69-5.4 Competency status in AFDC-related Medicaid
- 10:69-5.5 Institutional status in AFDC-related Medicaid
- 10:69-5.6 Requirements with respect to deprivation of parental support or care in AFDC-C
- 10:69-5.7 Marriage or remarriage
- 10:69-5.8 Special conditions relating to parent(s) in AFDC-F
- 10:69-5.9 Legally responsible relatives capacity to support
- 10:69-5.10 Recording and recommendation for changes in AFDC-related Medicaid eligibility
- 10:69-5.11 Notice of agency decision
- 10:69-5.12 Periodic notice to client
- 10:69-5.13 Extension of Medicaid benefits
- 10:69-5.14 Change in eligible unit

**SUBCHAPTER 6. COMPLAINTS, HEARINGS AND ADMINISTRATIVE REVIEWS**

- 10:69-6.1 Definitions
- 10:69-6.2 Right to fair hearing and administrative review
- 10:69-6.3 Responsibilities of the CBOSS in processing hearing requests
- 10:69-6.4 Responsibilities of the Division of Medical Assistance and Health Services
- 10:69-6.5 Responsibilities of the Office of Administrative Law upon transmittal of a contested case from the DMAHS (45 CFR 205.10 and N.J.A.C. 1:1-1 et seq.)
- 10:69-6.6 Administrative hearings and administrative reviews
- 10:69-6.7 Complaints and adjustment procedures
- 10:69-6.8 Time limitations on entitlement to fair hearings
- 10:69-6.9 Eligibility for continued Medicaid coverage
- 10:69-6.10 Access to discovery of information in contested cases
- 10:69-6.11 Representation at hearings
- 10:69-6.12 Disposition of hearing request through withdrawal, abandonment or settlement
- 10:69-6.13 Adjournments
- 10:69-6.14 Hearings involving medical issues
- 10:69-6.15 Decision by Director, Division of Medical Assistance and Health Services

**SUBCHAPTER 7. CASE RECORDS AND FILES**

- 10:69-7.1 Purpose of case records
- 10:69-7.2 Contents of the case record
- 10:69-7.3 Documentation of verification of factors of eligibility
- 10:69-7.4 Maintenance and custody of case records
- 10:69-7.5 Movement of case records
- 10:69-7.6 Transfer of case records
- 10:69-7.7 Retention and destruction of case records
- 10:69-7.8 Agency controls for other operational procedures
- 10:69-7.9 Disclosure of records or information for formal proceedings
- 10:69-7.10 Release of information for statistical purpose

**SUBCHAPTER 8. OTHER GOVERNMENTAL PROGRAMS**

- 10:69-8.1 Retirement, Survivors and Disability Insurance
- 10:69-8.2 Procedures for securing information from the Social Security Administration
- 10:69-8.3 Release of information by county board of social services to SSA
- 10:69-8.4 Entitlement of child born of unmarried parents
- 10:69-8.5 Division of Employment Services
- 10:69-8.6 Functions of the Department of Veterans Affairs
- 10:69-8.7 Availability of Work First New Jersey

**SUBCHAPTER 9. OTHER AGENCY RESPONSIBILITIES**

- 10:69-9.1 Adherence to law and regulations
- 10:69-9.2 Issuance of manual

- 10:69-9.3 CBOSS reporting requirements
- 10:69-9.4 Issuance of Medicaid cards (validation of eligibility)
- 10:69-9.5 Separation of income maintenance and social services
- 10:69-9.6 Payment of funeral and burial expenses; all segments
- 10:69-9.7 Reporting of child abuse and neglect
- 10:69-9.8 Confidentiality of information
- 10:69-9.9 Disclosure of records or information for formal proceedings
- 10:69-9.10 Release of information for statistical purpose
- 10:69-9.11 Material sent to applicants or beneficiaries of AFDC-related Medicaid program
- 10:69-9.12 Nondiscrimination
- 10:69-9.13 Extent of prohibited discriminatory practices
- 10:69-9.14 Procedures regarding payments to vendor
- 10:69-9.15 Eligibility fraud by applicants and beneficiaries
- 10:69-9.16 Criteria for identifying cases of possible fraud
- 10:69-9.17 County board of social services responsibility; administrative plan
- 10:69-9.18 Referral by the CBOSS in cases of suspected fraud
- 10:69-9.19 Reports on cases involving fraudulent receipt of Medicaid coverage
- 10:69-9.20 Recovery of incorrectly paid Medicaid benefits
- 10:69-9.21 Reporting criminal offenses to law enforcement authorities
- 10:69-9.22 Rights of individual under investigation
- 10:69-9.23 Basis for recovery of incorrectly paid benefits for purposes other than for fraud, or third party liability

**SUBCHAPTER 10. INCOME**

- 10:69-10.1 Income; financial eligibility standards
- 10:69-10.2 Standard of need (Effective 7/1/92)
- 10:69-10.3 Total gross income limits
- 10:69-10.4 Eligible unit; all related Medicaid programs
- 10:69-10.5 Eligible unit; AFDC-C and -F related Medicaid program (Reserved)
- 10:69-10.6 Eligible person temporarily in an institution
- 10:69-10.8 Eligible AFDC child or parent regularly attending school or in vocational training at a Residential Job Corps Center
- 10:69-10.9 School attendance defined
- 10:69-10.10 General provisions—income
- 10:69-10.11 Definition of earned income
- 10:69-10.12 Earned income from self-employment including provisions of personal care services
- 10:69-10.13 Earned income disregards for AFDC-related Medicaid
- 10:69-10.14 Disregard of certain allowances and payments in AFDC-related Medicaid program (all segments) for participation in JTPA
- 10:69-10.15 Earned income disregards of a child who is a full or part-time student
- 10:69-10.16 Income from family day care
- 10:69-10.17 Division of Youth and Family Services payments for foster care
- 10:69-10.18 Income which is not earned
- 10:69-10.19 Income from roomer-boarders and table boarders
- 10:69-10.20 Income from apartments, rooms or housekeeping units in the eligible unit's home
- 10:69-10.21 Contributions of support
- 10:69-10.22 Exempt income
- 10:69-10.23 Nonrecurring earned or unearned lump sum income
- 10:69-10.24 Child support received by the eligible unit
- 10:69-10.25 Prospective budgeting
- 10:69-10.26 Initial eligibility
- 10:69-10.26 Eligibility
- 10:69-10.27 Income from eligible and noneligible individuals in the household
- 10:69-10.28 Penalty of ineligibility for CSP sanction
- 10:69-10.29 Needs of certain children temporarily in the home
- 10:69-10.30 Initial eligibility and application of disregards
- 10:69-10.31 Procedures for determining initial eligibility for AFDC-C, and -F related Medicaid (Reserved)
- 10:69-10.32 (Reserved)
- 10:69-10.33 AFDC-C procedures for stepparents
- 10:69-10.34 (Reserved)