

1. The best estimate of income shall be based on the household unit's income for the month preceding the date of application or redetermination. Adjustments shall be made to the estimated income to reflect changes in income that either have occurred or which are reasonably anticipated to occur which would affect the household unit's income during a period of eligibility.

10:78-4.3 Countable income

(a) Except as specified below, countable income shall include the income of all members of the household unit as determined at N.J.A.C. 10:78-3.5(a), except that:

1. Income from a legally responsible relative who does not reside with the family shall be counted only to the extent that the income is actually made available to the household unit;

2. A minor child who is in receipt of Supplemental Security Income (SSI) shall not be included in the household income;

3. Earned income of a child who is a full or part-time student as defined in N.J.A.C. 10:69-10.15 shall be counted in the household income.

i. For those individuals who would qualify for AFDC related Medicaid or NJ KidCare Plan A except for alien residency restriction, earned income of a child who is a full or part-time student as defined at N.J.A.C. 10:69-10.15 shall not be counted; and

4. All wages paid by the Census Bureau for temporary employment related to Census 2000 activities shall be excluded from earned income.

(b) Income for purposes of determining eligibility for NJ FamilyCare shall be determined as follows:

1. For self-employed persons, income shall be calculated using adjusted gross income reported on the family's Federal income tax form(s) from the prior year as the baseline and adding back in reported depreciation, carry-over loss, and net operating loss amounts that apply to the business in which the family is currently engaged. Applicants shall report the most recent financial situation of the family if it has changed from the period of time covered by the Federal income tax form. The report may be in the form of a percentage increase or decrease.

2. For wage earners, income shall be calculated based on gross income reported in the month immediately preceding application for NJ FamilyCare.

i. Income received weekly shall be multiplied by 4.333 to determine the monthly amount; biweekly income shall be multiplied by 2.167; variable amounts should be averaged for the appropriate frequency (that is, weekly paychecks should have a weekly average calculated; biweekly amounts should be averaged to determine a biweekly average, etc.). That amount should then be multiplied by the appropriate formula to

determine monthly gross income. Other income should also have the same methodology applied to determine monthly income.

3. For unemployed persons eligible for a governmental income program, income shall be determined as it exists at time of application, with notification of changes to be the responsibility of the applicant. If income evaluated in this fashion renders an applicant ineligible, documented cessation of the income source after the date of application shall be considered.

4. For other individual circumstances, income, including unearned income shall be calculated based on a combination and/or variation of (b)1, 2 and/or 3 above, as appropriate.

(c) Nonrecurring lump sum income received by a household unit shall be added to any other income received by the household unit in that month. The total shall be divided by the income eligibility limit applicable to the household. The result shall be the number of months the eligible members of the household unit shall be ineligible to receive NJ FamilyCare under the provisions of this chapter. Any remaining income from this calculation is treated as if it were unearned income in the first month following the period of ineligibility.

1. The period of ineligibility shall begin the first month subsequent to the month the nonrecurring income is received or, if there is insufficient time to provide timely adverse action notice, the following month.

2. Once established, the period of ineligibility may be reduced only in accordance with the AFDC provisions for shortening a period of ineligibility as found at N.J.A.C. 10:69-10.23. The basis for a determination to shorten the period of ineligibility shall be fully documented in the case record.

(d) Any person who received AFDC-related Medicaid and became ineligible for such assistance because of a period of ineligibility imposed as a result of the provisions of N.J.A.C. 10:69-10.23 may establish eligibility under the provisions of this chapter. The amount of the lump sum used to determine the original period of ineligibility shall be divided by the applicable income eligibility limit to determine the period of ineligibility for NJ FamilyCare under this chapter. If that period has already expired, eligibility for benefits under this chapter may be established so long as all other eligibility criteria are met.

(e) The parents of an infant and the spouse of a pregnant woman are legally responsible relatives to infants and pregnant women applying for or eligible for benefits under the provisions of this chapter. When a legally responsible relative resides in the same household, his and/or her income is considered in the determination of eligibility and no further action is required. When a legally responsible relative does not reside in the same household, the eligibility determina-

tion agency shall pursue support from that relative in accordance with the provisions of N.J.A.C. 10:69-10.

1. Except when the legally responsible relative resides in the same household, income of the relative shall be counted only to the extent that the income is actually made available to the household unit.

10:78-4.4 Income eligibility for single adults and couples without dependent children

(a) Before applying the NJ FamilyCare eligibility test, the eligibility determination agency staff shall evaluate, or make referrals, as appropriate, to determine eligibility for other medical coverage, including, without limitation, programs for the aged, blind and disabled, and Medicaid Special.

(b) When a single adult or couple without dependent children is determined not to be eligible for WFNJ/GA, the eligibility determination agency shall continue to evaluate possible eligibility for NJ FamilyCare or refer the application to the appropriate agency. Eligibility shall exist when the single adult or couple without dependent children meets the following financial criteria:

1. The gross income of an eligible single adult or couple without dependent children shall be no greater than 100 percent of the poverty level for the applicable family unit size, one or two, at the time the individual applies or reapplies for coverage, or when the case is reopened.

- i. If one member of a couple is currently enrolled in a Medicaid program other than the Medically Needy program, that person's gross income shall not be counted in determining the eligibility of the other member of the couple for NJ FamilyCare.

- ii. For those individuals or couples without dependent children whose gross income is equal to or less than 50 percent of the Federal poverty level, the determination of eligibility shall be made by the county board of social services of the county in which they reside. For those individuals and couples without dependent children whose gross income is above 50 percent of the Federal poverty level, eligibility shall be determined by the county board of social services or the Statewide eligibility determination agency.

(c) Those single adults and couples without dependent children who are determined eligible for NJ FamilyCare and whose income falls at or below 50 percent of the poverty level shall receive the NJ FamilyCare "Plan A" service package; these individuals shall receive fee-for-service until enrollment in a managed care plan. Those whose income is above 50 percent, but less than 100 percent, of the poverty level shall receive the NJ FamilyCare Plan "D" service package. The particular scope of services under each of these plans is described at N.J.A.C. 10:78-7.1. Long term care services shall not be available in the NJ FamilyCare Plan "D" service package. Long term care services shall be available in the NJ FamilyCare Plan "A" service package, with restrictions as specified at N.J.A.C. 10:78-7.1(a).

(d) Except as specified under the presumptive eligibility rules (N.J.A.C. 10:78-5) of this chapter:

1. The effective initial eligibility date shall be the first day of the month of the application date, if the individual was eligible on the application date.

- i. If the applicant was not eligible on the application date, but was found to be eligible on any date other than the application date, the effective initial eligibility date shall be the first day of the month in which eligibility began.

10:78-4.5 Redetermination of eligibility for single adults and couples without dependent children

(a) Once enrollment is completed for single adults and couples without dependent children, those family units shall be subject to verification of continuing eligibility for NJ FamilyCare. The same test outlined at N.J.A.C. 10:78-4.1 shall be applied in determining whether the gross income remains no greater than 100 percent of the poverty level.

(b) All wages paid by the Census Bureau for temporary employment related to Census 2000 activities shall be excluded from earned income.

(c) If, as a result of any eligibility determination or redetermination, a single adult or couple without dependent children is found to be ineligible for NJ FamilyCare, the eligibility determination agency shall evaluate the case for possible eligibility for other programs and shall make direct arrangements or referrals, as appropriate, to enroll these individuals in other programs for which they may be eligible.

(d) An eligibility redetermination shall occur 12 months following the date of the previous determination or redetermination for each single adult or couple without dependent children initially determined to be eligible for NJ FamilyCare. This redetermination shall be conducted by the eligibility determination agency responsible for the case at the time the redetermination is required.

(e) For those individuals who are receiving benefits under Work First New Jersey/General Assistance, the redetermination cycle shall follow the schedule set forth in N.J.A.C. 10:90.

10:78-4.6 Resource eligibility

Individuals seeking NJ FamilyCare benefits under the provisions of this chapter are eligible without regard to the value of the household unit's resources. The eligibility determination agency shall inquire about the household unit's resources only in order to establish income that may result from the household unit's resources.