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MEDICAID COMMUNICATION NO. 24-05

DATE: April 17, 2024

TO: NJ FamilyCare Eligibility Determining Agencies

SUBJECT: NJ WorkAbility Phase 2 Expansion
N.J.A.C. 10:72-9

The purpose of the NJ WorkAbility program is to provide an opportunity for individuals ages 16 and up with disabilities and who are working to obtain Medicaid coverage when their income, resources, or age would otherwise disqualify them from Medicaid eligibility. Pursuant to recently enacted legislation (Senate Bill 3455 P.L. 2021, c 344), the Division of Medical Assistance and Health Services has completed the second phase of eligibility expansion under the NJ WorkAbility program. The state plan authority for the NJ WorkAbility program will be fully transferred from the Ticket to Work eligibility group to the Work Incentives eligibility group. The following changes are effective February 1, 2024:

- Income shall not be considered in determining eligibility.
- A sliding-scale premium will be required for members with countable income (earned and unearned) over 250% of the Federal Poverty Level (FPL).
- Applicants must agree to the determined premium prior to enrollment, and failure to pay the premium may result in termination of eligibility.

This expansion of the NJ WorkAbility program follows the previous expansion, which was effective April 1, 2023:

- 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 deemed to the individual.
- Assets shall not be considered in determining eligibility.

The full eligibility criteria can also be found on the DMAHS website at:

<https://www.nj.gov/humanservices/dds/programs/njworkability/> .

The definition of employment remains the same: Individuals working in a paid occupation, whether in cash or in kind, including, but not limited to, full time employment; part time employment; the practice of a profession; self-employment; farm work; home-based employment; or other gainful work. **An individual who identifies as self-employed must have net earnings of at least \$400.00 annually in accordance with requirements of the Internal Revenue Services under Title 26 of the United States Code (U.S.C. 26) and file taxes accordingly.**

Employment must be verified. If employment cannot be electronically verified, proof of employment is required and may be documented through the submission of pay stubs, federally recognized tax forms, or written verification by the employer including job duties/services performed, hours worked, rate of pay and federal tax reporting information.

The DMAHS Office of Eligibility Policy has trained all eligibility staff statewide on the new rules and operational processes. The sliding scale premium schedule is posted on the DMAHS website at <https://www.nj.gov/humanservices/dds/programs/njworkability/> .

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

c:

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