

Overview of NJ Medicaid for People with Intellectual and Developmental Disabilities

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March 12, 2020

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Two major categories of Medicaid in NJ

- Aged Blind and Disabled (ABD) Medicaid/NJ FamilyCare
- Medicaid/NJ FamilyCare from Medicaid expansion (not connected to having a disability)

Sub-categories within ABD Medicaid in NJ

- Everyone who receives SSI also receives Medicaid automatically.
- Medicaid only category
- NJ Care Special Medicaid Programs, also called Community Medicaid
- Medicaid as a Section 1634 DAC
- NJ WorkAbility
- Non-DAC Medicaid – available only through DDD Waiver unit, not from the County
- Managed Long-Term Services and Supports (MLTSS)

ABD Medicaid Programs (income numbers for 2020)

- **Medicaid only category**
 - For persons who are aged, blind or disabled and do not receive SSI.
 - Gross income less than \$814.25/month and resource maximum of \$2,000.

ABD Medicaid Programs (income numbers for 2020)

- **NJ Care Special Medicaid Programs, also called Community Medicaid**
 - Gross monthly income less than \$1,064 for single person and resources maximum of \$4,000 for an individual.
 - **In-kind support and maintenance:** food or shelter that someone else provides for the person with a disability.
 - Example: Person with I/DD should be paying a portion of cost for food and shelter. If not, the County Board of Social Services could add \$200/month to the person's income and person could be found ineligible for Medicaid.

Medicaid as a Section 1634 DAC

- Social Security Admin. (SSA) definition of a Section 1634 DAC:
 - A person who was receiving Supplemental Security Income (SSI) benefits (and Medicaid) and who meets the following:
 - Is at least 18 years of age;
 - Has blindness or a disability which began before the age of 22;
 - Has been receiving SSI based on blindness or disability; and
 - **Has lost SSI due to the receipt of Social Security benefits on a parent's record due to the retirement, death, or disability of a parent.**
- Also, the person cannot have more than \$2,000 in resources in his/her name (not including a Special Needs Trust)

More on Section 1634 DAC

- Upon retirement, death, or disability of a parent, some changes for person with I/DD who previously had SSI:
 - Will receive SSDI instead of SSI.
 - Letters from Social Security and Medicaid will arrive – previous Medicaid will stop in 4 months.
 - Parent will need to apply for Medicaid from the County Board of Social Services.
 - **If person with I/DD has DDD services:** Parent should receive a blue envelope from DDD with a Medicaid application.
 - **If person with I/DD does NOT have DDD services:** Use this link for the Aged, Blind and Disabled (ABD) Medicaid application:
https://www.state.nj.us/humanservices/dmahs/clients/medicaid/abd/ABD_Application.pdf

New information!

- Previously: When a person with I/DD had SSI and then a parent retired, became disabled, or passed away – the switch to SSDI was automatic.
- Recently: Some parents are being told they need to **do a new application** before SSDI is effective.
 - **Important to save all medical & IEP documents from when SSI is approved, to provide during a re-application process!**

Obtaining Medicare after 24 months of SSDI benefit

- When a person with I/DD has been receiving SSDI for 24 months, Medicare starts automatically.
 - Medicare also occurs due to person with I/DD's own work record and SSDI.
- Cannot apply for Medicare without having the SSDI benefit (or turning age 65).
- With Medicare and Medicaid benefit, Medicare is primary.
- If person also has private health insurance: under some circumstances, Medicare is primary; other situations private insurance is primary.

Having both Medicare and Medicaid

- These persons are known as “dual eligibles.”
- Can have both Medicare and Medicaid with ABD Medicaid.
 - Medicare is first payer.
- *Cannot* have both Medicare and Medicaid with “regular” NJ FamilyCare (Medicaid expansion).
- The Arc of NJ has a Fact Sheet on dual eligibles with I/DD.

Medicaid Thru NJ WorkAbility

- NJ WorkAbility provides Medicaid for people with disabilities who are employed and between ages 16 & 64.
 - NJ WorkAbility coverage stops on the person's 65th birthday.
- Persons with permanent disabilities, working PT or FT are eligible.
- Individual gross *earned income* can be much as \$64,596/yr. Can have \$20,000 in personal assets and still qualify.
 - IRA & 401K personal retirement accts. – not counted for eligibility
 - However, if **unearned income** in 2020 exceeds \$1,064/mo. due to parent's work record, **not** eligible for NJ WorkAbility. **SSDI income from a parent is considered “unearned income.”**
- **Caution: If person is unemployed, NJ WorkAbility ends.** If receiving DDD services, can apply for Medicaid through Supports Program, but total income can't exceed \$2,349/mo. (2020).

Free Help from NJ WINS when Person with I/DD is Employed

- Some additional Medicaid-related complications are possible when person who has SSI or SSDI is employed.
- **Substantial Gainful Activity (SGA) max. for 2020 - \$1,260/month, gross income.**
- Free help available from NJ WINS for persons with disabilities who are planning to work, or are already employed, and want to know if they can maintain SSI, SSDI, and Medicaid while working.
- Website: www.njwins.org The “contact us” page lists the staff contact info by county, including company cell number and e-mail address.

**“Non-DAC” Medicaid –
only from DDD Supports
Program. Not from the
County office**

What is a Non-DAC?

- Variety of reasons why a person with I/DD is not eligible for the other Medicaid categories:
 - Never had SSI. Parent is deceased and SSDI income is above Medicaid threshold of \$1,064/mo.
 - Parents are divorced and child support income is too high for Medicaid.
 - Person with I/DD is employed but can't have NJ WorkAbility due to SSDI “unearned” income from a parent who is retired. (Unearned income cannot be more than \$1,064/mo.)

Income maximum for consideration of Non-DAC Status

- For 2020: Income maximum is **\$2,349/month, gross income – total from all sources.**
- If person with I/DD has more than the maximum income, cannot currently have Medicaid or DDD services unless paying privately (as of March 2020).
- **Must be approved as functionally eligible by DDD.**
- DDD is developing a process for Qualified Income Trust (QIT). Hope QIT process will be available soon.
- Email broberts@arcnj.org if monthly income is above this maximum. Will forward to DDD.

Medicaid Eligibility Problem Form or DDD's Troubleshooting Form



The Arc of New Jersey's Mainstreaming Medical Care Program Medicaid Eligibility Problem Form

www.mainstreamingmedicalcare.org

Date of Report: _____

Individual's Name:		DDD Client? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Birth:	Age now:
Address:		CCW? <input type="checkbox"/> Yes <input type="checkbox"/> No	Social Security#	
Name of Contact Person:		Contact Person's Telephone:	County:	
Relationship to Individual:		Email:		
Assets				
Amount of money in the bank in the name of the individual: \$ _____				
Any other assets in the name of the individual (e.g., stocks, bonds)? \$ _____				
If there are assets in the name of the individual, was a special needs trust ever developed? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Comments: _____				
Supplemental Security Income History Has the individual ever received SSI? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, monthly amount: \$ _____ At what age did SSI start? _____ Is the person still receiving SSI? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If no, at what age did person stop receiving SSI? _____				
Do you know the circumstances that caused the person to lose SSI? Please explain: _____				
Comments: _____				
Medicaid History Has the individual ever received Medicaid? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, approximate age when Medicaid started: _____ Approximate age when Medicaid ended: _____				
Do you know why Medicaid ended? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain: _____				
If the person has never received Medicaid, did he/she ever apply for Medicaid? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, explain why Medicaid was denied: _____				
If no, explain why no application was ever made to Medicaid: _____				
Comments: _____				
Social Security Disability? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, monthly amount: \$ _____ At what approximate age did SSD start? _____				
Did he/she begin receiving benefits from Social Security based on parent's work history? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please explain: _____				
Medicare? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Employment Status of Parents				
Mother: Working? <input type="checkbox"/> Yes <input type="checkbox"/> No		Father: Working? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Retired? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. age when mom retired: _____		Retired? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. age when dad retired: _____		
Deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. age when mom died: _____		Deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. age when dad died: _____		
Disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. age when mom became disabled: _____		Disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. age when dad became disabled: _____		
Individual's Employment Questions				
Currently employed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Number of hours/week: _____ Salary: \$ _____ per month				
If currently employed, Did individual apply for Medicaid's Workability Program <input type="checkbox"/> Yes <input type="checkbox"/> No Comments: _____				
Receiving unemployment income? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount of unemployment income: \$ _____ per month				
Receiving SSDI because of individual's work history? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount of SSDI per month \$ _____				
Does individual receive any other income not listed above? (Including child support, pension from a parent or income from any other source) <input type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, what is the other income and amount, per month? _____				
Miscellaneous				
If applicable, Please mention any other issues that you think are relevant to this person's applying for Medicaid: _____				
I give permission for this information to be forwarded to The Arc of New Jersey, and also give permission for it to be forwarded to the NJ Division of Medical Assistance and Health Services (NJ Medicaid) and/or the Division of Developmental Disabilities (DDD).				
*Signature: _____				Date: _____

Please email or fax the completed form to Beverly Roberts at broberts@arcnj.org / fax (732)246-2567 or Jennifer Lynch at jlynch@arcnj.org / fax (732)784-6397. We will get back to you as soon as possible.

*Electronic Signature accepted: Typed signature with date indicates electronic verification of the information provided.

Revised 01/2017

More on Non-DACs

- Non-DAC process persons who are applying to DDD and not eligible for Medicaid:
 - Families are confused because most DDD-related notices say that Medicaid is required.
 - Families should know that **“Non-DAC”** status is an exception to DDD’s Medicaid requirement!
 - The Arc of NJ has fact sheet on Non-DAC status.
 - **IMPORTANT: Having “Non-DAC” status does NOT provide Medicaid immediately. In the future, the person who has Non-DAC status from DDD will be eligible for Medicaid from DDD Supports Program.**

Non-DAC status can be requested later, if needed

- Usually, Non-DAC status is requested prior to age 21.
- But there may be complicated situations later on, after the individual with I/DD has had Medicaid and has received DDD services, when Medicaid is terminated and families can use this “Non-DAC” process.

Process to request Non-DAC status from DDD Waiver Unit

- Parent should contact DDD intake office and submit all of the documentation for son/daughter to be determined functionally eligible by DDD.
- Parent can complete The Arc of NJ's Medicaid Eligibility Problem Form (or DDD Troubleshooting form) **before or after** applying for DDD services. Parent forwards this form to The Arc of NJ, and we review it. Occasionally there is a Medicaid category for which the person would be eligible. We discuss this with the family so they can apply for Medicaid from the County.
(continued next slide)

Process to request Non-DAC status from DDD Waiver Unit (cont.)

- The of NJ will email this form to the DDD Medicaid Eligibility Help Desk. DDD will confirm that, due to the monthly income, the individual will require a Medicaid application to be completed through the DDD Waiver Unit, i.e., Non-DAC status
- After DDD approves functional eligibility and the person is determined to require a Medicaid application through the DDD Waiver Unit: *Up to 3 months prior to the person's 21st birthday*, DDD will provide the Medicaid Aged Blind & Disabled (ABD) application, to be completed promptly by the parent.
- Once completed, the Medicaid application will be returned to DDD. It will be reviewed and submitted by DDD to Medicaid for the eligibility determination.

Managed Long-Term Services and Supports (MLTSS)

- There are different eligibility requirements for children (ages birth to 20) than for adults.
- Requirements for children to be eligible for MLTSS:
 - Medical and/or intense therapeutic services for the medically complex child who exhibits a severe illness that requires complex skilled nursing interventions 24 hours/day, 7 days/wk.
 - Medical and/or intense therapeutic services for the technology dependent child who requires a life supporting or life sustaining device important to the continuation of human life.
- For more information: NJ Division of Disability Services: **1-888-285-3036**. Speak with an Information and Referral Specialist to start assessment for MLTSS eligibility determination.

MLTSS for adults with I/DD

- **Cannot have MLTSS and DDD services simultaneously.**
 - Occasionally – problems with County Board of Social Services, not aware of Non-DAC process, causing confusion.
- For adults with I/DD who have a nursing facility level of care, decide if MLTSS or DDD would better meet their needs.

**NJ Medicaid that does
not pertain to having a
disability**

Medicaid/NJ FamilyCare – not connected to having a disability

- Income maximum for 2020: **\$1,468/month;**
(\$17,616/year)
- Eligibility based on low income, not on disability.
- Cannot receive Medicare and have this type of Medicaid.
 - Example: Receiving SSDI and Medicare starts after 24 months. May need Non-DAC Medicaid.
- Cannot be a dependent on parent's tax return!

What happens to ABD Medicaid application if SSI was denied?

- Why was SSI denied: disability is not severe, or financial reasons?
- Family should appeal. May want to hire an attorney.
- If SSI denial because disability is not “severe”, can person with I/DD be eligible for ABD Medicaid?
 - If application is made for ABD Medicaid *less than 12 months* of SSI denial, NJ Medicaid is bound by the determination of Social Security; won't accept applicant as being “disabled.”
 - *If the Social Security denial occurred more than 12 months* prior to the application for an ABD Medicaid category, the Medicaid Medical Review Team will make an independent determination of disability and eligibility for ABD Medicaid. Will require medical documentation!

ABLE Accounts

The background of the slide features several thick, light gray, wavy lines that flow from the bottom right towards the center, creating a sense of movement and depth.

Achieving a Better Life Experience

(ABLE) Act of 2014

- Helpful if “spend down” is needed for Medicaid eligibility.
- Persons with disabilities can deposit up to \$15,000/year in an ABLE tax-exempt savings account (in 2020).
- Eligibility: Must be receiving SSI or SSDI; Age of onset of disability must be before age 26, **OR**
- With medical documentation, can deposit money into ABLE account (up to max. of \$15,000/yr) as spend-down *before* applying for SSI.
- ABLE accounts won't affect continuing financial eligibility for Medicaid, SSI and other public benefits.

ABLE Accounts (cont.)

- **ABLE accounts are available in NJ. Can open ABLE account in this state or another state.**
<https://savewithable.com/nj/home.html>
- Visit the **ABLE National Resource Center website** www.ablenrc.org, for state-specific information. Great website; webinars; state-by-state comparisons.
- **Important: Upon the death of the beneficiary, the state in which he/she lived may file a claim for all or a portion of the funds in the ABLE account to recoup costs paid by the state while the beneficiary was receiving services through the state Medicaid program.**

IMPORTANT: Continuation of Parent's Private Health Insurance AFTER age 26

- All young adults can stay on parent's health insurance until age 26.
- **BEFORE** child's 26th birthday – parent requests a form from employer's Human Resources Dept.
- Special process for young adults with disabilities who are not capable of self-sustaining employment to stay on parent's employer's health insurance – for as long as parent has the health insurance.
- Can have private health insurance *and* Medicaid. Medicaid is always payer of last resort.
- The Arc of NJ's fact sheet on private insurance.

Questions?

