



# Navigating SSI & Medicaid for Individuals with Intellectual and Developmental Disabilities (IDD)

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- **DDD** – NJ Division of Developmental Disabilities
- **DAC** – Disabled Adult Child
- **IDD** – Intellectual and Developmental Disabilities
- **SSA** – Social Security Administration
- **SSDI** – Social Security Disability Income (based on work history)
- **SSI** – Supplemental Security Income (not based on work history)
- **SNT** – Special Needs Trust



# Why Apply for SSI at 18?

- When the individual with IDD is *under* 18 years old, the determination for Supplemental Security Income (SSI) is based on the family income and resources.
- When the individual is *over* 18, the determination is based on the individual's income and resources.
- Apply as soon as possible after the individual's 18<sup>th</sup> birthday! **Individual's resources must be under \$2,000.** This includes anything in their name, tied to the person's Social Security number.
- Relatives should not leave money to the individual with IDD, unless in a Special Needs Trust that the parents have set up.

To Receive Division of Developmental Disabilities (DDD) services at age 21, a person:

**Must be functionally eligible for DDD services and must have Medicaid.\***

- Best way to have Medicaid: Apply for SSI at age 18
  - Some individuals may be able to get SSI before age 18, if a lower income family.
- **A person with SSI automatically gets Medicaid.**

**\*An exception being someone who qualifies as a “Non-DAC” through the DDD waiver unit.**

- Person with IDD **can't have more than \$2,000 in his/her name (resources/assets)**. This includes anything with that person's Social Security number.
- "Spend-down" if the amount over \$2,000 is small. Can document for spend-down: summer camp; class trip; therapies or medical expenses not covered by insurance.
  - No spend-down on food, clothing, shelter – these are considered the parent's responsibilities.
- If applicable, consider a Special Needs Trust and/or an ABLE account!

- On all financial transfers, there is a 36 month look-back period on the individual’s assets
- Money in an ABLE account or Special Needs Trust is excluded from the \$2,000 limit.
- “Assets” includes savings bonds with the individual’s SSN!
- The 36 months is before the date the individual filed an application for SSI. If the person is already receiving SSI, the 36 month period begins with the date that the resources were transferred.

- When the account is created by a parent or other relative, it should not count as a resource for SSI or Medicaid.
  - As long as the person with IDD is the designated beneficiary, not the account owner.
- If the parents of a person with IDD created a 529 account, and the person is not attending college, they could “**rollover**” the funds into an ABLE account.
  - Rollover up to \$18,000 in a year (2024).
  - Can also rollover over multiple years, talk to an accountant about the tax implications.



- When parents are divorced, child support is viewed as the child's "unearned income."
- Depending upon the amount of child support, adolescent may not be eligible for SSI or Medicaid, but there is a **1/3rd exclusion of child support income.**
- **Example:** if a child receives \$1,000/month in child support, only \$666 would be counted by Medicaid as "unearned income."



## Achieving a Better Life Experience (ABLE) Act of 2014

- Persons with IDD can deposit up to \$18,000/year (2024) in an ABLE tax-exempt savings account.
  - **Increasing to \$19,000/year in 2025**
- Age of onset of disability must be before age 26
- Must be receiving SSI or SSDI; or with medical documentation, can deposit money into ABLE as a spend-down before applying for SSI.
- ABLE accounts won't affect continuing financial eligibility for SSI, Medicaid and other public benefits, until the account reaches \$100,000.
- If the individual works, there is a higher annual contribution limit.

- ABLE accounts are available in NJ and other states.
- The individual can open an ABLE account in NJ online at <https://savewithable.com/nj/home.html>
- Visit the **ABLE National Resource Center** at [www.ablenrc.org](http://www.ablenrc.org), for state-specific information. Great website with educational webinars and state-by-state comparisons.
- **Important:** Upon the death of the beneficiary, the state in which the person lived may file a claim for a portion or all of the remaining funds in the ABLE account to recoup costs paid by the state while the beneficiary was receiving services through the state Medicaid program.

- Unique type of trust that can also be used to establish eligibility for SSI or Medicaid.
- If setting up a SNT, **be sure the attorney is very experienced with this type of trust for the SSI/Medicaid beneficiary.**
- If the SNT has been funded, Social Security/Medicaid will want to review the information.
- Whenever there are expenditures from SNT, save all receipts, and follow Medicaid regulations.

As you are getting ready to complete the application, start collecting:

- Evaluations and assessments
- Schools: Name, address, IEPs and Progress Reports
- Disabilities: names of conditions/diagnoses; onset date
- Doctors and therapists: Name, address, phone, dates first and last seen, specialty, diagnosis
- Medications: Name, prescribing physician, date and dosage when started as well as most recent date and dosage
- Employment (if applicable): Name, address, phone, supervisor name, position held, date and pay when started, last date of work and pay
- Division of Vocational Rehabilitation Services information

**Put together a folder and create electronic files, if possible.**

## **Start thinking about the questions.**

- What is the individual's disability?
- How does it affect the individual?
- What is keeping them from working?
- Can they complete tasks and activities independently?
- What does a typical day look like?
- What steps have been tried previously to work? What happened?

- A diagnosis alone does not mean there is a severe impairment that entitles the applicant to SSDI or SSI benefits, and the burden of proof is on the applicant.
- While the diagnosis may be very compelling, Social Security still needs to know what the actual **impact of the condition is on this applicant's ability to do work-related activities and be self-supporting.**

- Information on applying for SSI:  
[www.ssa.gov/ssi/text-apply-ussi.htm](http://www.ssa.gov/ssi/text-apply-ussi.htm)
- Can start the disability application process online, as long as this is a *first time* SSI application.
  - A Social Security representative will follow up and schedule an appointment within 7-14 business days.
- May also call Social Security at **1-800-772-1213** to make an appointment to apply for SSI benefits for your son/daughter with IDD.
- With an appointment, you can apply for SSI on the phone or in person at local Social Security office.



- Always respond quickly to official requests for information. **SSI and Medicaid can be terminated for failure to respond.**
- If moving, be sure that Social Security and Medicaid have the new mailing address.
- Keep a copy of the SSI application and all supporting documentation
- Helpful to have this information for later when a parent collects Social Security retirement, disability, or passes away.

## **Since September 30th, 2024, SSA:**

1. Removed food from their SSI calculations.
  - No longer have to report food to SSA, and SSI checks will not be reduced if someone is receiving food assistance.
2. Expanded the rental subsidy
  - Helps individuals paying at least a certain amount towards rent will not have their SSI reduced.
3. Expanded the definition of a public assistance household
  - Added SNAP benefits and no longer needs to be all household members receiving public assistance.

## **For 2025, SSA:**

- Announced a 2.5% COLA and new efforts to streamline the SSI application process.



# When SSI Begins

- Consider a representative payeeship for the funds. SSI funds cannot be deposited into the parent's bank account!
- SSI checks to be deposited electronically into this new bank account, set up for the representative payee, to manage the finances of the SSI beneficiary.
- **Can't have more than \$2,000 in resources/assets!**
- If receiving lump sum back payments, you have 9 months to spend down. After 9 months, assets cannot exceed \$2,000 in the individual's name.
- Open ABLE account or start a SNT, if needed.

- If the SSI beneficiary is working, must report wages to Social Security each month.
- Substantial Gainful Activity (SGA) Limit - **\$1,550/month in work-related earnings (2024).**
  - Increasing to \$1,620/month in 2025.
- If receiving SSI and exceed SGA: expect a reduction in the amount of SSI.
- If receiving SSDI and exceed SDDI: can result in a termination of SSDI and required to pay back the “overpayment.”

- After being approved for SSI (or SSDI) parents should expect their child will have continuing disability reviews.
- **Continuing Eligibility Review:** Is the individual still disabled? Frequency is determined by specific disability and symptoms.
  - Can be required every **3 years**; can be more or less often.
- **Redetermination:** Does individual continue to meet the technical eligibility requirements for SSI/SSDI, including documentation of finances, resources and income.
  - Can be required every **6 years**; can be more or less often.
- If there is a rep payee, they need to fill out an annual financial report.

- Important note: If a person receives SSI and travels out of the U.S. for **30 consecutive days or more**, they are not eligible for SSI (or Medicaid) during any month when they are outside the U.S.
- An individual who was receiving SSI, and has traveled out of the U.S. for 30 days or longer is not considered by Social Security to be in the U.S. until they are in the U.S. for **30 consecutive days upon returning.**

- When the parent of person with IDD retires, becomes disabled, or dies: If the son/daughter has SSI, they are able to receive **Social Security Disability Insurance (SSDI)** income on parent's work record, instead of SSI.
- Monthly SSDI often exceeds the Medicaid income limit (\$1,255/month for a single person in 2024).
- **But, when persons with IDD previously had SSI, they are “Disabled Adult Children - Section 1634 DACs”, as defined by the SSA.**
- They are eligible to re-qualify for Medicaid, after they start receiving SSDI on a parent's work record.
  - **The amount of the SSDI benefit is ignored.**

- SSA definition of a 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 their name (not including a SNT or an ABLE account).





## Disabled Adult Children (§1634 DAC)



§1634 DAC Eligibility Group Requirements\*:  
An individual who was receiving Supplemental Security Income (SSI) benefits and 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 Supplemental Security Income (SSI) based on blindness or disability; and
- Has lost Supplemental Security Income (SSI) due to the receipt of Social Security benefits on a parent's record due to the retirement, death or disability of a parent.

\*A person who meets all of the above criteria may qualify as a Disabled Adult Child under Section 1634 of the Social Security Act (regarding DAC). This designation comes from the Social Security Administration. Eligibility for Medicaid may continue as long as the person is determined blind or disabled. However, if the person receives income from another source or exceeds the resource limits, they may become ineligible for Medicaid coverage.

**I lost my SSI benefits and Medicaid coverage when I started receiving Social Security Disabled Adult Child (DAC) benefits. The DAC benefits caused me to be over the SSI income limit. What should I do?**

You or your guardian should have received a letter from the Social Security Administration (SSA) verifying that you may continue to be eligible for Medicaid coverage under the §1634 DAC eligibility group. If you did not receive or no longer have this letter, call the Social Security Administration at 1-800-772-1213, Monday through Friday between 7 am and 7 pm, to request a Benefit Award letter verifying Social Security benefits as a Disabled Adult Child or Disabled Dependent Child who received SSI in the past.



## Obtaining Medicaid after Losing SSI Benefits

For individuals **ENROLLED** in the Division of Developmental Disabilities (DDD) Supports Program or Community Care Program:

DDD will send you or your guardian the NJ FamilyCare Aged, Blind, and Disabled Programs **Request for Information (RFI) Packet in a blue envelope**, including instructions about where to send the completed form. It is important to complete this RFI Packet as soon as possible and return it as instructed. After your packet is reviewed (this can take up to 90 days), you or your guardian will receive a Final Determination letter.

For individuals **NOT ENROLLED** in the DDD Supports Program or Community Care Program:

Your local County Board of Social Services will send you the NJ FamilyCare Aged, Blind, and Disabled Programs **Request for Information (RFI) Packet in a blue envelope**. It is important to complete this RFI Packet as soon as possible and return it to the County Board of Social Services. After your packet is reviewed (this can take up to 90 days), you or your guardian will receive a Final Determination letter.

If you do not receive the RFI Packet soon after you are notified about your Medicaid being terminated, **contact your County Board of Social Services to request it: [www.nj.gov/humanservices/njsnap/home/cbss.shtml](http://www.nj.gov/humanservices/njsnap/home/cbss.shtml)**



If you have questions, or if you have difficulty obtaining Medicaid for an individual who may be eligible for §1634 DAC status, please contact your support coordinator or send an email to DDD's Medicaid Eligibility Help Desk: [DDD.MediEligHelpdesk@dhs.nj.gov](mailto:DDD.MediEligHelpdesk@dhs.nj.gov)

## For individuals **NOT ENROLLED** in the DDD Supports Program or Community Care Program:

- **Your local County Board of Social Services should send you the NJ FamilyCare Aged, Blind, and Disabled Programs Request for Information (RFI) Packet in a blue envelope. It is important to complete this RFI Packet as soon as possible and return it to the County Board of Social Services. After your packet is reviewed (may take up to 90 days), you will receive a Final Determination letter.**
- If you do not receive the RFI Packet from the County BOSS, contact the office to request it:  
[www.nj.gov/humanservices/njsnap/home/cbss.shtml](http://www.nj.gov/humanservices/njsnap/home/cbss.shtml)

## For individuals ENROLLED in the DDD Supports Program or Community Care Program:

- **DDD will send the NJ FamilyCare Aged, Blind, and Disabled Programs Request for Information (RFI) Packet** in a blue envelope, which includes instructions about where to send the completed form.
- Important to complete this RFI Packet as soon as possible and return it as instructed. After your packet is reviewed (may take up to 90 days), you will receive a Final Determination letter.
- If you do not receive the RFI packet, notify your DDD support coordinator.
- The RFI packet is the DAC Medicaid application!

# DDD Letter for DAC

**NJ FAMILY CARE**

Affordable health coverage. Quality care.

## Request for Information

Date: 10/20/2022



Dear Former SSI Beneficiary:

We have been notified by the Social Security Administration (SSA) that your eligibility for Medicaid under Supplemental Security Income (SSI) will be terminated. Your eligibility for Medicaid benefits is based on your eligibility for SSI. If you wish to question or appeal the termination of your SSI Medicaid benefits, you must contact the Social Security District Office as soon as possible.

As a result of your SSI terminating, **your Medicaid benefits will stop if you do not respond to this letter.**

1. Complete and sign the Request for Information Form. This form helps us evaluate your eligibility for all NJ FamilyCare (Aged, Blind and Disabled) Programs.
2. Provide copies of the following documents to verify eligibility.
  - Proof of any income other than Social Security benefits such as pension, work, cash, alimony, Veteran's benefits etc.
  - Burial arrangements
  - Life Insurance
3. Mail the Request for Information Form and all supporting documents in the blue envelope provided.

If you are a Medicare recipient, and Medicaid has been paying your Medicare Part B premium, Medicaid will no longer pay that premium if you are ineligible for NJ FamilyCare. To find out if you can get help paying your Medicare Part B premium going forward, call the Division of Aging Services hotline at 1-800-792-9745. To receive information about other services that may be available to you within your county, contact your local Area Agencies on Aging/Aging and Disability Resource Connection (AAA/ADRC) included in this letter.

You will receive a letter when your information is processed. If you have any questions or need help, call Middlesex County Board of Social Services at 732-745-3500.

Sincerely,



DDD Waiver Unit



- Appeal soon! Must do so **within 60 days.**
- Easiest way to appeal:
  - [www.socialsecurity.gov/disability/appeal](http://www.socialsecurity.gov/disability/appeal)
- **Possible reasons for a denial of SSI:**
  - Assets above \$2,000
  - Special Needs Trust not done correctly
  - Medical documentation not sufficient to justify a severe disability, per SSA requirements.
- Parents may want to contact an attorney to represent their son/daughter in the event of a hearing before an administrative law judge.

- Most attorneys usually do not charge an upfront fee.
- Rather, if the attorney accepts the case and wins, their fee is a percentage of the lump sum back payment from Social Security.
  - Retroactive to the SSI application filing date.
- The Arc of New Jersey can provide referrals to attorneys who specialize in Social Security cases.

## SSI Appeals Process



### What should you do if you're denied disability benefits?

The majority of initial Social Security applications are denied. Appealing a denial can be confusing, but many claims are eventually overturned upon appeal, so it's important to understand the process!

- If you disagree with the initial Social Security Administration (SSA) decision on your Supplemental Security Income (SSI) application, **ask for an appeal within 60 days**. The appeal process begins with a request for reconsideration.
- A medical denial may say: "We have concluded that your physical condition is not considered severe enough to be disabling. You have difficulty performing certain tasks due to various mental issues."
- A non-medical denial can result from having too much income and/or resources.
- **The 60 day window to appeal usually begins the day after the decision**. SSA generally assumes you got the letter 5 days after the date on the letter, unless you show them otherwise.
- **You must have a good cause for waiting more than 60 days to appeal.**
  - For example, you did not receive the denial until much later, or other circumstances (sickness, death, major events).
- Bringing on an attorney is usually recommended, but you may appeal on your own as well.
  - To appeal visit the [SSA.gov](https://www.ssa.gov) website or fill out a paper appeal and disability report.

### What do you need to know when hiring an attorney for an SSI appeal?

- Attorneys are usually restricted by Social Security in how much they may charge, and disability attorneys generally do not charge up front.
- Attorneys are usually only entitled to a fee, limited to 25% or \$7,200 (whichever is less) of the retroactive benefit payment(s), if the appeal is successful.
- If you did not appeal at all, these retroactive benefits are money you never would have received.
- The attorney is paid the same amount whether brought on earlier or later during the appeals process.
- If the appeal proceeds to a judge, you may be encouraged to hire an attorney, which might delay a case if you do not already have one.

### Why should you appeal an initial SSI denial?

- DDS claims adjudicators do not have much ability to approve a case that is not fully clear and may not give a full explanation.
- If denied at the initial and reconsideration level, the next move is to appeal and request a hearing before an **Administrative Law Judge (ALJ)**.
  - The ALJ examines the evidence, reads through any briefs or legal arguments, listens to testimony and arguments, and then renders a new decision.
- The ALJ must provide a multi-page decision detailing the reasons for their decision.
- If you disagree with the ALJ, the next level is to appeal to the **Appeals Council**. The highest level of appeal following the council would be to a federal **U.S. District Court**.
- If you do not appeal the initial SSI decision, you may apply later, after 60 days. SSI benefits would be paid from the date of the new application.

#### Health Care Advocacy Program

<http://thearcnjhealthcareadvocacy.org/>

Direct line and Fax: 732-246-2567

[cgriffin@arcnj.org](mailto:cgriffin@arcnj.org)

## Definitions & Resources

1. **Supplemental Security Income (SSI)**: Provides monthly payments to people with disabilities and older adults with little or no income or resources. Includes automatic eligibility for NJ FamilyCare/Medicaid.
2. **Social Security Administration (SSA)**: Federal government agency that administers Social Security.
3. **Disability Report**: Form SSA-3368-BK is part of the SSI application process and utilized by SSA to make a decision on the disability claim.
4. **Division of Disability Determination Services (DDS)**: Social Security Disability claims are handled through SSA field offices and these state agencies, DDSs. The field office often does an initial application evaluation before the DDS does an evaluation of disability.
5. **Claims Adjudicator**: An employee with assigned authority from the SSA commissioner to approve or disapprove applications for Social Security benefits.
6. **Administrative Law Judge (ALJ)**: Executive judges presiding over official and unofficial hearings regarding administrative disputes in the Federal Government. Social Security ALJs specialize in disability law and regulations, and make rulings on disability claims.

- **Understanding SSI Appeals Process** - <https://www.ssa.gov/ssi/text-appeals-ussi.htm>
- **Appeal a Decision We Made** - <https://www.ssa.gov/apply/appeal-decision-we-made>
- **SSI in NJ (2024)** - [https://www.arcnj.org/file\\_download/inline/f7378ada-35b3-4ade-aa5e-4dcc4bd17051](https://www.arcnj.org/file_download/inline/f7378ada-35b3-4ade-aa5e-4dcc4bd17051)
- **Legal Services NJ Law: How to Appeal a Social Security Denial** - <https://www.lsnjlaw.org/legal-topics/government-aid-services/ssdi-ssi/pages/appeal-social-security-denial.aspx>
- **NJ Department of Labor & Workforce Development: Hearings and Appeals** - <https://www.nj.gov/labor/claims/dds/appeals.shtml#:~:text=Appeals%20must%20be%20filed%20in,time%20frame%20can%20be%20granted.>
- **NJ State Bar Association: County Offices** - <https://njsba.com/county-bar-associations-for-the-public/>
- **PLAN NJ Directory of Attorneys** - <https://plannj.org/professional-directory/>
- **Community Health Law Project** - <https://www.chlp.org/>
- **Legal Services of NJ** - <https://www.lsnj.org/>
- **National Organization of Social Security Claimants' Representatives** - <https://nossrhelp.org/help-me-find-a-representative/>

- If SSI is denied because SSA determines the person to not be sufficiently disabled, per their requirements...
- **Would need to wait a year to apply for Aged, Blind, Disabled (ABD) Medicaid.**
  - The state Medical Review Team then makes an independent disability determination.
- Alternatively, have the option to apply for regular ACA expansion Medicaid.
  - Only possible if the individual with IDD is not listed as a dependent on the parents' tax return and does not have Medicare.
- An SSI approval, upon appeal, provides Medicaid, but this can be a long process.



- **In some instances, a person with IDD cannot qualify for SSI because:**
  - The applicant is receiving a Social Security benefit because their parent passed away, is retired, or is collecting Social Security Disability themselves.
  - The applicant has high unearned income, such as child support.
  - The applicant is employed and earns wages.
- **There are other ways to access Medicaid!**
- SSI is not required to receive Medicaid or be eligible for DDD services.

- NJ FamilyCare is the NJ Medicaid program!

## Two Main Types of Medicaid:

1. **NJ FamilyCare Medicaid**, covering children under 19, lower income adults, and pregnant women
  - Affordable Care Act (ACA) expansion Medicaid or “MAGI” (Modified Adjusted Gross Income) Medicaid.
2. **Aged, Blind, or Disabled (ABD) Medicaid**, covering people 65 and older, and people determined blind or disabled by Social Security, or the state.
  - Most individuals with IDD have an ABD type of Medicaid.

- Eligibility is based on income, not on an individual having a disability (no medical documentation needed).
- **No resource/asset limit**
- Maximum gross income of **\$1,732/month (2024)** for a single adult
- ABD Medicaid is usually a better option if a person has a disability and is eligible

FAMILY SIZE *	Adult(s) (Age 19-64)	Plan First** (Family Planning)	NJSPCP** & Pregnant Women (Any Age)	Children (Under Age 19)					
	Federal Poverty Level % (FPL)								
	0 - 138%	> 138 - 205%	0 - 205%	0 - 147%	> 147 - 150%	> 150 - 200%	> 200 - 250%	> 250 - 300%	> 300 - 355%
Maximum Monthly Income									
1	\$1,677	\$2,491	\$2,491	\$1,787	\$1,823	\$2,430	\$3,038	\$3,645	\$4,314
2	\$2,268	\$3,369	\$3,369	\$2,416	\$2,465	\$3,287	\$4,109	\$4,930	\$5,834
3	\$2,859	\$4,247	\$4,247	\$3,046	\$3,108	\$4,144	\$5,180	\$6,215	\$7,355
4	\$3,450	\$5,125	\$5,125	\$3,675	\$3,750	\$5,000	\$6,250	\$7,500	\$8,875
5	\$4,042	\$6,004	\$6,004	\$4,305	\$4,393	\$5,857	\$7,321	\$8,785	\$10,396
6	\$4,633	\$6,882	\$6,882	\$4,935	\$5,035	\$6,714	\$8,392	\$10,070	\$11,917
Each Additional	\$592	\$879	\$879	\$630	\$643	\$857	\$1,071	\$1,285	\$1,521
Monthly Premium	No premium	No premium	No premium	No premium	No premium	No premium	No premium	No premium	No premium
Copayments	No copay	No copay	No copay	No copay	No copay	\$5 - \$10	\$5 - \$35	\$5 - \$35	\$5 - \$35

\* The size of your family may be determined by the total number of parent(s) or caretaker(s), and all blood-related children under the age of 21 who are tax dependent, as well as any other tax dependent residing in the home.

\*\* Plan First and NJSPCP do not meet the minimum essential health care coverage requirement.

- Some families have been covered by NJ FamilyCare/Medicaid for all or part of the family.
- Eligibility is based on the family/household income, and there is no effect if a person has a disability.
- An adult individual with IDD who is still listed as a dependent - NJ FamilyCare would look at the household income and resources.
- **This does not apply for ABD Medicaid** - when the individual is an adult, only their income and resources are considered.

- **ABD Medicaid Programs:**
  - Supplemental Security Income (SSI) Medicaid
  - Medicaid Only
  - New Jersey Care ... Special Medicaid Programs
  - NJ WorkAbility
  - Managed Long Term Services and Supports (MLTSS)
- Multiple ABD programs, but only one application
- **[Online 2024 ABD Brochure](#)**

- Depending on their income, a person 18 years of age and older may apply for Medicaid.
- Individuals with gross monthly income equal to or below 100% of the federal poverty level (FPL) may qualify for **NJ Care Special Medicaid**.
  - **\$1,255/month** income for an individual (2024)
  - Resource maximum of **\$4,000**
- This type of Medicaid is fine for DDD services.
- Social Security is not required.

- If a person with IDD is not on SSI and receiving an SSDI benefit from the parent’s record work record - often too much income to qualify for Medicaid.
- Unique Non-DAC status, only available through the DDD waiver unit, under their “Medicaid Only” program.
  - Limit of **\$2,829/month (2024)**
- Following DDD intake and, upon approval for DDD services, the person is provided a Medicaid application.
- **Use The Arc of NJ Medicaid Eligibility Problem Form**
  - [https://www.arcnj.org/programs/health-care-advocacy/problem\\_forms.html](https://www.arcnj.org/programs/health-care-advocacy/problem_forms.html)

- Most notices say that Medicaid is required to receive DDD services.
- But a person who has too much income for other Medicaid programs may qualify through the DDD Waiver Unit process.
- We have a helpful fact sheet regarding this process, available on our website, under **Health Care Advocacy**.
- **Please note:** Approval under the “Medicaid Only” program through the DDD Unit **does not** immediately provide Medicaid coverage. The person is provided a Medicaid application later, upon approval for DDD services.



# Medicaid Eligibility Problem Form



## The Arc of New Jersey Health Care Advocacy Medicaid Eligibility Problem Form

Date of Report:

Name of individual with intellectual or developmental disability (I/DD):		Date of Birth:	Current Age:
		Social Security #:	
Individual's Diagnosis:		Is the individual a DDD Client? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Address:	County:	If answer is YES, please choose from one selection below:	
Name of Contact Person:	Relationship to Individual:	Supports Program? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Contact Person's Telephone:	Email:	OR	
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:		CCP - (Community Care Program) Formally known as CCW, Community Care Waiver? <input type="checkbox"/> Yes <input type="checkbox"/> No	
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 yes, at what age did person stop receiving SSI? Do you know the circumstances that caused the person to lose SSI? Please explain: Comments:		DDD ID #:	
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:			
Social Security Disability? (May also be called a Survivor's benefit, if a parent has passed away) <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 Private or Employer-Sponsored Health Insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Employment Status of Parents			
Mother: Working? <input type="checkbox"/> Yes <input type="checkbox"/> No Retired? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. year when mom retired: Deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. year when mom died: Disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. year when mom became disabled:		Father: Working? <input type="checkbox"/> Yes <input type="checkbox"/> No Retired? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. year when dad retired: Deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. year when dad died: Disabled? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, approx. year 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 NJ Medicaid 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 \$ _____			

## Phase 1 - April 1st, 2023:

- Allows for the continuation of NJ Workability for up to 12 months after a job loss (through no fault of the employee)
- **Resource/asset limits were eliminated.**
- Can keep NJ WorkAbility after 65<sup>th</sup> birthday.
- Removes consideration of spouse's income.
- Can have IRA or 401k retirement account (this is not new; was already allowable).

## Phase 2 - February 1st, 2024:

- Open to people age 16+ with a disability determination
- No longer counts spouse's income when determining eligibility or premiums
- No longer limits eligibility based on assets
- **No longer limits eligibility based on income.**
  - People with countable income over 250% of the Federal Poverty Level must agree to pay a premium.
- See the DDS website for the premium chart:
  - <https://www.nj.gov/humanservices/dds/programs/nj/workability/>

# TYPES OF NJ FAMILYCARE/MEDICAID ELIGIBILITY IN NJ

## AGED, BLIND, OR DISABLED (ABD)

### **Supplemental Security Income (SSI) Medicaid**

Provided automatically when a person with IDD is approved for SSI benefits. Apply for SSI at age 18 or above through your local SSA Office here: [bit.ly/ssaooffices](https://bit.ly/ssaooffices)

### **Medicaid Only**

For individuals with IDD who do not receive monthly SSI, but meet SSI income and resource limits. [bit.ly/medicaidonly](https://bit.ly/medicaidonly)

### **NJ Workability**

Offers healthcare to individuals with IDD ages 16+ who are employed and whose income would disqualify them from other forms of Medicaid. [bit.ly/njworkability](https://bit.ly/njworkability)

### **Disabled Adult Child (DAC)**

For persons whose SSI ended because they received benefits from a parent who retired, became disabled, or died. Request for information (RFI) is for people who have DDD. [bit.ly/dacmedicaid](https://bit.ly/dacmedicaid)

### **New Jersey Care... Special Medicaid Program**

For individuals with IDD with income below \$1,255/month. Contact your County Board of Social Services: [bit.ly/njcbss](https://bit.ly/njcbss)

### **Long Term Services and Supports**

Applies to younger individuals who need significant support, such as private-duty nursing, etc. [bit.ly/longtermsupport](https://bit.ly/longtermsupport)

### HOW TO GET IT

Apply for SSI at age 18 [bit.ly/Apply4SSI](https://bit.ly/Apply4SSI)  
ABD Medicaid Application [bit.ly/ABDapplication](https://bit.ly/ABDapplication)

### QUICK FACT

Medicaid is an entitlement-based program. Anyone who is determined eligible by the Medicaid Office has the right to receive Medicaid and its related services. Eligibility is not guaranteed.

### WHAT'S COVERED?

Doctor visits, prescriptions, x-rays, dental, lab testing, eyeglasses, mental health, hospitalization, specialist visits, hearing aids, Personal Care Assistant (PCA), Personal Preference Program (PPP)

For specific questions about Medicaid or the application process, contact [fape@arcnj.org](mailto:fape@arcnj.org).

## NJ FAMILYCARE/ MEDICAID EXPANSION

- Eligibility is based on income, not on the individual having a disability.
- The maximum monthly income limit increases each year.
- The maximum gross income for a single adult in 2024 is \$1,732/month.
- The individual cannot be listed as a dependent on their parent's tax return.
- The individual cannot receive Medicare.
- ABD is a better route if eligible.

### HOW TO GET IT

*Applicants must have financial eligibility.*  
NJ FamilyCare Quickstart  
[bit.ly/njfamilycare](https://bit.ly/njfamilycare)

### QUICK FACT

Adults must have legal resident status for 5 years to be eligible. Children and pregnant women with legal resident status are eligible, regardless of length of residency.

### WHAT'S COVERED?

Doctor visits, prescriptions, x-rays, dental, lab testing, eyeglasses, hospitalization, mental health, preventative screenings, regular checkups



When an SSI/Medicaid recipient (or applicant) has a parent who has retired, died or is on disability, the individual will begin to receive (or is already receiving) SSDI on the parent's work record.



Individual was on SSI/Medicaid. Then the parent retired, is on disability, or died, and the individual started collecting



But they are also eligible to receive Medicaid as a Section 1634 DAC

If receiving DDD services, the individual should receive an RFI packet from DDD to apply for Medicaid as a DAC



See DDD's 1634 DAC flyer for more information:  
[bit.ly/dacflyer](https://bit.ly/dacflyer)



Individual was never on SSI/Medicaid



Individual is receiving a benefit from the parent's work record that is **less** than \$1,255/month (2024)



Individual can apply for NJ Care Special Medicaid (community Medicaid) through the County Board of Social Services.



Individual is receiving income that is **more** than \$1,732/month (2024)



The individual could apply for a special "Non-DAC" status with the state. This will allow the individual to apply through the DDD Waiver Unit approaching age 21



See The Arc of NJ's Non-DAC flyer here: [bit.ly/nonDACflyer](https://bit.ly/nonDACflyer)  
Use The Arc of NJ's Medicaid Eligibility Problem Form here:  
[Download the Form](#)  
Contact [fap@arcnj.org](mailto:fap@arcnj.org)




The Arc of New Jersey  
Family Institute

[thearcfamilyinstitute.org](https://thearcfamilyinstitute.org)

732.828.2022

[thefamilyinstitute@arcnj.org](mailto:thefamilyinstitute@arcnj.org)

 @thearcofnjfamilyinstitute

 @thearcnjfi  @thearcnjfi

- A person enrolled in Medicaid must be enrolled in Medicaid managed care.
- Can select a managed care organization (MCO), and switch at any time for “good cause.”
- Health Benefits Coordinator for Medicaid questions:  
**1-800-701-0710**
- Care management available, upon request, from the MCO.
- If person has private insurance, it is the primary payer and Medicaid is the “payer of last resort.”

## **Five Medicaid MCOs in NJ:**

1. Horizon NJ Health
2. United Health Care Community Plan
3. Wellpoint (formerly Amerigroup)
4. Fidelis Care
5. Aetna Better Health



- **Personal Care Assistance (PCA)** and the **Personal Preference Program (PPP)** are available for eligible Medicaid enrollees.
- Must require assistance with activities of daily living (**ADLs**) such as bathing, feeding, dressing, grooming, toileting, etc.
- PPP program allows someone to direct their own PCA services, such as through friends and family, without needing a home health care agency.
- PCA and PPP are free, but require a doctor's prescription and MCO nurse assessment to approve eligibility and determine the number of hours per week that Medicaid will cover.
- Contact your MCO to begin the process.

- Online via the NJ FamilyCare website
  - [Apply here](#)
- In person at your local County Board of Social Services office
  - [Find your local office](#)
- Print the application, fill in out, and mail it in
  - [A pdf of the application](#)
- Call NJ FamilyCare at 1-800-701-0710 (TTY: 711) for assistance, if needed.



## NJ FamilyCare Aged, Blind, Disabled Programs **APPLICATION**

### SECTION 1 Applicant

Applicant's Name: \_\_\_\_\_  
Last First Middle Maiden Name

Home Address: \_\_\_\_\_  
Street City State Zip Code

Current Mailing Address (if different from above):

\_\_\_\_\_ Street City State Zip Code

Is Applicant living in a nursing facility?  Yes  No

If Applicant has not lived at the Home Address for 5 years, tell us the previous address:  
(Attach additional information if needed)

\_\_\_\_\_ Street City State Zip Code

Applicant's Phone Number: ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

Applicant's E-mail Address: \_\_\_\_\_

Is the Applicant Blind or Disabled?  Yes If yes, as of what date: \_\_\_\_\_  No

Has the Applicant applied for Supplemental Security Income (SSI)?  
 Yes If yes, when \_\_\_\_\_ - \_\_\_\_\_  No  
Month Year

Does the Applicant have a history of a severe or chronic intellectual disability or developmental disability that occurred before age 22 and is indicated by intellectual disability, autism, cerebral palsy, epilepsy, spina bifida or other neurological impairments?  Yes  No

Does the Applicant need "nursing home like" services, Long Term Services and Supports, such as dressing, bathing or mobility assistance? See Brochure.  Yes  No

Has the Applicant ever applied before?  Yes If yes, which county \_\_\_\_\_  No

### SECTION 2 Demographic Information for the Applicant

Date of Birth: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Sex:  Male  Female  
Month Day Year

Citizenship Status:

US citizen or US national  Naturalized or derived citizen (born outside of the US)  
 If naturalized or derived citizen, enter

USCIS # \_\_\_\_\_ and Certificate # \_\_\_\_\_

Certificate Type:  Naturalization Certificate  Certificate of Citizenship

- All young adults can remain on a parent's health insurance until age 26.
- **Adult children with disabilities may remain on the parent's plan beyond age 26, if not capable of self-sustaining employment.**
- At least a few months before the child's 26<sup>th</sup> birthday – parent should contact employer's Human Resources.
- Possible to have private health insurance, Medicare, *and* Medicaid.
  - Medicaid is always the payer of last resort.
- The Arc of NJ's fact sheet on our website.



# Questions?

**Connor Griffin, MPH**

Director, Health Care Advocacy

The Arc of New Jersey

[healthcareadvocacy@arcnj.org](mailto:healthcareadvocacy@arcnj.org)

To sign up for our listserv:

[www.arcnj.org](http://www.arcnj.org)



More information can be found at  
[www.arcnj.org](http://www.arcnj.org), under the Health Care Advocacy Program page.