

NJ WorkAbility Updates and Implementation



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DRNJ Presenter Information



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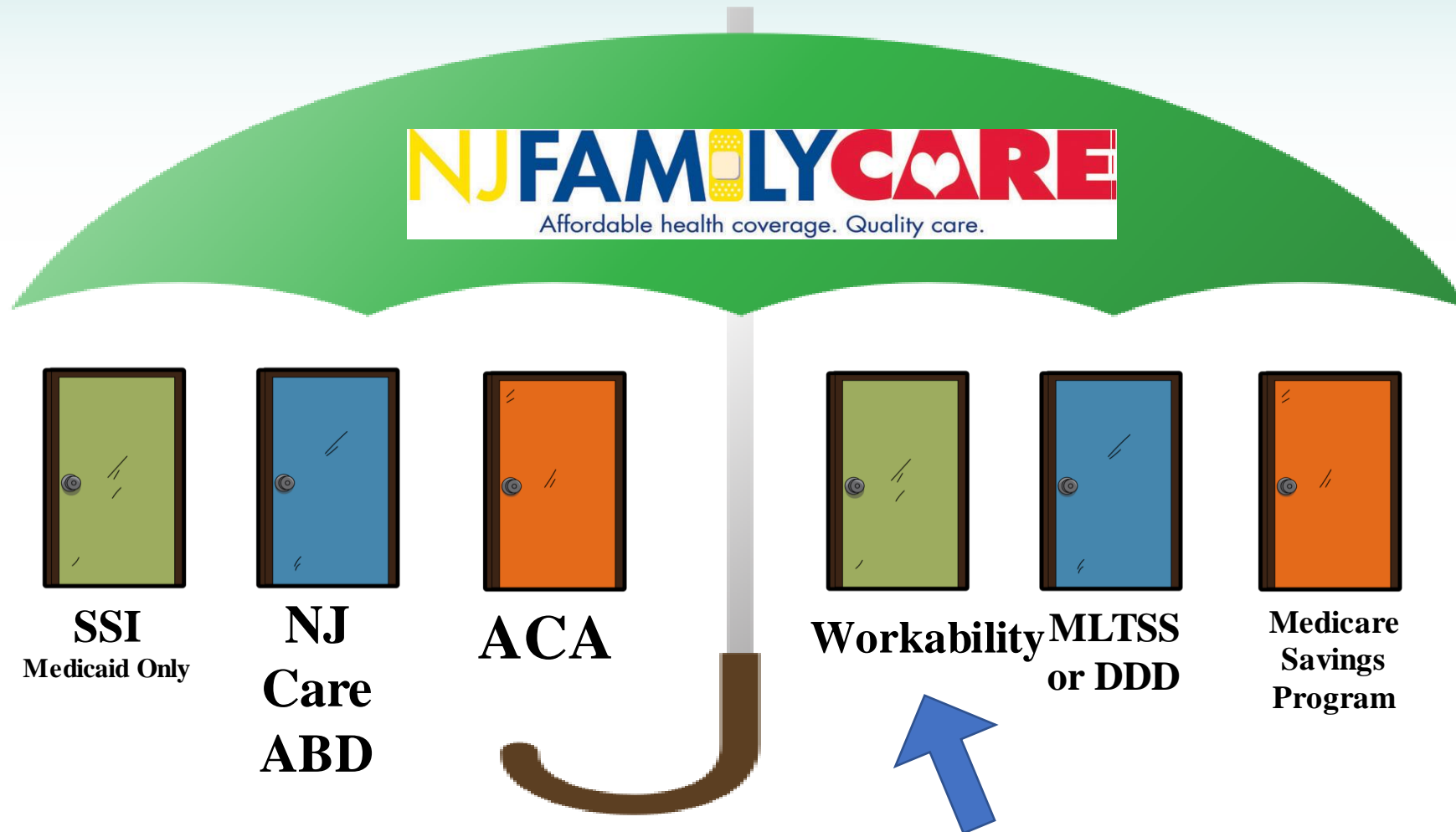


Today's Objectives

- Understand the foundation of NJ WorkAbility.
- Learn why WorkAbility is crucial to New Jerseyans with disabilities who want to work and enjoy career advancement.
- Discuss how the new WorkAbility law can provide a powerful boost to work incentives in New Jersey.
- Hear update on implementation of the new law and advocacy steps to make the law's promise a reality.



NJ Medicaid Programs - Overview





NJ WorkAbility

NJ WorkAbility offers people with disabilities who are working, and whose income would otherwise make them ineligible for Medicaid, the opportunity to receive full Medicaid coverage.

The NJ WorkAbility Program is a Medicaid buy-in option for employed, permanently-disabled individuals, authorized under the federal "Ticket to Work and Work Incentives Improvement Act of 1999," Pub.L.106-170.



NJ WorkAbility – Current Eligibility Requirements

In order to qualify for NJ WorkAbility, current and prospective NJ FamilyCare members must:

- Be at least 16 years old
- Be a New Jersey resident
- Be employed, either full or part time; and be able to show proof of employment
- Be determined as disabled by the Social Security Administration **OR** the Medical Review Team at the Division of Medical Assistance & Health Services, prior to age 65
- Meet the income thresholds



NJ WorkAbility: Permanent Disability

The Social Security Administration (SSA) defines adult disability as:

- The inability to engage in substantial gainful activity (SGA) by reason of any **medically determinable** physical or mental impairment;
- which can be expected to **result in death** or
- which has lasted or can be expected to last for a continuous period of **not less than 12 months**.

OR

The Disability Review Team at the NJ Division of Medical Assistance and Health Services (**DMAHS**; the State Medicaid Office).



NJ WorkAbility Bill

Recently enacted legislation expanded who can qualify for NJ WorkAbility. Revises eligibility requirements for NJ WorkAbility Program and Personal Assistance Services Program. The **WorkAbility Bill**, NJ S3455.

The WorkAbility Bill will remove barriers to employment and career advancement for individuals with disabilities.



NJ WorkAbility Bill – What has Changed?

Eligibility Requirements	Before 1/10/22 Enactment	Full Implementation	Update as of 9/22/23
Enrollee's maximum age	Up to 64 years old	No limit	Age limit removed since 4/1/23
Spousal incomes and assets	... are included in eligibility determination	... are excluded	... have been excluded since 4/1/23
Asset limits	\$20,000/person or \$30,000/couple (excluding a home, a car, own 401 (k) account and IRA balances)	No limit	Asset limits removed since 4/1/23
Limit on Earned Income	250% of the Federal Poverty Level (about \$6,161/month/person)	No limit	DMAHS still has to submit the State Plan Amendment to CMS
Limit on Unearned Income (e.g. social security benefits based on parents' work records)	100% of the Federal Poverty Level (about \$1,215/month/person)	No limit	DHAHS still has to submit the State Plan Amendment to CMS
Continuation of Medicaid coverage	Coverage ends with job termination	Coverage continues for one year after job loss	Continued coverage remains to be implemented by state regulations and/or administration



Phased Implementation

Phase 1 Implementation - launched April 1, 2023

- Expanded eligibility

Phase 2 Implementation – launch date still pending

- Removal of earned income limits



Phase 1 Implementation – April 1, 2023

NJ WorkAbility enrollment is now available to:

- all people over age 16 who received a disability determination prior to age 65;
- Continued eligibility for people over the age of 65
 - **Removed Maximum age limit of 64**



Phase 1 Implementation – April 1, 2023

NJ WorkAbility enrollment is now available to individuals:

- Free from Asset Limits
 - removed previous asset limit of \$20,000
- Regardless of **spouses' income and assets**



NJ WorkAbility Website

Information about Program Enrollment and Updates for Phase 1 implementation are live on the existing NJ WorkAbility page, and social media content is live on the Department of Human Services (DHS) platforms.

NJ WorkAbility Site

[The Division of Disability Services | NJ WorkAbility](#)



How to Apply for WorkAbility?

- Through **County** Boards of Social Services

<https://www.nj.gov/humanservices/njsnap/home/cbss.shtml>

- Online application

https://www.state.nj.us/humanservices/dmahs/clients/medicaid/abd/ABD_Application.pdf



Phase 1 Implementation – Still Pending

Continuous eligibility for members enrolled in NJ WorkAbility for **12 months following a job loss** that happens through no fault of their own

Eligibility for continuous enrollment for 12 months was scheduled to be implemented as part of Phase 1 on April 1, 2023..... Implementation is pending state regulations and/or administration.

Continued advocacy is necessary to implement this provision.



Phase 2 Implementation

Phase 2 implementation activities continue as policy issues and systems enhancements are being built in the DHS eligibility system.

Division of Medical Assistance and Health Services (DMAHS) still has to submit the State Plan Amendment to CMS



Phase 2 Implementation

The legislation provides for additional program expansion to include:

- Removal of income limits
- Establishment of a premium structure

Medicaid Communications will be published once these additional provisions are made operational. Until operational, the current income eligibility criteria remains the same.



NJ WorkAbility: Current Earned Income Limits

NJ WorkAbility enrollment is currently available to workers with disabilities whose ***Countable Earned Incomes are up to 250% (Federal Poverty Level) FPL***

A single individual's gross earned income may not exceed \$73,932 per year/\$6,161 per month.

[2023 Monthly FPL: \$1,215/month/person]

Phase 2 eliminates the program's existing eligibility limit of the 250%



NJ WorkAbility: **Current Unearned Income Limits**

Countable unearned income must be less than 100% of the Federal Poverty Level (2023 is **\$1,215/month or \$14,580/year**).

- *Social Security Disability benefits and Railroad Disability benefits received by the individual on his or her own account **shall not be counted as income.***
- *Social Security Disability benefits received by the individual based on the income record of a retired or deceased parent **shall be counted as unearned income.***

Total countable income (combined earned and unearned), after disregards, shall not exceed 250% of the Federal Poverty Level.



NJ WorkAbility – Post Public Health Emergency

As a result of the end of the Public Health Emergency (PHE) eligible individuals shall remain on NJ WorkAbility Medicaid (if all eligibility requirements are still met) **or** may be transitioned to another Medicaid category

Eligibility Redetermination is scheduled to take place during the final 3 months of the **12-month Medicaid eligibility redetermination period, beginning on April 1, 2023.**

- Existing WorkAbility members are scheduled to undergo eligibility redetermination between **January 1** and **March 31, 2024.**



NJ WorkAbility – Post Public Health Emergency

If someone is **disenrolled or their NJ WorkAbility Medicaid coverage changes to another Medicaid category**, and they disagree with the state Medicaid agency's decision, they can appeal.

Medicaid beneficiaries who have their benefits mistakenly terminated or their eligibility reduced have the right to an appeal, also called a “fair hearing,” to contest the state Medicaid agency's decision



NJ WorkAbility – Appeals

If your WorkAbility is terminated, you have the right to appeal the determination

- **This is a proceeding before the Office of Administrative Law**
- **To initiate an action, you must notify the state agency that you would like to have a fair hearing**
 - The action will be referred to the OAL at that time

If you have any questions about this process, please contact Disability Rights New Jersey to discuss your options



Questions?



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