

1 10A NCAC 23E .0203 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 23E .0203 COUNTABLE INCOME**

4 (a) For ~~Family and Children's family and children's medically needy~~ cases, income from the following sources shall
5 be counted in the calculation of financial eligibility:

6 (1) Unearned.

7 (A) ~~RSDI~~ RSDI, as defined in 10A NCAC 23A .0102;

8 (B) Veteran's ~~Administration, Administration;~~

9 (C) Railroad ~~Retirement, Retirement;~~

10 (D) Pensions or retirement ~~benefits, benefits;~~

11 (E) ~~Workmen's-Worker's Compensation, Compensation;~~

12 (F) Unemployment ~~Compensation, Compensation;~~

13 (G) All support payments, including child and spousal support; Support Payments;

14 (H) ~~Contributions, Contributions;~~

15 (I) Dividends or interest from stocks, bonds, and other ~~investments, investments;~~

16 (J) Trust fund ~~income, income;~~

17 (K) Private disability or employment ~~compensation, compensation;~~

18 (L) ~~That The~~ portion of educational loans, grants, and scholarships for maintenance,
19 maintenance;

20 (M) Work ~~release, release;~~

21 (N) Lump sum ~~payments, payments;~~

22 (O) Military ~~allotments, allotments;~~

23 (P) Brown Lung ~~Benefits, Benefits;~~

24 (Q) Black Lung ~~Benefits, Benefits;~~

25 (R) Trade Adjustment ~~benefits, benefits;~~

26 (S) SSI when the client is in ~~long-term care, long-term care;~~

27 (T) VA Aid and Attendance when the client is in ~~long-term care, long-term care;~~

28 (U) Foster Care Board payments in excess of ~~State state~~ maximum rates for M-AF clients who
29 serve as foster ~~parents, parents;~~

30 (V) Income allocated from an institutionalized spouse to the client who is the community
31 spouse as stated in 42 U.S.C. ~~1396r-5(d), 1396r-5(d);~~

32 (W) Income allowed from an institutionalized spouse to the client who is a dependent family
33 member as stated in 42 U.S.C. ~~1396r-5(d), 1396r-5(d);~~

34 (X) Sheltered Workshop ~~Income, Income;~~

35 (Y) ~~Loans Loans,~~ if repayment of a loan and not counted in ~~reserve, reserve; and~~

36 (Z) Income deemed to Family and Children's clients.

37 (2) Earned Income.

- 1 (A) Income from wages, salaries, and ~~commissions~~, commissions;
- 2 (B) Farm ~~income~~, Income;
- 3 (C) Small business income including ~~self-employment~~, self-employment;
- 4 (D) Rental ~~income~~, income;
- 5 (E) Income from roomers and ~~boarders~~, boarders;
- 6 (F) Earned income of a child client who is a part-time student and a full-time ~~employee~~,
- 7 employee;
- 8 (G) Supplemental payments in excess of state maximum rates for Foster Care Board payments
- 9 paid by the county to Family and Children's clients who serve as foster ~~parents~~, parents;
- 10 and
- 11 (H) VA Aid and Attendance paid to a budget unit member who provides the aid and attendance.
- 12 (3) Additional sources of income not listed in Subparagraphs (a)(1) or (2) of this Rule shall be
- 13 considered available unless specifically excluded by Paragraph (b) of this Rule, or by State or federal
- 14 regulation or statute.
- 15 (b) For family and children's medically needy cases, income from the following sources shall not be counted in the
- 16 calculation of financial eligibility:
- 17 (1) Earned income of a child who is a part-time student but is not a full-time employee;
- 18 (2) Earned income of a child who is a full-time student;
- 19 (3) Incentive payments and training allowances made to Work Incentives Network (WIN) ~~WIN~~ training
- 20 participants;
- 21 (4) Payments for supportive services or reimbursement of out-of-pocket expenses made to volunteers
- 22 serving as VISTA volunteers, foster grandparents, senior health aides, senior companions, Service
- 23 Corps of Retired Executives, Active Corps of Executives, Retired Senior Volunteer Programs,
- 24 Action Cooperative Volunteer Program, University Year for Action Program, and other programs
- 25 under Titles I, II, and III of Public Law 93-113;
- 26 (5) Foster Care Board payments equal to or below the state maximum rates for Family and Children's
- 27 clients who serve as foster parents;
- 28 (6) Income that is unpredictable, i.e., unplanned and arising only from time to time. Examples include
- 29 occasional yard work and sporadic babysitting;
- 30 (7) Relocation payments;
- 31 (8) Value of the coupon allotment under the Food and Nutrition Program (FNS); ~~Food Stamp Program~~;
- 32 (9) Food (vegetables, dairy products, and meat) grown by or given to a member of the household. The
- 33 amount received from the sale of home grown produce is earned income;
- 34 (10) Benefits received from the Nutrition Program for the Elderly;
- 35 (11) Food Assistance under the Child Nutrition Act and National School Lunch Act;
- 36 (12) Assistance provided in cash or in kind under any governmental, civic, or charitable organization
- 37 whose purpose is to provide social services or vocational rehabilitation. This includes V.R.

- 1 incentive payments for training, education, ~~education~~ and allowance for dependents, grants for
2 tuition, chore services under Title XX of the Social Security Act, and VA aid and attendance or aid
3 to the home bound if the individual is in a private living arrangement;
- 4 (13) Loans or grants such as the GI Bill, civic, honorary and fraternal club scholarships, loans, or
5 scholarships granted from private donations to the college, ~~ete~~, except for any portion used or
6 designated for maintenance;
- 7 (14) Loans, grants, or scholarships to undergraduates for educational purposes made or insured under
8 any program administered by the U.S. Department of Education;
- 9 (15) Benefits received under Title VII of the Older Americans Act of 1965;
- 10 (16) Payments received under the Housing Choice Voucher (HCV) Program, formerly known as the
11 Experimental Housing Allowance Program (EHAP);
- 12 (17) In-kind shelter and utility contributions paid directly to the supplier. For Family and Children's
13 cases, shelter, utilities, or household furnishings made available to the client at no cost;
- 14 (18) Food/clothing contributions in Family and Children's cases (except for food allowance for persons
15 temporarily absent in medical facilities up to 12 months);
- 16 (19) Income of a child under 21 in the budget unit who is participating in the Job Training Partnership
17 Act JTPA and is receiving Medicaid as a child;
- 18 (20) Housing Improvement Grants approved by the N.C. Commission of Indian Affairs or funds
19 distributed per capital or held in trust for Indian tribe members under P.L. 92-254, P.L. 93-134 or
20 P.L. 94-540;
- 21 (21) Payments to Indian tribe members as permitted under P.L. 94-114;
- 22 (22) Payments made by Medicare to a home renal dialysis patient as medical benefits;
- 23 (23) ~~SSI~~ SSI, except for individuals in ~~long-term~~ long-term care;
- 24 (24) HUD Section 8 benefits when paid directly to the supplier or jointly to the supplier and client;
- 25 (25) Benefits received by a client who is a representative payee for another individual who is incompetent
26 or incapable of handling his or her affairs. Such benefits ~~must~~ shall be accounted for by the county
27 department of social services separate from the payee's own income and resources;
- 28 (26) Special one time payments such as energy, weatherization assistance, or disaster assistance that is
29 not designated as medical;
- 30 (27) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 31 (28) Payments under the Alaska Native Claims Settlement Act, Public Law 92-203;
- 32 (29) Any payment received under Title II of the Uniform Relocation Assistance and Real Property
33 Acquisition Policies Act of 1970;
- 34 (30) HUD Community Development Block Grant funds received to finance the renovation of a privately
35 owned residence;
- 36 (31) Reimbursement for transportation expenses incurred as a result of participation in the Community
37 Work Experience Program or for use of client's own vehicle to obtain medical care or treatment;

- 1 (32) Adoption assistance;
- 2 (33) Incentive payments made to a client participating in a vocational rehabilitation program;
- 3 (34) Title XX funds received to pay for services rendered by another individual or agency;
- 4 (35) Any amount received as a refund of taxes paid;
- 5 (36) The first fifty-dollars (\$50) of each child support/spousal obligation or military allotment paid
- 6 monthly to the budget unit in a private living ~~arrangement.~~ arrangement; and
- 7 ~~(37) Income from an Achieving a Better Life Experience (ABLE) program account, pursuant to Chapter~~
- 8 ~~147, Article 67 of the North Carolina General Statutes.~~

9 (c) For aged, blind, and disabled cases, income counted in the determination of financial eligibility is shall be based
 10 on standards and methodologies in Title XVI of the Social Security Act.

11 (d) For aged, blind, and disabled cases, income from the following sources shall not be counted:

- 12 (1) Any Cost of Living Allowance (COLA) increase or receipt of RSDI benefit, as defined in 10A
 13 NCAC 23A .0102, benefit which that resulted in the loss of SSI for those qualified disabled and
 14 working individuals described at 42 U.S.C. 1396d(s); ~~individuals described in 10A NCAC 23D~~
 15 ~~.0101(17).~~
- 16 (2) Earnings for those individuals who have a plan for achieving self-support (PASS) that is approved
 17 by the Social Security ~~Administration; and Administration.~~
- 18 ~~(3) Income from an Achieving a Better Life Experience (ABLE) program account, pursuant to Chapter~~
- 19 ~~147, Article 67 of the North Carolina General Statutes.~~

20 (e) Income levels for purposes of establishing eligibility are those amounts approved by the N.C. General Assembly
 21 and stated in the Appropriations Act for categorically needy and medically needy classifications, except for the
 22 following:

- 23 (1) The income level shall be reduced by one-third when an aged, ~~blind, blind~~ or disabled individual
 24 lives in the household of another person and does not pay his or her proportionate share of household
 25 expenses. The one-third reduction shall not apply to children under nineteen years of age who live
 26 in the home of their parents;
- 27 (2) An individual living in a long term care facility or other medical institution shall be allowed as
 28 income level deduction for personal needs described under the Medicaid State Plan; Rule .0204
 29 (Personal Needs Allowance) of this Section; and
- 30 ~~(3) The categorically needy income level for an aged, blind, and disabled individual or couple is 100%~~
 31 ~~of the Federal Poverty Level;~~
- 32 ~~(3)(4)~~ (3)(4) The income level to be applied for Qualified Medicare Beneficiaries described in 42 U.S.C. 1396d
 33 and individuals described in 42 U.S.C. 1396e is based on the income level for one; or two for a
 34 married couple who live together and both receive Medicare.

35 (f) Income for Family and Children's categorically needy cases is determined pursuant to 42 C.F.R. 435.603.

1 *History Note: Filed as a Temporary Rule Effective July 1, 1987, for a period of 120 days to expire on October 31,*
2 *1987;*
3 *Authority G.S. 108A-25(b); 108A-54; 108A-54.1B; ~~108A-61~~; 42 C.F.R. 435.135; 42 C.F.R. 435.603;*
4 *~~42 C.F.R. 435.731~~; ~~42 C.F.R. 435.732~~; 42 C.F.R. 435.733; 42 C.F.R. 435.811; ~~42 C.F.R. 435-812~~;*
5 *42 C.F.R. 435.831; 42 C.F.R. 435.832; 42 C.F.R. 435.1007; 45 C.F.R. 233.20; 42 U.S.C 1383c(b);*
6 *42 U.S.C 1383c(d); P.L. 99-272, ~~99-272~~; Section 12202; Alexander v. Flaherty Consent Order filed*
7 *February 14, 1992;*
8 *Eff. September 1, 1984;*
9 *Amended Eff. January 1, 1996; January 1, 1995; September 1, 1994; September 1, 1993;*
10 *Temporary Amendment Eff. February 23, 1999;*
11 *Amended Eff. August 1, 2000;*
12 *Transferred from 10A NCAC 21B .0312 Eff. May 1, 2012; ~~2012~~.*
13 *Readopted Eff. May 1, 2019.*