

1 10A NCAC 23E .0208 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 23E .0208 CALCULATING INCOME**

4 (a) Income that is actually available and ~~that which~~ the client or someone acting in his or her behalf has the legal  
5 authority to ~~can legally~~ make available for support and maintenance shall be counted as income.

6 (b) Only income actually available or predicted by the county department of social services to be available to the  
7 budget unit for the certification ~~period~~, as defined in 10A NCAC 23A .0102, ~~period~~ for which eligibility is being  
8 determined shall be counted as income.

9 (c) For aged, blind, and disabled cases allowable disregards from income ~~are~~ shall be based on Title XVI of the Social  
10 Security Act.

11 (d) Deductions subtracted after allowable disregards are:

12 (1) Incapacitated adult care not to exceed one hundred and seventy-five dollars (\$175.00) per adult for  
13 Family and Children's medically needy cases.

14 (2) Child ~~or incapacitated adult~~ care not to exceed one hundred and seventy-five dollars (\$175.00) per  
15 child over two years of age ~~or adult~~ or two hundred dollars (\$200.00) per child under two years of  
16 age for Family and Children's medically needy related cases.

17 (3)(2) A standard deduction of ninety dollars (\$90.00) from the total earned income of each budget unit  
18 member for Family and Children's medically needy related cases.

19 (4)(3) For aged, blind, and disabled cases allowable deductions from income are based on Title XVI of the  
20 Social Security Act.

21 (e) Except for M-PW, as defined in 10A NCAC 23A .0102, ~~M-PW~~ the monthly amount of wages, income, and  
22 deductions ~~wage deductions and work related expenses~~ shall be calculated by converting the average amount received  
23 by frequency ~~per pay period~~ into a monthly amount as follows: ~~amount:~~

24 (1) If ~~received paid~~ weekly, multiply by 4.3.

25 (2) If ~~received paid~~ bi-weekly, multiply by 2.15.

26 (3) If ~~received paid~~ semi-monthly, multiply by 2.

27 (4) If ~~received paid~~ monthly, use the monthly gross.

28 (5) If salaried, and contract renewed annually, divide annual income ~~etc.~~ by 12.

29 (f) For M-PW cases, the budget unit's actual income for the calendar month of eligibility shall be verified by the  
30 county department of social services. ~~verified.~~

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32 *History Note: Authority G.S. 108A-25(b); 108A-54; 108.54.1B; 42 C.F.R. 435.121; 42 C.F.R. 435.401; 42 C.F.R.*  
33 *435.603; 42 C.F.R. 435.731; 42 C.F.R. 435.732; 42 C.F.R. 435.734; 42 C.F.R. 435.812; 42 C.F.R.*  
34 *435.831; 45 C.F.R. 435.845; ~~45 C.F.R. 435.851~~; 45 C.F.R. 233.20; 45 C.F.R. 233.51;*

35 *Eff. September 1, 1984;*

36 *Amended Eff. January 1, 1995; August 1, 1990; March 1, 1986;*

37 *Temporary Amendment Eff. August 22, 1996;*

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*Amended Eff. August 1, 1998;*  
*Transferred from 10A NCAC 21B .0404 Eff. May 1, 2012; ~~2012~~.*  
*Readopted Eff. May 1, 2019.*