

**§3174. Eligibility**

Medical indigency and eligibility for assistance under this chapter are to be defined and determined in manners consistent with the requirements for the receipt of federal matching funds under Title XIX, or its successors, of the Social Security Act. [PL 1977, c. 714, §3 (NEW).]

An applicant shall be an adult who requires care and assistance, an adult legally responsible for the care of another or an adult who is legally responsible for the care of, and is applying on behalf of, one or more dependent minor children. Applications may be made on behalf of those applicants by their legal representatives. [PL 1977, c. 714, §3 (NEW).]

The department shall review and reevaluate eligibility for all recipients of aid, assistance or benefits available through a program of medical assistance administered pursuant to this chapter no less than once every 12 months, notwithstanding any federal statute, regulation or waiver allowing for less frequent reviews. [PL 2017, c. 284, Pt. NNNNNNN, §9 (NEW).]

The income factor of eligibility is met if, after reducing all income received by or available to the applicant by the liabilities for the kinds of goods and services provided for in this section, the residual income does not exceed 100% of an amount equal to the Temporary Assistance for Needy Families payment standards applicable to the applicant in the case of a family of 2 or more, or does not exceed 100% of an amount equal to the Temporary Assistance for Needy Families full-need standard for a unit of one in the case of an individual. [RR 1991, c. 1, §29 (COR); PL 1997, c. 530, Pt. A, §34 (AMD).]

The application of any available insurance, other 3rd party liabilities or other benefits to which the applicant may be entitled or the determination of other eligibility factors shall be in accordance with federal matching requirements. [PL 1977, c. 714, §3 (NEW).]

The department, under rules and regulations established pursuant to section 3173, shall set forth conditions of eligibility for assistance under this chapter. Such conditions shall provide that aid may be granted only to any applicant who: [PL 1973, c. 790, §2 (NEW).]

**1. Income.** Has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health; [PL 1973, c. 790, §2 (NEW).]

**2. Residence.** Is living in the State at the date of the application; and [PL 1973, c. 790, §2 (NEW).]

**3. Inmate.** Is not an inmate of any public institution, except as a patient in a medical institution or an inmate during the month in which the applicant becomes an inmate only to the extent permitted by federal law, but an inmate of such an institution may file application for aid and any allowance made thereon must take effect and be paid when the applicant ceases to be an inmate of the institution. [RR 2021, c. 2, Pt. B, §160 (COR).]

**SECTION HISTORY**

PL 1973, c. 790, §2 (NEW). PL 1977, c. 714, §3 (AMD). PL 1979, c. 566, §1 (AMD). PL 1981, c. 703, §A25 (AMD). PL 1983, c. 178 (AMD). PL 1987, c. 834, §1 (AMD). RR 1991, c. 1, §29 (COR). PL 1991, c. 528, §P12 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §P12 (AMD). PL 1997, c. 530, §A34 (AMD). PL 2017, c. 284, Pt. NNNNNNN, §9 (AMD). RR 2021, c. 2, Pt. B, §160 (COR).

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