

5160:1-6-02

Medicaid: treatment of income and resources of individuals receiving long-term care services.

(A) This rule describes the treatment of income and resources for individuals receiving long-term care (LTC) services as defined in rule 5160:1-6-01 of the Administrative Code.

(B) Definition. "Individual" for the purposes of this rule, is defined in rule 5160:1-6-01 of the Administrative Code.

(C) An individual with no spouse.

(1) During any month in which an adult individual with no spouse is eligible for LTC services, only the income and resources of the individual is considered in the eligibility and post-eligibility determinations.

(2) An individual is considered to be an adult when his or her age exceeds the identified age of a child in the base medicaid eligibility criteria, as defined in Chapters 5160:1-3, 5160:1-4, and 5160:1-5 of the Administrative Code, as applicable.

(D) An individual who is a child.

(1) For the initial thirty days in which a child is considered institutionalized, as defined in rule 5160:1-1-01 of the Administrative Code, the child is considered living with the family. The income and resources of the parents are considered available to the child during the initial thirty days.

(2) After the initial thirty days in which a child is considered institutionalized, the child is treated as an individual living alone. Only the income and resources of the child is considered in the eligibility and post-eligibility determinations.

(3) An individual is considered to be a child when his or her age does not exceed the identified age of a child in the base medicaid eligibility criteria, as defined in Chapters 5160:1-3, 5160:1-4, and 5160:1-5 of the Administrative Code, as applicable.

(E) A married couple who are both seeking LTC services.

(1) For the initial month in which a married couple are both seeking LTC services, their income and resources shall be combined.

(2) After the initial month in which a married couple are both seeking LTC services, the couple shall be treated as individuals and only the income and resources of each individual is considered in their separate eligibility and post-eligibility determinations.

(F) An individual with a community spouse.

- (1) During any month in which an individual is eligible for LTC services and has a community spouse as defined in rule 5160:1-1-01 of the Administrative Code, no income of the community spouse shall be considered available in the eligibility and post-eligibility determinations in accordance with section 1924 of the Social Security Act (as in effect August 1, 2016).
- (2) A resource assessment, as described in rule 5160:1-6-02.2 of the Administrative Code, shall be completed to determine the amount of assets that can be retained by each spouse.

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Certification

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