

5160:1-6-02 **Medicaid: treatment of income and resources of individuals applying for or receiving long-term care services.**

(A) This rule describes the treatment of income and resources for individuals applying for or receiving long-term care (LTC) services, in accordance with 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) Individuals who are receiving supplemental security income (SSI) shall be automatically approved for medical assistance, in accordance with rule 5160:1-3-02.5 of the Administrative Code.

(D) An individual with no spouse.

(1) During any month in which an adult individual with no spouse is applying for or receiving 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 eligibility criteria, as defined in Chapters 5160:1-3, 5160:1-4, and 5160:1-5 of the Administrative Code, as applicable.

(E) 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 eligibility criteria, as defined in Chapters 5160:1-3, 5160:1-4, and 5160:1-5 of the Administrative Code, as applicable.

(F) A married couple who are both applying for or receiving LTC services.

(1) For the initial thirty days in which a married couple are both applying for or receiving LTC services, their income and resources shall be combined.

(2) After the initial thirty days in which a married couple are both applying for or receiving 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.

(G) An individual with a community spouse.

(1) In accordance with section 1924 of the Social Security Act (as in effect November 1, 2016), during any month in which one spouse is applying for or receiving LTC services, eligibility shall be determined in the following order:

(a) If neither spouse is receiving SSI, the couple shall first be screened for modified gross adjusted income (MAGI) base eligibility, in accordance with Chapter 5160:1-4 of the Administrative Code, using the combined income of both individuals. If the combined income of both spouses exceeds the MAGI income limits, the income shall be separated and the portion of the community spouse's income shall be removed for budgeting purposes. MAGI base eligibility shall then be explored for only the institutionalized spouse.

(b) If the institutionalized spouse is not financially eligible for MAGI base eligibility, the income of both spouses shall be combined and the couple screened for non-MAGI aged, blind, or disabled (ABD) base eligibility, in accordance with Chapter 5160:1-3 of the Administrative Code. If the combined income of both spouses exceeds the non-MAGI ABD income limits, the income of the community spouse shall be removed for budgeting purposes. Non-MAGI ABD base eligibility shall then be explored for only the institutionalized spouse.

(c) If the institutionalized spouse is not financially eligible for non-MAGI ABD base eligibility, compare the institutionalized spouse's income to the special income level (SIL), in accordance with rule 5160:1-3-04.2 of the Administrative Code. No income of the community spouse shall be used in the eligibility determination for SIL.

(2) A resource assessment, as described in Chapter 5160:1-6 of the Administrative Code, shall be completed to determine the amount of assets that can be retained by each spouse.

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