



IBM Cúram Social Program Management

Cúram Global Medical Assistance Program Guide

Version 6.0.4

Note

Before using this information and the product it supports, read the information in Notices at the back of this guide.

This edition applies to version 6.0.4 of IBM Cúram Social Program Management and all subsequent releases and modifications unless otherwise indicated in new editions.

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Chapter 1

Introduction

1.1 Purpose

The purpose of this guide is to provide an overview of the Cúram Global Medical Assistance™ Program. This guide contains the details the rules used in assessment for eligibility and entitlements for Medical Assistance.

This guide is intended as a reference manual for business analysts, and does not contain any technical information regarding how the rules are run or how to administer the rules. For information on setting up and maintaining rules in the product, see the Cúram Rules Editor Guide.

1.2 Audience

This guide is intended for anyone interested in learning about the rules used in the Cúram Medical Assistance Program. It is expected that it will be read mainly by business analysts working within a social enterprise organization. It is assumed, therefore, that you are familiar with the concepts of Social Enterprise Management (SEM), and understand the organization's business requirements.

1.3 Prerequisites

To get the most from this guide, you should understand the use of rules in Cúram applications. For a discussion of the concept of rules and how rules are extracted from legislation, please see the Cúram Rules Definition Guide.

1.4 Medical Assistance Introduction

The Medical Assistance is a program that pays the medical bills (and in

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some cases the cost of institutional care) of people who have low income and cannot afford medical care. It is a means-tested program, available only to certain low-income individuals and families who fit into an eligibility group that is recognized by federal and state law.

Medical Assistance product provides eligibility determination for households based on financial and non-financial factors. The information required to determine program eligibility is captured as evidence. This evidence is assessed against a set of business rules to determine whether or not the household is eligible for Medical Assistance.

Chapter 2

Overview

2.1 Medical Assistance Programs

Medical Assistance is a needs based program available only to certain low-income individuals and families who fit into an eligibility group that is recognized by federal and state law. Cúram Global Medical Assistance is comprised of a number of rule sets to determine eligibility for a range of coverage types (programs within CGMA). Eligibility determination is provided for the following:

- Mandatory Categorically Needy groups
 - Low Income Families with Children (LIFC)(includes Transitional and Extended Assistance)
 - Aged Blind and Disabled (ABD)
 - Pregnant Women
 - Newborn
 - Children (under and over 6)
 - Title IV-E Foster Care
 - Title IV-E Adoption
 - Emergency Medical Assistance for the following
 - Low Income Families with Children
 - Aged Blind and Disabled
 - Pregnant Women
 - Newborn

- Children (under and over 6)
- Title IV-E Foster Care and Title IV-E Adoption
- Cost Sharing Medical Assistance
 - Qualified Medicare Beneficiaries (QMB)
 - Specified Low-Income Medicare Beneficiaries (SLIMB)
 - Qualified Individual (QI-1)
 - Qualified Disabled Working Individual (QDWI)
- Optional Categorically Needy groups
 - Long Term Care
 - Refugee
 - Breast and Cervical Cancer (BCC).
 - Tuberculosis (TB)
 - Children's Health Insurance Program (CHIP)
- Mandatory Medically Needy
 - Medically Needy Children
 - Medically Needy Pregnant Women
 - Emergency Medically Needy Children
 - Emergency Medically Needy Pregnant Women
- Mandatory Medically Needy with SpendDown
 - Medically Needy Children with SpendDown
 - Medically Needy Pregnant Women with SpendDown
 - Emergency Medically Needy Children with SpendDown
 - Emergency Medically Needy Pregnant Women with SpendDown

2.2 Medical Assistance Eligibility Rules

The business rules operate against the evidence recorded in the system. For details of the evidence see the Inside Cúram Global Income Support Guide and the Cúram Evidence Guide. The business rules for each program are divided into 2 distinct categories, program eligib-

ility and financial eligibility. These can be further divided into the following:

- Program Eligibility consisting of
 - Non Financial rules.
 - Program specific eligibility rules.
- Financial Eligibility consisting of:
 - Income rules.
 - Resource rules.

2.2.1 Non Financial Eligibility Rules

The Non Financial Eligibility Rules include the rules for Citizenship, Residency and Social Security Numbers. In general these rules are common to all programs with some exceptions such as Emergency Medical Assistance and Refugee Medical Assistance as these programs are specifically for non Citizens. As these rules are common to most Medical Assistance programs they are documented in a chapter separate to the program rules. See the Common Medical Assistance Rules chapter within this document. Any program specific variations are documented within each program chapter.

2.2.2 Program Specific Eligibility Rules

The program eligibility rules include rules which:

- Determine the individuals or groups of individuals who may be entitled to assistance. This is known as assistance units within Curam Income Support and Medical Assistance.

The program rules for each program determine how the assistance units are formed for each program. In general the Household composition rules are used to form the assistance unit and determine the household members that are included in the unit. The Household determination rules determine the household members that are not included or excluded from the assistance unit.

- Determine whose income and resources should be considered in the financial eligibility rules. This is known as the income and resource units.
- Determine how many people should be considered to be in the household. This is known as the Household size. This is required in order to determine what income and resource limits should be used in the financial eligibility rules.

Dependent Child rules

The dependent child rules determine if a child is considered a dependent child, and is used by many programs in the rules for the formation of assistance units. As these rules are common to the LIFC, Children, Pregnant Women, Refugee programs these rules have been documented in the Common Medical Assistance Rules chapter within this document.

2.2.3 Financial Eligibility Rules

The financial eligibility rules include rules which determine:

- Which resources and incomes are countable, not countable or are excluded.
- How the income and resources should be calculated for each program in the financial eligibility determination. (Including which the income deductions that should be applied)

The rules for calculation of incomes and resources are documented separately for each program. The rules which defined what incomes and resources are countable, non countable and excluded are documented in the Common Medical Assistance Rules chapter within this document.

2.3 Cascading Eligibility

The term cascading eligibility refers to a process whereby program eligibility is determined based on a hierarchy. The eligibility rule set executes the rules for the program with the highest priority first, followed by the rules for the program of next highest priority. The following defines the cascade within CGMA.

- LIFC
Eligibility is only checked for the following programs if all members of the assistance unit are not mandatory eligible members, with the exception of QMB and then SLIMB.
- Remaining Categorically Needy
- Medically Needy
- Long Term Care
- Refugee
- Emergency
- Remaining Optional Categorically Needy
- Medically Needy with SpendDown

Note: Eligibility for CHIP is triggered separate to Medical Assistance, and is therefore not included in the cascade. Eligibility for CHIP requires that in-

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Individuals are not eligible for Medical Assistance, the rules execution ensures and the program rules for CHIP ensure this.

Chapter 3

Common Rules

3.1 Non Financial Requirements

The rules specify the non financial requirements that a household member must satisfy before they can meet further requirements for Medical Assistance. Non financial requirements include the rules for Citizenship, Residency and Social Security Numbers. In general most Medical Assistance programs require that individuals satisfy these rules, however there are some exceptions to this, such as, Emergency Medical Assistance and Refugee Medical Assistance as these programs are specifically for non citizens.

3.1.1 Citizenship

1. Individual must be a United States Citizen OR
2. Individual must be a US Non Citizen National OR
3. Individual must be an Eligible Alien

Eligible Alien

- An eligible alien is an individual who is BOTH classified as a:
 - Qualified Alien AND
 - Meets the Qualified Alien Eligibility Criteria to be eligible for Medical Assistance.

Qualified Alien

1. An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act OR

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2. An alien who is admitted as a refugee under section 207 of the Immigration and Nationality Act OR
3. An alien who is granted conditional entry under section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980 OR
4. An alien who is granted asylum under section 208 of the Immigration and Nationality Act OR
5. An alien who is paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for a period of at least one year OR
6. An alien whose deportation is being withheld under section 243(h) or 241(b) (3) of the Immigration and Nationality Act OR
7. An alien granted status as a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980 OR
8. An alien admitted as an Amerasian immigrant under the provision of Public Law 100-202 OR
9. An American Indian born in Canada who is at least one-half American Indian as per section 289 of the Immigration and Nationality Act OR
10. Victims of a severe form of trafficking, in accordance with section 107(b)(1) of the Trafficking Victims Protection Act of 2000, Public Law 106-386 OR
11. An alien receiving SSI is eligible for Medical Assistance OR
12. Hmong and other Highland Lao tribal peoples who have been lawfully admitted to the United States for permanent residence, and who fought on behalf of the United States during the Vietnam conflict OR
13. An alien who is the spouse of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
14. An alien who is a surviving spouse (who has not remarried) of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
15. An alien who is an unmarried dependent child of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
16. An alien who has been battered or subjected to extreme cruelty who meets the following conditions:
 - a. The battered alien must be battered by their U.S. citizen or LPR alien spouse or parent AND
 - b. If a parent is the battered alien, any child who lives with them is also a battered alien OR If a child is the battered alien, the parent

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who lives with them is also a battered alien as long as the parent did not actively participate in the battery

- c. The alien must not currently be residing in the same household as the individual responsible for the battery or extreme cruelty AND
- d. There must be a substantial connection between the battery or extreme cruelty suffered by the alien (or the alien's child or parent) and the need for Medicaid benefits

Qualified Alien Eligibility Criteria

A qualified alien must meet the following conditions to be eligible for Medical Assistance:

Entry prior to August 22, 1996

1. A qualified alien who entered the United States prior to August 22, 1996 may receive Medical Assistance provided s/he is determined to be otherwise eligible OR
2. A qualified alien who attained qualified alien status subsequent to August 22, 1996 and who can demonstrate to the district's satisfaction that they have continuously resided in the United States from their date of entry through the date they became a qualified alien, may receive Medical Assistance provided s/he is determined to be otherwise eligible

Entry on or after August 22, 1996

- A qualified alien who entered the United States on or after August 22, 1996 is ineligible to receive Medical Assistance for 5 years from the date the alien entered the United States or the date the alien obtained qualified alien status whichever is the later unless the alien meets one of the Exceptions to the 5 year Ineligibility Period.

Exceptions to the 5 year Ineligibility Period

The five year disqualification period for Medical Assistance does not apply to the following qualified aliens:

1. Someone who has lawfully resided as a qualifying immigrant in the U.S. for five years OR
2. An individual who is a lawful permanent resident with 40 qualifying quarters of Social Security coverage OR
3. An alien who is admitted as a refugee under section 207 of the Immigration and Nationality Act OR

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4. An alien who is granted asylum under section 208 of the Immigration and Nationality Act OR
5. An alien whose deportation is being withheld under section 243(h) or 241(b) (3) of the Immigration and Nationality Act OR
6. An alien granted status as a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980 OR
7. An alien admitted as an Amerasian immigrant under the provision of Public Law 100-202 OR
8. An American Indian born in Canada who is at least one-half American Indian as per section 289 of the Immigration and Naturalization Act OR
9. A qualified alien who is a veteran with an honorable discharge from the Armed Forces of the United States OR
10. A qualified alien who is the spouse of an honorably discharged veteran OR
11. A qualified alien who is a surviving spouse (who has not remarried) of an honorably discharged veteran OR
12. A qualified alien who is an unmarried dependent child of an honorably discharged veteran OR
13. A qualified alien who is a Hmong or Highland Laotian who has been lawfully admitted to the United States for permanent residence, and who fought on behalf of the United States during the Vietnam conflict OR
14. A qualified alien who is the spouse of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
15. A qualified alien who is a surviving spouse (who has not remarried) of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
16. A qualified alien who is an unmarried dependent child of a Hmong or Highland Laotian who fought on behalf of the United States during the Vietnam conflict OR
17. A qualified alien lawfully residing in the State who is on active duty in the United States military OR
18. A qualified alien who is the spouse of an individual on active duty in the United States military OR
19. A qualified alien who is an unmarried dependent child of an individual on active duty in the United States military OR
20. Victims of a severe form of trafficking, in accordance with Section

107(b)(1) of the Trafficking Victims Protection Act of 2000, Public Law 106-386

3.1.2 Social Security Number

1. An individual must provide a Social Security Number OR
2. An individual must apply for a Social Security Number if they do not have one and provide the number once it has been assigned

Exceptions to the requirement to provide a Social Security Number

The following individuals do not have to provide an SSN

1. Children who are eligible under the Medical Assistance category New-born OR
2. Children placed for adoption who do not have a Social Security Number are not required to provide a Social Security Number until after the adoption is finalized OR
3. Household members not included in the assistance unit are not required to provide an SSN

3.1.3 Residency

The state residency rules are divided into two general sections which outline the factors in determining residency for children (under aged 21) and adults (aged 21 or over):

Individuals under age 21

Non-Institutionalized Individual

1. For a competent individual who is capable of stating intent and living independently from his or her parents or married, the state of residence is the state where the individual is living with the intention to remain there permanently or for an indefinite period OR
2. For a non-institutionalized individual whose Medical Assistance is based on blindness or disability, the state of residence is the state in which the individual is living OR
3. For any other non-institutionalized individual to whom 42 CFR 435.403(h) (1) or (2) above does not apply, the child is a resident of the State in which the caretaker is a resident.

Individuals age 21 and over

Non-institutionalized individual

1. For a non-institutionalized individual, the state of residence is the state where the individual is living with the intention to remain permanently for an indefinite period OR
2. For a non-institutionalized individual if incapable of stating intent, the state of residence is the state where the individual is living OR
3. For a non-institutionalized individual, the state of residence is the state where the individual is living and in which the individual entered with a job commitment or seeking employment (whether or not currently employed)

Incapability of indicating intent

1. An individual is considered incapable of stating intent if the individual has an I.Q. of 49 or less or has a mental age of 7 or less, based on test acceptable to the mental retardation agency in the State OR
2. An individual is considered incapable of stating intent if the individual is judged legally incompetent, OR
3. An individual is considered incapable of stating intent if the individual is found incapable of stating intent based on medical documentation obtained from a physician, psychologist, or other person licensed by the State in the field of mental retardation/mental health

Determine State of Residence in Special Situations

1. For an individual of any age who is receiving a state supplementary payment, the state of residence is the state paying the state supplementary payment OR
2. For individuals of any age who are receiving Federal payments for foster care or adoption assistance under Title IV-E of the Social Security Act, the state of residence is the state where the child lives

Change in residency

- A person cannot receive Medical Assistance coverage in more than one State

3.2 Dependent Child

This rule group determines if children in the household are dependent children.

1. A dependent child must be living in the home of a Caretaker Relative AND
2. Child must meet the Age Limit for a Child rules AND
3. Child must be deprived of parental support and care

3.2.1 Relationship (Caretaker Relative)

1. For Low Income Families with Children Medical Assistance the household must include a child who is living with their natural parent(s) or adoptive parent(s) OR
2. The household must include a child who is living with a non parent caretaker, in the non parent caretaker's home, and who has a relationship to the child as specified below:
 - Grandfather and grandmother OR
 - Brother or sister including half or adopted brother or sister OR
 - Uncle or aunt OR
 - First cousin or cousin once removed OR
 - Nephew or niece OR
 - Persons of prior generations designated by the prefix grand, great, great-great, or great-great-great OR
 - Spouses of any person listed above AND
3. The non parent caretaker relative must be an adult

3.2.2 Age Limit for a Child

Child under 18

1. A child must be under age 18 and unmarried AND
2. Age rule is satisfied through the month in which the child reaches age 18 OR

Child under 19

1. A child must be under age 19, unmarried and participating full-time in a secondary school, GED or vocational or technical training and expects to graduate before or in the month of their 19th birthday AND

2. Age rule is satisfied until the last day of the month of course completion, withdrawal of the child from enrollment, or the child's 19th birthday, whichever occurs first.

3.2.3 Deprivation of Support

To be eligible for medical assistance a child must be deprived of parental support and care for one of the following reasons:

1. Death of parent(s)
2. Continued absence of parent(s) from the home where the parent's absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance and prevents the family from relying on their support or care of the child.
3. Physical or mental incapacity of one or both parents and the incapacity is expected to last at least 30 days and the incapacity reduces or eliminates the parent's ability to support or care for the otherwise eligible child
4. Unemployment or underemployment of the parent designated as the principal wage earner.

Continued Absence

The following reasons constitute deprivation by continued absence:

1. Divorce
2. Legal Separation
3. Desertion
4. Incarceration
5. Deportation
6. Hospitalization
7. Birth out of wedlock
8. A single parent adoption

The following reasons do not constitute deprivation by continued absence:

1. The parent is voluntarily absent to visit friends or relatives, to seek employment, to maintain a job, to attend school or training, so long as the parent in the home and the absent parent do not regard themselves as separated.
2. The parent is absent solely to serve active military duty.

Unemployment/Underemployment

1. One of the parents living in the home is the principal wage earner AND
2. That parent is unemployed or Underemployed

Principal Wage Earner

1. The parent who has earned the greater amount of income in the 24 months prior to the month of application OR
2. The parent designated as the principal wage earner by the parents when both parents earned an equal amount of income in the 24 months prior to the month of application.

Unemployed Parent

1. The parent is unemployed and has been unemployed for at least 30 days prior to the effective date of assistance AND
2. The unemployed parent must not have refused, without good cause, a bona fide offer of employment or training for employment within of assistance prior to the effective date of assistance. The following are refusal reasons that constitute good cause:
 - a. The parent's physical limitations result in an inability to engage in the work
 - b. No transportation to or from the work;
 - c. Unsafe working conditions;
 - d. The employment is not covered by workman's compensation protection;
 - e. The employment was offered through a public employment or manpower agency, which determined good cause existed.
 - f. The offered wage was less than minimum wage;
 - g. The parent lacked suitable day care;
 - h. The parent was personally providing care for a child under the age of 2 at the time of the refusal;
 - i. The commuting time to and from work would normally exceed 2 hours, round trip;
 - j. The parent could not accept the job due to illness of the parent or another family member;
 - k. The offered position was vacant due to a labor strike or lockout;

- l. The parent was incarcerated or making a required court appearance;
- m. Inclement weather prevented the parent from accepting the job or reporting for work; or
- n. The parent was laid off but is expected to return to the prior place of employment within 30 days of the date of the job offer;

Underemployed Parent

1. The parent is employed fewer than 100 hours a month AND
2. The parent is employed less than 100 hours in the payment month OR
3. Work hours are expected to be more than 100 hours in the payment month but the work hours were less than 100 hours in the two months immediately preceding the payment month AND
4. The work hours are expected to be less than 100 hours in the month following the payment month

3.3 Resource Rules

Resource rules are used to determine what resources are countable/non countable for the household. Resources are classified as either countable or non-countable and liquid or non-liquid. Only countable resources are included in the resource eligibility determination. A household's countable resources must be less than a specified resource limit.

Liquid resources are resources that can readily be converted to cash, non-liquid resources are all other types of resources.

Resources are defined in rate tables and provides the information required to determine whether or not resources are countable or non-countable.

1. Countable resources for the household must be less than \$2000 for a 1 member household OR
2. Countable resources for the household must be less than \$3000 for a 2 member household OR
3. Countable resources for the household must be less than \$3000 + \$25 for each additional household member

3.3.1 Countable Liquid Resources - Family Type Programs

The following rules apply to these programs, and are referred to as the "Family type" programs for determination of countable/non countable resources and incomes.

- LIFC
- Pregnant Women
- Children (under and over 6)
- Medically Needy Pregnant Women
- Medically Needy Children
- Emergency LIFC, Emergency Pregnant Women, Emergency Children
- Refugee

The current market value of liquid resources should be counted unless the resource is specifically excluded.

Death Benefits

The death benefits listed below are counted the month after the month of receipt:

1. Death benefits from labor unions
2. Death benefits from Social Security (SSA) or Railroad Retirement
3. Death benefits from Social Security (SSA) or Railroad Retirement paid to the:
 - a. Legal or non-legal spouse who was living with the individual OR
 - b. The spouse or child receiving SSA or Railroad Retirement benefits from the individual's record.
4. Veterans Administration burial benefits
5. Cash given by relatives, friends, or a community group (e.g., benevolent society) to assist with expenses related to the death.

Cash on hand

Count money on hand in the form of currency or coins

Checking Account

1. If an individual has unrestricted access to an account, all funds in the account are considered a resource OR
2. If account is restricted, consider only that portion the individual can withdraw as a resource

Savings Account

1. If an individual has unrestricted access to an account, all funds in the account are considered a resource OR
2. If account is restricted, consider only that portion the individual can withdraw as a resource

Joint Account Rules for Savings Account, Checking Account or Certificate of Deposit

1. When an individual who has unrestricted access to the funds in the account, shares a joint account with co-owner(s) who are not eligible for Medical Assistance and their income and resources are not counted/deemed, presume that all the funds are owned by the individual and it is countable OR
2. For co-owned accounts, if two or more account holders are either Medical Assistance eligible individuals or are people whose income and resources must be counted/deemed for Medical Assistance eligibility (such as spouses or parents of minor children), count an equal share of the account for each.

Stocks and Bonds

- Stocks and bonds at their current market value

Mutual Funds

- Mutual Funds

Certificate of Deposit

- The current value of all certificates of deposit should be counted

Promissory notes

- A promissory note, which is owned by an individual is considered a countable resource

Bona Fide Loans

- The value of bona fide loans from any source is considered a countable resource the month after the month of receipt

Mineral and water rights

- The value of mineral and water rights is a countable resource unless the mineral or water rights are on land which is being excluded because it is the individual's home

Oil and Gas leases

- Oil and Gas leases is a countable resource unless the oil and gas leases are on land which is being excluded because it is the individual's home

529 Plan

- Funds in a 529 plan are a countable resource for the 'donor' (donor is the individual making contributions/deposits into the 529 account)

United States Savings Bonds

- Count the value of US Saving bonds

United States Government Securities

- US Government securities other than US Savings bonds are countable as per the current Market Value

Life insurance

- If the face value of all life insurance policies for an individual (who is the owner) is in excess of \$1,500, the cash values are counted as an asset.

Trusts Established Before August 11, 1993 ("Medical Assistance Qualifying Trusts")

1. A Medical Assistance Qualifying Trust (MQT) is a countable resource
2. A Medical Assistance Qualifying Trust must meet all of the following characteristics in order to be a Medical Assistance Qualifying Trust :
 - a. The trust or similar legal device was established (except by will) by any of the following:
 - Individual OR
 - Individual's spouse OR

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- Individual's parent(s) if the individual is a minor OR
 - Individual's guardian OR
 - Individual's legal representative OR
 - Any other person acting on the individual's behalf.
- b. The funds or assets used to establish the trust or similar legal device were the:
- Individual's OR
 - Individual's spouse
- c. The individual is the beneficiary of all or part of the distributions from the trust.
- d. The amount of distributions from the trust is determined by one or more trustees. The trustees are allowed to exercise discretion regarding the amount to be distributed to the individual.
- e. The trust must have been established before August 11th, 1993

Trusts Established on, or after August 11, 1993

Trusts established on or after August 11, 1993 are classified as either revocable or irrevocable:

Revocable Trusts

- The entire principal of the revocable trust fund is counted

Irrevocable Trusts

- The portion of the trust from which payments can be made for the benefit of the individual or spouse is a countable resource

Safety Deposit Box Items

- Count the cash value of the items in the safety deposit box

Lump Sum Non Recurring

- Count any balance which remains the month after receipt as a resource

Revocable Annuity

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- An annuity that is revocable is a countable asset

Individual Retirement Account (IRA)

- Count the available funds in an Individual Retirement Account owned by the individual

Keogh Account

- Count the available funds in a Keogh Account owned by the individual

Burial Plan

- Prepaid burial plan in excess of a cash value of \$1,500 for the individual

Burial Plot

- If the individual owns more than one burial plot the cash value of the additional burial plots is counted

Commingled Funds

- The portion of the commingled funds that cannot be identified as excluded resources must be counted

Life Estate With Powers - Not Principal place of Residence

- Count the value of a life estate with powers as a resource if the life estate is not the principal place of residence AND
- Count the full equity value of the property

Life Estate Without Powers - Non Principal place of Residence

1. Count the value of a life estate without powers as a resource if the life estate is not the principal place of residence AND
2. To determine the value of a life estate without powers:
 - Get the fair market value of the property AND
 - Using the Life Estate Table, find the individuals age (as of last birthday) AND
 - Multiply the figure in the life estate column for that age by the fair market value of the property to determine the value of the life estate

Sales Contracts

- Count the value of any sales contract

Accessible Retirement/Pension Funds

- Count a retirement fund owned by an individual if they have the option of withdrawing the fund as a lump sum at any time

Uniform Transfers to Minors Act (UTMA)

- Count any resource which is held within the rules of the Uniform Transfers to Minor's Act (UTMA) to an individual age 21 or over

Uniform Gifts to Minors Act (UGMA)

- Count any resource which is held within the rules of the Uniform Gifts to Minor's Act (UGMA) to an individual age 18 or over

3.3.2 Countable Non-liquid Resources - Family Type Programs

The following rules apply to these programs, and are referred to as the "Family type" programs for determination of countable/non countable resources and incomes.

- LIFC
- Pregnant Women
- Children (under and over 6)
- Medically Needy Pregnant Women
- Medically Needy Children
- Emergency LIFC, Emergency Pregnant Women, Emergency Children
- Refugee

The equity value of non-liquid resources should be counted unless excluded.

Mobile homes

- Mobile homes

Boats

- Boats

Building, land and other real property rights

- The equity value of any real property must be counted such as buildings, land and other real property rights

Inheritance and Unprobated Estates

- An individual has unprobated estate ownership in inheritance property AND
 1. is an heir of the deceased OR
 2. receives any income from the property OR
 3. under State intestacy laws, has acquired rights in the property due to the death of the deceased

3.3.3 Excluded Resources - Family Type Programs

The following rules apply to these programs, and are referred to as the "Family type" programs for determination of countable/non countable resources and incomes.

- LIFC
- Pregnant Women
- Children (under and over 6)
- Medically Needy Pregnant Women
- Medically Needy Children
- Emergency LIFC, Emergency Pregnant Women, Emergency Children
- Refugee

The following resources (or portions of resources where specified) must be excluded from resource calculations in eligibility determination:

Home Property

- An individual's home serving as the principal place of residence, including the land on which the home stands and other buildings on that land, if not separated by intervening property owned by others

Home Replacement Funds

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- When an individual sells an excluded home, the proceeds of the sale are excluded resources if the individual plans to use them to buy another excluded home and does so within 3 full months of receiving the proceeds

Home Installments Sales Contracts

- If the individual receives the proceeds from the sale of a home under an installment contract, the contract is an excluded resource for as long as the individual plans to use the entire down payment and the entire principal portion of a given installment payment to buy another excluded home; and does so within 3 full months of receiving such down payment or installment payment

Joint Owned Real Property which cannot be sold due to Hardship

- If the individual leaves the home without the intent to return, the property continues to be an excluded resource as long as its sale would cause undue hardship to a co owner of the property, due to loss of housing.

Bona Fide Effort to Sell Property

- Real property that the household is making a good faith effort to sell at a reasonable price for so long as the owner's reasonable efforts to sell it are unsuccessful (Bona fide effort to sell)

Mineral and Water Rights

- Water and mineral rights attached to an excluded home and property

Oil and Gas Leases

- Oil and Gas leases on land which is being excluded because it is the individual's home

Irrevocable Trusts

- If there are no circumstances where payments can be made to or for the benefit of the individual, or the spouse, from either all of the trust, or from some portion of the trust, the value of the trust, or the value of the unavailable portion of the trust, is not a countable resource and must be excluded

Indian Trust Property

- Excluded ownership of beneficial interest in any land or account which

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is held in trust by the United States, a state or in a tribal account

Payment made under the Alaska Native Claims Settlement Act, Public Law 92-203

- Unspent payment received under the Alaska and Indian Native Claims Settlement Act (Public Law 92-203) must be excluded

Japanese- American and Aleutian Restitution payments

- Japanese-American and Aleutian restitution payments must be excluded

Agent Orange settlement payments

- Agent Orange settlement payments to qualifying veterans and survivors are excluded from resources

Radiation Exposure Compensation

- Payments received from the Radiation Exposure Compensation Trust Fund payments are excluded from resources

Disaster Relief and Emergency Assistance Amendment of 1988 Payments

- Unspent Disaster Relief and Emergency Assistance Amendment of 1988 Payments

Cash or in-kind payment to replace or repair excluded resource

1. Cash and in kind receipts for the replacement or repair of lost, damaged, or stolen excluded resources are not treated as resources for 9 months from the date of their receipt
2. The initial 9 month period can be extended up to an additional 9 months if the individual shows good cause why repair or replacement was not possible during the first 9 months.
3. Good cause is present if circumstances beyond the individual's control:
4. Prevent repair or replacement of the lost, damaged, or stolen property
OR
5. Keep the individual from contracting for such repair or replacement.

Nazi Persecution Victims Payments

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- Payments to Victims of Nazi Persecution (PL 103-286), Austrian Social Insurance Payments and Netherlands WUV Payments to Victims of Persecution

Wartime Relocation assistance

- Wartime relocation of Civilians payments authorized under PL 100-383 (Japanese up to \$20000, and eligible Aleuts up to \$12000)

Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240

- Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240

Federal Tribal benefits made under section 5 of Public Law 94-114

- Federal Tribal Benefits received by Indian tribes under section 5 of Public Law 94-114

Special Payments to Children of Vietnam Veterans

- VA Payments to Vietnam Veterans Who Have a Child Born with Spina Bifida PL 104-204

Settlements Paid to Hemophilia Patients (and Others) Infected with HIV

1. Settlements Paid to Hemophilia Patients (and others) infected with HIV under a Class Action Suit must be excluded OR
2. Payments made by the federal government

Self-Support

- Do not count up to \$6,000 of equity value of non-business property used to produce goods or services essential to home use daily activities

Self-Employment Assets

- If the individual is actively engaged in self-employment, the business assets must be excluded from the resource test

Property Necessary for Employment

- Any personal property required by the individual for work by his employer must be excluded

Income Producing Property

- Up to \$6,000 of the equity value of nonbusiness income producing property can be excluded from resources if the property produces a net annual return equal to at least 6% of the total equity

Income Producing Property - Exception

1. If the property produces less than a 6% return, exclude \$6000 if the lower return is for reasons beyond the individual's control AND
2. If the property produces less than a 6% return, exclude \$6000 if there is a reasonable expectation that the property will again produce a 6% return

Educational Assistance Payments under Title IV of the Higher Education Act of 1965

- All retained student financial assistance an individual receives under Title IV of the Higher Education Act of 1965

Educational Assistance Payments under the Bureau of Indian Affairs (BIA)

- All retained Bureau of Indian Affairs (BIA) student assistance program payments regardless of use are excluded from resources for as long as the individual has them

Educational Loans, Grants and scholarship

- Exclude from resources for 9 months the month after the month of receipt, any funds received from grants, scholarships, fellowships and gifts (or portion of gifts) that are used to pay for tuition, fees, books or other necessary educational expenses

Inaccessible Pension Funds

- Do not count non available/non accessible pension funds that belongs to the individual

Uniform Transfers to Minors Act (UTMA)

- Exclude any resource which is held within the rules of the Uniform Transfers to Minor's Act (UTMA) to a child under the age of 21

Uniform Gifts to Minors Act (UGMA)

- Exclude any resource which is held within the rules of the Uniform Gifts to Minor's Act (UGMA) to a child under the age of 18

Burial plots

- One burial plot for each household member

Irrevocable Burial Trust

- Exclude the value of an irrevocable burial trust fund such as an irrevocable pre-arranged funeral plan.

Life insurance

- Exclude the cash surrender value of life insurance policies with a combined face value totaling \$1,500 or less per owner.

Burial Plan

- Exclude prepaid burial plan up to \$1500 per household member

Reductions in burial fund maximum exclusion

- The maximum \$1,500 that can be excluded is reduced by the following:
 - The face value of any life insurance policy on the individual, if such policy is excluded
 - The value of an irrevocable burial trust fund such as an irrevocable pre-arranged funeral plan

Older Americans Act of 1965 Payments

- Retained payments received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 are excluded

Federal Relocation Payments received under the Uniform Relo-

ation Assistance and Real Property Acquisition Policies Act of 1970

- Retained Federal relocation assistance provided under title II of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 is excluded from resources

Income Tax Refund

- Federal or state income tax refunds is excluded from resources only for the month following the month the refund or payment is received

Earned Income Tax Credit (EITC) payments

1. Earned Income Tax Credit (EITC) payments only for the month following the month the payment is received
2. Exclude the child tax credit as a resource for 9 months after the month it is received

Individual Development Accounts

- Individual development accounts contributions made must be excluded as a resource

Irrevocable Annuity

- An irrevocable annuity is an exempt resource

Life Estate With Powers - Principal place of Residence

- Exclude the value of a life estate with powers as a resource if the owner of the life estate resides in the home

Life Estate Without Powers - Principal place of Residence

- Exclude the value of a life estate without powers as a resource if the owner of the life estate resides in the home

Low Income Housing Energy Assistance Act

- Exclude Home Energy Assistance Payments under the Low-Income Home Energy Assistance Act (PL 99-425)

Energy Assistance other than LIHEAA

- Federal or state one-time assistance for weatherization or emergency repair or replacement of heating or cooling devices must be excluded

Plan to Achieve Self Sufficiency (PASS plan)

- Grants and resources set aside as part of an approved plan for achieving self support of a SSI individual are excluded

WIC (Women Infants & Children Special Supplement Food Program)

- Exclude the value of the vouchers which are redeemable for food items received by certain women and children considered to be nutritionally high risk

Cash payments for Medical or Social Services

- Exclude payments from a Federal, State, or local government program if it is given to help the client get medical or social services for one calendar month following the month of receipt;

Household Goods & Personal Effects

- Exclude the contents of a home that are essential to daily living

Vehicles

- Exclude 1 vehicle (automobile) per household regardless of use and count the equity value of all others

3.3.4 Countable Liquid Resources - ABD Type Programs

The following rules apply to these programs, and are referred to as the "ABD type" programs for determination of countable/non countable resources and incomes.

- ABD
- Cost Sharing Programs
 - Qualified Medicare Beneficiaries (QMB)
 - Specified Low-Income Medicare Beneficiaries (SLIMB)

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- Qualified Individual (QI-1)
- Qualified Disabled Working Individual (QDWI)

- Long Term Care (LTC)

- Tuberculosis (TB)
- Children's Health Insurance Program (CHIP)

The current market value of liquid resources should be counted unless the resource is specifically excluded.

Death Benefits

The death benefits listed below are counted the month after the month of receipt:

1. Death benefits from labor unions
2. Death benefits from Social Security (SSA) or Railroad Retirement
3. Death benefits from Social Security (SSA) or Railroad Retirement paid to the:
 - a. Legal or non-legal spouse who was living with the individual OR
 - b. The spouse or child receiving SSA or Railroad Retirement benefits from the individual's record.
4. Veterans Administration burial benefits
5. Cash given by relatives, friends, or a community group (e.g., benevolent society) to assist with expenses related to the death.

Cash on hand

Count money on hand in the form of currency or coins

Checking Account

1. If an individual has unrestricted access to an account, all funds in the account are considered a resource OR
2. If account is restricted, consider only that portion the individual can withdraw as a resource

Savings Account

1. If an individual has unrestricted access to an account, all funds in the account are considered a resource OR

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2. If account is restricted, consider only that portion the individual can withdraw as a resource

Joint Account Rules for Savings Account, Checking Account or Certificate of Deposit

1. When an individual who has unrestricted access to the funds in the account, shares a joint account with co-owners) who are not eligible for Medical Assistance and their income and resources are not counted/deemed, presume that all the funds are owned by the individual and it is countable OR
2. For co-owned accounts, if two or more account holders are either Medical Assistance eligible individuals or are people whose income and resources must be counted/deemed for Medical Assistance eligibility (such as spouses or parents of minor children), count an equal share of the account for each.

Stocks and Bonds

- Stocks and bonds at their current market value

Mutual Funds

- Mutual Funds

Certificate of Deposit

- The current value of all certificates of deposit should be counted

Promissory notes

- A promissory note, which is owned by an individual is considered a countable resource

Bona Fide Loans

- The value of bona fide loans from any source is considered a countable resource the month after the month of receipt

Mineral and water rights

- The value of mineral and water rights is a countable resource unless the mineral or water rights are on land which is being excluded because it is the individual's home

Oil and Gas leases

- Oil and Gas leases is a countable resource unless the oil and gas leases are on land which is being excluded because it is the individual's home

529 Plan

- Funds in a 529 plan are a countable resource for the 'donor' (donor is the individual making contributions/deposits into the 529 account)

United States Savings Bonds

- Count the value of US Saving bonds

United States Government Securities

- US Government securities other than US Savings bonds are countable as per the current Market Value

Life insurance

- If the face value of all life insurance policies for an individual (who is the owner) is in excess of \$1,500, the cash values are counted as an asset.

Trusts Established Before August 11, 1993 ("Medical Assistance Qualifying Trusts")

1. A Medical Assistance Qualifying Trust (MQT) is a countable resource
2. A Medical Assistance Qualifying Trust must meet all of the following characteristics in order to be a Medical Assistance Qualifying Trust :
 - a. The trust or similar legal device was established (except by will) by any of the following:
 - Individual OR
 - Individuals spouse OR
 - Individuals parent(s) if the individual is a minor OR
 - Individuals guardian OR
 - Individuals legal representative OR
 - Any other person acting on the individuals behalf.

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- b. The funds or assets used to establish the trust or similar legal device were the:
 - Individuals OR
 - Individuals spouse
- c. The individual is the beneficiary of all or part of the distributions from the trust.
- d. The amount of distributions from the trust is determined by one or more trustees. The trustees are allowed to exercise discretion regarding the amount to be distributed to the individual.
- e. The trust must have been established before August 11th, 1993

Trusts Established on, or after August 11, 1993

Trusts established on or after August 11, 1993 are classified as either revocable or irrevocable:

Revocable Trusts

- The entire principal of the revocable trust fund is counted

Irrevocable Trusts

- The portion of the trust from which payments can be made for the benefit of the individual or spouse is a countable resource

Safety Deposit Box Items

- Count the cash value of the items in the safety deposit box

Lump Sum Non Recurring

- Count any balance which remains the month after receipt as a resource

Revocable Annuity

- An annuity that is revocable is a countable asset

Individual Retirement Account (IRA)

- Count the available funds in an Individual Retirement Account owned by the individual

Keogh Account

- Count the available funds in a Keogh Account owned by the individual

Burial Plan

- Prepaid burial plan in excess of a cash value of \$1,500 for the individual

Burial Plot

- If the individual owns more than one burial plot the cash value of the additional burial plots is counted

Commingled Funds

- The portion of the commingled funds that cannot be identified as excluded resources must be counted

Life Estate With Powers - Not Principal place of Residence

1. Count the value of a life estate with powers as a resource if the life estate is not the principal place of residence AND
2. Count the full equity value of the property

Life Estate Without Powers - Non Principal place of Residence

1. Count the value of a life estate without powers as a resource if the life estate is not the principal place of residence AND
2. To determine the value of a life estate without powers:
 - Get the fair market value of the property AND
 - Using the Life Estate Table, find the individuals age (as of last birthday) AND
 - Multiply the figure in the life estate column for that age by the fair market value of the property to determine the value of the life estate

Sales Contracts

- Count the value of any sales contract

Accessible Retirement/Pension Funds

- Count a retirement fund owned by an individual if they have the option of withdrawing the fund as a lump sum at any time

Uniform Transfers to Minors Act (UTMA)

- Count any resource which is held within the rules of the Uniform Transfers to Minor's Act (UTMA) to an individual age 21 or over

Uniform Gifts to Minors Act (UGMA)

- Count any resource which is held within the rules of the Uniform Gifts to Minor's Act (UGMA) to an individual age 18 or over

Dedicated Bank Account Containing Lump Sum Payments for a child

- Past due benefits and other underpayment's deposited into a dedicated financial institution account and any accrued interest or other earnings on such an account are excluded from resources for a child

3.3.5 Countable Non-liquid Resources - ABD Type Programs

The following rules apply to these programs, and are referred to as the "ABD type" programs for determination of countable/non countable resources and incomes.

- ABD
- Cost Sharing Programs
 - Qualified Medicare Beneficiaries (QMB)
 - Specified Low-Income Medicare Beneficiaries (SLIMB)
 - Qualified Individual (QI-1)
 - Qualified Disabled Working Individual (QDWI)
- Long Term Care (LTC)
- Tuberculosis (TB)

The equity value of non-liquid resources should be counted unless excluded.

Mobile homes

- Mobile homes

Boats

- Boats

Building, land and other real property rights

- The equity value of any real property must be counted such as buildings, land and other real property rights

Inheritance and Unprobated Estates

- An individual has unprobated estate ownership in inheritance property AND
 1. is an heir of the deceased OR
 2. receives any income from the property OR
 3. under State intestacy laws, has acquired rights in the property due to the death of the deceased

3.3.6 Excluded Resources - ABD Type Programs

The following rules apply to these programs, and are referred to as the "ABD type" programs for determination of countable/non countable resources and incomes.

- ABD
- Cost Sharing Programs
 - Qualified Medicare Beneficiaries (QMB)
 - Specified Low-Income Medicare Beneficiaries (SLIMB)
 - Qualified Individual (QI-1)
 - Qualified Disabled Working Individual (QDWI)
- Long Term Care (LTC)
- Tuberculosis (TB)

The following resources must be excluded:

Home Property

- An individual's home serving as the principal place of residence, includ-

ing the land on which the home stands and other buildings on that land, if not separated by intervening property owned by others

Home Replacement Funds

- When an individual sells an excluded home, the proceeds of the sale are excluded resources if the individual plans to use them to buy another excluded home and does so within 3 full months of receiving the proceeds

Home Installments Sales Contracts

- If the individual receives the proceeds from the sale of a home under an installment contract, the contract is an excluded resource for as long as the individual plans to use the entire down payment and the entire principal portion of a given installment payment to buy another excluded home; and does so within 3 full months of receiving such down payment or installment payment

Joint Owned Real Property which cannot be sold due to Hardship

- If the individual leaves the home without the intent to return, the property continues to be an excluded resource as long as its sale would cause undue hardship to a co owner of the property, due to loss of housing.

Bona Fide Effort to Sell Property

- Real property that the household is making a good faith effort to sell at a reasonable price for so long as the owners reasonable efforts to sell it are unsuccessful (Bona fide effort to sell)

Mineral and Water Rights

- Water and mineral rights attached to an excluded home and property

Oil and Gas Leases

- Oil and Gas leases on land which is being excluded because it is the individual's home

Irrevocable Trusts

- If there are no circumstances where payments can be made to or for the benefit of the individual, or the spouse, from either all of the trust, or from some portion of the trust, the value of the trust, or the value of the unavailable portion of the trust, is not a countable resource and must be

excluded

Indian Trust Property

- Excluded ownership of beneficial interest in any land or account which is held in trust by the United States, a state or in a tribal account

Payment made under the Alaska Native Claims Settlement Act, Public Law 92-203

- Unspent payment received under the Alaska and Indian Native Claims Settlement Act (Public Law 92-203) must be excluded

Japanese- American and Aleutian Restitution payments

- Japanese-American and Aleutian restitution payments must be excluded

Agent Orange settlement payments

- Agent Orange settlement payments to qualifying veterans and survivors are excluded from resources

Radiation Exposure Compensation

- Payments received from the Radiation Exposure Compensation Trust Fund payments are excluded from resources

Disaster Relief and Emergency Assistance Amendment of 1988 Payments

- Unspent Disaster Relief and Emergency Assistance Amendment of 1988 Payments

Cash or in-kind payment to replace or repair excluded resource

1. Cash and in kind receipts for the replacement or repair of lost, damaged, or stolen excluded resources are not treated as resources for 9 months from the date of their receipt
2. The initial 9 month period can be extended up to an additional 9 months if the individual shows good cause why repair or replacement was not possible during the first 9 months.
3. Good cause is present if circumstances beyond the individual's control:
4. Prevent repair or replacement of the lost, damaged, or stolen property

OR

5. Keep the individual from contracting for such repair or replacement.

Nazi Persecution Victims Payments

- Payments to Victims of Nazi Persecution (PL 103-286), Austrian Social Insurance Payments and Netherlands WUV Payments to Victims of Persecution

Wartime Relocation assistance

- Wartime relocation of Civilians payments authorized under PL 100-383 (Japanese up to \$20000, and eligible Aleuts up to \$12000)

Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240

- Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240

Federal Tribal benefits made under section 5 of Public Law 94-114

- Federal Tribal Benefits received by Indian tribes under section 5 of Public Law 94-114

Special Payments to Children of Vietnam Veterans

- VA Payments to Vietnam Veterans Who Have a Child Born with Spina Bifida PL 104-204

Settlements Paid to Hemophilia Patients (and Others) Infected with HIV

1. Settlements Paid to Hemophilia Patients (and others) infected with HIV under a Class Action Suit must be excluded OR
2. Payments made by the federal government

Self-Support

- Do not count up to \$6,000 of equity value of non-business property used to produce goods or services essential to home use daily activities

Self-Employment Assets

- If the individual is actively engaged in self-employment, the business assets must be excluded from the resource test

Property Necessary for Employment

- Any personal property required by the individual for work by his employer must be excluded

Income Producing Property

- Up to \$6,000 of the equity value of nonbusiness income producing property can be excluded from resources if the property produces a net annual return equal to at least 6% of the total equity

Income Producing Property - Exception

1. If the property produces less than a 6% return, exclude \$6000 if the lower return is for reasons beyond the individual's control AND
2. If the property produces less than a 6% return, exclude \$6000 if there is a reasonable expectation that the property will again produce a 6% return

Educational Assistance Payments under Title IV of the Higher Education Act of 1965

- All retained student financial assistance an individual receives under Title IV of the Higher Education Act of 1965

Educational Assistance Payments under the Bureau of Indian Affairs (BIA)

- All retained Bureau of Indian Affairs (BIA) student assistance program payments regardless of use are excluded from resources for as long as the individual has them

Educational Loans, Grants and scholarship

- Exclude from resources for 9 months the month after the month of receipt, any funds received from grants, scholarships, fellowships and gifts (or portion of gifts) that are used to pay for tuition, fees, books or other necessary educational expenses

Inaccessible Pension Funds

- Do not count non available/non accessible pension funds that belongs to the individual

Uniform Transfers to Minors Act (UTMA)

- Exclude any resource which is held within the rules of the Uniform Transfers to Minor's Act (UTMA) to a child under the age of 21

Uniform Gifts to Minors Act (UGMA)

- Exclude any resource which is held within the rules of the Uniform Gifts to Minor's Act (UGMA) to a child under the age of 18

Burial plots

- One burial plot for each household member

Irrevocable Burial Trust

- Exclude the value of an irrevocable burial trust fund such as an irrevocable pre-arranged funeral plan.

Life insurance

- Exclude the cash surrender value of life insurance policies with a combined face value totaling \$1,500 or less per owner.

Burial Plan

- Exclude prepaid burial plan up to \$1500 per household member

Reductions in burial fund maximum exclusion

- The maximum \$1,500 that can be excluded is reduced by the following:
 - The face value of any life insurance policy on the individual, if such policy is excluded
 - The value of an irrevocable burial trust fund such as an irrevocable pre arranged funeral plan

Older Americans Act of 1965 Payments

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- Retained payments received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 are excluded

Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

- Retained Federal relocation assistance provided under title II of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 is excluded from resources

Income Tax Refund

- Federal or state income tax refunds is excluded from resources only for the month following the month the refund or payment is received

Earned Income Tax Credit (EITC) payments

1. Earned Income Tax Credit (EITC) payments only for the month following the month the payment is received
2. Exclude the child tax credit as a resource for 9 months after the month it is received

Individual Development Accounts

- Individual development accounts contributions made must be excluded as a resource

Irrevocable Annuity

- An irrevocable annuity is an exempt resource

Life Estate With Powers - Principal place of Residence

- Exclude the value of a life estate with powers as a resource if the owner of the life estate resides in the home

Life Estate Without Powers - Principal place of Residence

- Exclude the value of a life estate without powers as a resource if the owner of the life estate resides in the home

Low Income Housing Energy Assistance Act

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- Exclude Home Energy Assistance Payments under the Low-Income Home Energy Assistance Act (PL 99-425)

Energy Assistance other than LIHEAA

- Federal or state one-time assistance for weatherization or emergency repair or replacement of heating or cooling devices must be excluded

Plan to Achieve Self Sufficiency (PASS plan)

- Grants and resources set aside as part of an approved plan for achieving self support of a SSI individual are excluded

WIC (Women Infants & Children Special Supplement Food Program)

- Exclude the value of the vouchers which are redeemable for food items received by certain women and children considered to be nutritionally high risk

Cash payments for Medical or Social Services

- Exclude payments from a Federal, State, or local government program if it is given to help the client get medical or social services for one calendar month following the month of receipt;

Vehicles

- Exclude one vehicle (automobile) used for transportation for each married couple or single individual, regardless of value if the automobile:
 - Is necessary for employment OR
 - Is necessary for the treatment of a specific or regular medical problem and used at least four times per calendar year OR
 - Has been modified for operation by or transportation of a handicapped person OR
 - Is necessary, because of climate, terrain, distance or similar factors, for the performance of essential daily activities OR
- If no vehicle is excluded for one of the above reasons, \$4,500 one vehicle used for transportation for regular daily activities may be exempt if its fair market value does not exceed \$4,500 and if the fair market value exceeds \$4,500, then count the fair market value amount in excess of \$4,500

Household goods & personal effects

1. One wedding ring and one engagement ring per individual are excluded regardless of value
2. Prosthetic devices, wheelchairs, hospital beds, dialysis machines and other items required by a person's physical condition are excluded regardless of value
3. A general exclusion of up to \$2,000 applies to the total equity value of other household goods and personal effects for the household

Dedicated Bank Account Containing Lump Sum Payments for a child

- Past due benefits and other underpayment's deposited into a dedicated financial institution account and any accrued interest or other earnings on such an account are excluded from resources for a child

Retroactive Social Security Benefits or SSI Benefits

- Retroactive SSI and Social Security benefits and Railroad Retirement Board are excluded from resources for the 9 calendar months following the month in which the individual receives the benefits

Exempt 'Special Needs' Trusts

- A Special Needs Trust must adhere to all the rules below and is not a countable resource:
 - The trust must be established on or after August 11th, 1993 AND
 - The trust must be set up for the sole benefit of a disabled individual who is under the age of 65 AND
 - The trust contains the assets of that individual AND
 - The trust states that all assets remaining in the trust will be paid to the STATE upon the death of the individual up to the amount of medical services paid by Medical Assistance

Exempt 'Pooled Trusts'

- A Pooled Trust must adhere to all the rules below and is not a countable resource:
 - The trust must be established on or after August 11th, 1993 AND

- The trust is established and managed by a not for profit organization AND
- The trust contains the assets of the individual AND
- There is a separate account for each individual AND
- The accounts are established solely for the benefit of people who are disabled AND
- As the trust allows, any amount remaining in the trust will be paid to the State upon the death of the individual up to the amount of medical services paid by Medical Assistance.

Gifts Made to a Child with a Life-threatening Disease by Non-profit Organizations

- Cash retained beyond the month the gift is made or once off payments as long as the total value of the gift does not exceed \$2000

Victims Compensation payments

- Retained Payments to crime victims from a federal or federally funded state or local program (PL 103-322, section 23022) must be excluded for 9 months

3.4 Income Rules

Income rules are used to determine the unearned, earned and self employment income that are countable/non countable for the household. Income is classified as either countable or non-countable. Only countable income is included in the income eligibility determination. A household's countable income must be less than a specified income limit. Rate tables provide the information required to determine whether the income is countable or non countable.

1. The household's gross countable income is equal or less than 185% of the monthly limit for the household size AND
2. The household's net countable income is equal to or less than the 100% of the monthly limit for the household size

3.4.1 Unearned Income - Family Type Programs

The following rules apply to these programs, and are referred to as the "Family type" programs for determination of countable/non countable resources and incomes.

- LIFC
- Pregnant Women
- Children (under and over 6)
- Medically Needy Pregnant Women
- Medically Needy Children
- Emergency LIFC, Emergency Pregnant Women, Emergency Children
- Refugee
- Children's Health Insurance Program (CHIP)

Unearned Income Fully Counted

The following unearned income types are fully counted:

Alimony

- Alimony payments made directly to the household from non-household members.

Dividends

- Dividends

Interest

- Interest

Capital Gains Distributions

- Capital Gains Distributions

Royalties

- Royalties

Pensions

- Pensions excluding Veteran's Administration Pensions

Annuities

- Annuities

Agriculture and Stabilization and Conservation (ACSE) Payments

- Agriculture and Stabilization and Conservation (ACSE) Payments

Retirement

- Private Retirement Benefits

Railroad Retirement Benefits

- Railroad Retirement Benefit

Social Security Benefits

1. All social security benefits are fully counted where an exception does not apply:
 - Social Security Widow(er)
 - Social Security Disabled Widow(er)
 - Social Security Disability
 - Social Security Retirement
 - Social Security Disability/Child
2. Exceptions to fully counted social security benefits
 - a. Disabled Adult Child (DAC) exception
 - If the individual is a potential DAC, the Social Security Disability/Child is disregarded
 - Determine the amount of Social Security Disability/Child, the individual receives and disregard it
 - b. Disabled Widow's Exception
 - If the individual is a potential disabled widow not receiving Medicare, the Social Security Disabled Widow(er) is disregarded:
 - Determine the amount of current Social Security Disabled Widow(er) the individual receives and disregard it if the reason the individual lost SSI was because of receipt of Social Security Disabled Widow(er)

c. Pickle People exception

- If the individual is a potential pickle person, A partial disregard applies to SS Benefits:
 - Determine what year SSI payments stopped.
 - Determine the corresponding reduction factor.
 - Multiply current Social Security benefit income by the reduction factor to get the countable Social Security Benefit income.
 - If there is a financially responsible person who receives Social Security Benefits, also disregard all COLA's received by that person since the individual was terminated from SSI to get their countable Social Security Benefit income

Worker's Compensation

- Worker's Compensation

Unemployment Insurance

- Unemployment Insurance

Union Benefits

- Union Benefits

Strike Benefits

- Strike Benefits

Tribal General Assistance payments made by BIA

- Tribal General Assistance payments made by the Bureau of Indian Affairs (BIA) are countable income for Medical Assistance in the month received.

Interest earned on Special Payments to American Indians (Oil and mineral lease payments)

- The interest earned on Oil and Mineral Lease payments is countable in the month received

Veteran's Administration Pension

- Veteran's Administration Pension

Veteran's Administration Compensation

- Veteran's Administration Compensation

Veteran's Administration Compensation Needs Based

- Veteran's Administration Compensation paid to the parent of a child

Trust Fund Proceeds

1. Count any payments made to the client as income in the month it is received
2. Count as unearned income in the month received, trust withdrawals, dividends, or interest which are or could be received by the individual

Indian Fishing Rights Income

- Income derived by a member of an Indian tribe from the exercise of recognized fishing rights (i.e., secured as of 3/17/88, by a treaty, Executive Order, or an Act of Congress) is counted as unearned income in the month of receipt.

Black Lung Disease Benefits

- Black Lung Disease Benefits under the provisions of the Federal Mine Safety and Health Act (FMSHA)

Payments resulting from the Refugee Act of 1980

- Income from payments resulting from the Refugee Act of 1980

State Funded Adoption Subsidy

- State-funded subsidies are counted as unearned income to the adoptive parent(s).

Income excluded under (PASS) Plan for achieving Self-Support

- Money excluded by the Social Security Administration (SSA) in a plan

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for achieving Self-Support (PASS) under PL 102-237 is counted for family programs

Unearned Income Exclusions

The following types of unearned income are not counted:

Bona Fide Loans

- Bona fide loans in the month received.

Title IV-E Adoption Assistance Payments

- Adoption Assistance Payments

Foster Care Board Payments

1. Title IV-E Foster Care Board Payments
2. Title IV-B Foster Care Board Payments
3. Title XX Foster Care Board Payments

Federal Food Programs

The following food programs which have federal involvement are not counted:

1. The value of the food under the food stamp program to any household is excluded from income
2. The value of supplemental food assistance under the Child Nutrition Act of 1966
3. The value of any assistance to children under the special food service program for children under the National School Lunch Act
4. Benefits received under Title VII, Nutrition Program for the Elderly

Payments under the Domestic Volunteer Service Act 1973

- Payments under the Domestic Volunteer Service Act 1973

Older Americans Act of 1965 Benefits

- Older Americans Act of 1965 Benefits

Department of Housing and Urban Development (HUD) Payments

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1. HUD Community Development Block Grant Funds
2. HUD payments or subsidies
3. Government housing subsidies

State Supplementary Payments

- State Supplementary Payments

Low Income Housing Energy Assistance Act

- Exclude Home Energy Assistance Payments under the Low-Income Home Energy Assistance Act (PL 99-425) in the month received.

Energy Assistance other than LIHEAA

- Exclude federal or state assistance payments for weatherization or emergency repair or replacement of heating or cooling devices in the month received.

Attendant Care Payments

1. Money a disabled person receives to pay for attendant care if the money is used to pay for attendant care AND
2. The person providing the care is not financially responsible for the person receiving the care

Income Tax Refunds

- Federal or state income tax refunds are excluded as income in the month received.

Earned Income Tax Credit (EITC) payments

- Earned Income Tax Credit (EITC) payments

Nazi Persecution Victims Payments

- Payments to Victims of Nazi Persecution (PL 103-286), Austrian Social Insurance Payments and Netherlands WUV Payments to Victims of Persecution in the month received.

Special Payments to Children of Vietnam Veterans

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- VA Payments to Vietnam Veterans Who Have a Child Born with Spina Bifida PL 104-204 in the month received.

Settlements Paid to Hemophilia Patients (and Others) Infected with HIV

1. Payments through lawsuits are excluded as income in the month received OR
2. Payments made by the federal government are excluded as income in the month received.

Payments to Certain Persons Captured and Interned by North Vietnam

- Payments to Certain Persons Captured and Interned by North Vietnam under Section 657 of the National Defense Authorization Act (P.L. 104-201) are excluded as income in the month received.

Travel and Training Allowances and Reimbursements

- Travel and Training Allowances and Reimbursements

Cash Assistance Payments

- Cash Assistance Payments

SSI Payments

- Supplemental Security Income

Victim's Compensation Payments

- Crime Victim's Compensation Payments under PL 103-322 are excluded as income in the month received.

Interest or Dividend Income

Interest received from the following payments are not counted:

1. Disaster Relief funds
2. Payments received under the Older Americans Act of 1965

Workforce Investment Act of 1998 (WIA) payments

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1. Do not count payments for supportive services under the Workforce Investment Act (WIA) AND
2. Do not count payments for training under the Workforce Investment Act (WIA)

Educational Assistance Payments under Title IV of the Higher Education Act of 1965

- All student financial assistance under Title IV of the Higher Education Act of 1965 and interest earned on retained funds from these sources are excluded as income

Educational Assistance Payments under the Bureau of Indian Affairs (BIA)

- All student financial assistance under Bureau of Indian Affairs (BIA) student assistance programs and interest earned on retained funds from these sources

Educational Loans, Grants or Scholarships

- Non Title IV and non BIA grants, scholarships and fellowships received after June 1, 2004 used for educational expenses are excluded from income

Veteran's Administration Educational Benefits

1. Veteran Administration educational benefits paid as part of a vocational rehabilitation program, or that represent a withdrawal of a veteran's own contributions
2. Veteran's Educational Benefits intended for family of student Exception:
 - Count Veteran's Educational Assistance intended for family members of the student as income for the individual whom intended

In-Kind Support and Maintenance (ISM)

- All ISM is excluded for Family Medical Assistance programs

Individual Development Accounts

- Payments from Individual Development Accounts (IDA) are excluded as income in the month received.

Income Excluded By Federal Law

The following income is excluded by Federal Law

Payments made under the Alaska Native Claims Settlement Act, Public Law 92-203

- Payments made under the Alaska Native Claims Settlement Act, Public Law 92-203 are excluded as income in the month received.

Japanese- American and Aleutian Restitution payments

- Japanese-American and Aleutian restitution payments must be excluded as income in the month received.

Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240

- Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240 are excluded as income in the month received.

Federal Tribal benefits made under section 5 of Public Law 94-114

- Federal Tribal Benefits received by Indian tribes under section 5 of Public Law 94-114 are excluded as income in the month received.

Tribal General Assistance payments from tribal funds

- Tribal General Assistance payments paid directly from the tribe consisting only of tribal funds are excluded as income in the month received.

Agent Orange Settlement Payments

- Agent Orange Settlement Payments are excluded as income in the month received.

Disaster Relief and Emergency Assistance Amendment of 1988 Payments

- Disaster Relief and Emergency Assistance Amendment of 1988 Pay-

ments are excluded as income in the month received.

Payments by the Indian Claims Commission

- Indian Claims Commission Payments to the Federated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation

Radiation Exposure Compensation Trust Fund Payments

- Radiation Exposure Compensation Trust Fund Payments are excluded as income in the month received.

Relocation assistance to Navajos and Hopis

- Relocation assistance to Navajos and Hopis

Submarginal Land Bill payments held in trust by the United States

- Submarginal Land Bill payments held in trust by the United States

Wartime Relocation assistance

- Wartime relocation of Civilians payments authorized under PL 100-383 are excluded as income in the month received. (Japanese up to \$20000, and eligible Aleuts up to \$12000)

Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

- Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are excluded as income in the month received

Unearned Income - Partially Excluded

The following are types of partially excluded unearned income:

Payments to American Indians - Oil and Mineral Lease Payments

- Disregard the first \$2000 of Oil and Mineral Lease money.

VA Payments paid to veterans in a VA Hospital

- Disregard \$30 from the VA benefits for personal needs.

Gifts Made to a Child with a Life-threatening Disease by Non-profit Organizations

- Gifts from a non-profit organization made to a child with a life-threatening disease do not count as income when the payment meets the following criteria:
 - Cash gifts when the total gift does not exceed \$2000 in a calendar year. Count the amount of cash gifts that exceeds \$2000 in a calendar year OR
 - In-kind gifts that are not converted to cash. If an in-kind gift is converted to cash, count the amount of cash received from the exchange as income. The \$2000 exclusion does not apply.

Rental Income

1. Count Rental Income as unearned income if the individual is not directly engaged in management of property
2. Disregard costs such as:
 - "Property taxes or insurance
 - Interest payments on the mortgage or second mortgage
 - Incidental repairs
 - Advertising
 - Landscaping
 - Utilities

Child support disregard

- Disregard the first \$50 of the total of all current child support payments received by the household in a month.

Irregular Unearned Income

1. Disregard the first \$60 of income received by each household member in any calendar quarter if :

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- The income is not received more than once a calendar quarter from a particular source OR
 - The person cannot reasonably expect to receive the income again
2. If infrequent or irregular income is received from different sources in a calendar quarter exclude \$60 in total

Lump Sum - Fully Counted

All lump sum payments that are not listed below or identified in the exemption section are to be treated as fully counted as income in the month received

Death Benefits

- The following death benefits are counted as income in the month received minus a disregard for money used for burial of the deceased:
 - Death benefits from labor unions
 - Death benefits from Social Security (SSA) or Railroad Retirement
 - Veterans Administration burial benefits are counted as income in the month received.
 - Cash given by relatives, friends, or a community group (e.g., benevolent society) to assist with expenses related to the death are counted as income in the month received.

Life Insurance Benefits

- Life Insurance Benefits are counted as income in the month received minus a disregard for money used for burial of the deceased.

Inheritances

- Inheritances are counted as income in the month received minus a disregard for money used for burial of the deceased.

Personal Injury Settlements

- Personal Injury Settlements are counted as income in the month received.

Severance Pay

- Count severance pay as a non-exempt unearned lump sum payment

Lump Sum Exclusions

Any kind of lump sum payment of excluded earned or unearned income. If that kind of income is excluded, the lump sum payment is also excluded as income in the month received.

1. Insurance settlements for destroyed exempt property
2. Lump Sum Payments from SSI
3. SSA or Department of Health reimbursements of Medicare premiums
4. Money received from a TPL source for medical expenses, if the money will be recouped by Medical Assistance Agency

3.4.2 Earned Income - Family Type Programs

The following rules apply to these programs, and are referred to as the "Family type" programs for determination of countable/non countable resources and incomes.

- LIFC
- Pregnant Women
- Children (under and over 6)
- Medically Needy Pregnant Women
- Medically Needy Children
- Emergency LIFC, Emergency Pregnant Women, Emergency Children
- Refugee
- Children's Health Insurance Program (CHIP)

Earned Income - Fully Counted

The following types of earned income are fully counted:

Wages and salaries

- Wages and salaries

Sick Pay Not included in wages

- Sick Pay Not included in wages

Vacation Pay not included in wages

- Vacation Pay not included in wages

Military Pay/Allowances

- Military Pay/Allowances

Commission or Bonus

- Commission or bonus payments are fully counted

Tips

- Tips as reported by the individual

Training incentive payments and work allowances

- Training incentive payments and work allowances

Wages under Older Americans Act of 1965

- Wages under Older Americans Act of 1965

Temporary disability insurance

- Payments made to an individual, by an employer, who remains employed during recuperation from a temporary illness or injury pending the employees return to the job are fully counted as earned income.

Workforce Investment Act of 1998 (WIA) wages

- Income received from employment through the Workforce Investment Act is earned income

AmeriCorps Payments

1. Living allowance stipends
2. Educational Awards

Earned Income - Exclusions

The following earned income exclusions apply to all programs:

Earned Income Tax Credit (EITC) payments

- Earned Income Tax Credit (EITC) payments

Temporary Census Takers Income

- Do not count earnings received by temporary workers that are identified as census earnings.

Wages under the Domestic Volunteer Service Act

- Wages under the Domestic Volunteer Service Act if their value is less than the minimum wage in effect under the Fair Labor Standards Act of 1938 or the minimum wage under the applicable State law

Reimbursements from an employer

- Reimbursements from an employer for any bona fide work expense

Travel and Training Allowances from employer

- Payment of allowances from an employer for travel and training

Earned Income of a child

- Do not count the earnings of a child when:
 - The child satisfies the Age Limit for a Child rules AND
 - The child is in school or training full time OR
 - The child is in school or training part-time and s/he is employed less than 100 hours per month.

In-kind Items Received in lieu of wages

- Wages may include the value of food, clothing, shelter or other items provided in lieu of cash wages

3.4.3 Self Employment Income - Family Type Programs

The following rules apply to these programs, and are referred to as the "Family type" programs for determination of countable/non countable resources

and incomes.

- LIFC
- Pregnant Women
- Children (under and over 6)
- Medically Needy Pregnant Women
- Medically Needy Children
- Emergency LIFC, Emergency Pregnant Women, Emergency Children
- Refugee
- Children's Health Insurance Program (CHIP)

Self Employed Earners

Self-Employed Individual

1. A self-employed individual may be the sole owner of a business OR
2. A general partner in a partnership OR
3. A partner in a Limited Liability Partnership OR
4. A member of a Limited Liability Company being taxed as a partnership OR
5. A shareholder in an S Corp who is actively engaged in the operation of the business

Self-Employed Farmer

- A self-employed farmer actively earns income from operating a farm for profit either as owner or tenant

Self-Employment Income - Fully Counted

The following self employment income types are fully counted:

Child Care Food Program

- Payments received from the Child Care Food Program for providing meals to children in day care

Capital Gains

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1. Gains received from the sale of farmland or depreciable farm equipment
2. Gains received from livestock held for breeding, sport or dairy purpose
3. Gains received from securities
4. Gains received from real estate
5. Gains received from other investment property

Rental Income

- Rental income, when the individual is engaged in management of property

Home Produce

- Home Produce for consumption by household members

Boarder/Roomer Income

- Income from boarders and roomers is payment received by the individual for lodging and/or meals from other individuals residing in the home who are not members of the individual's Medical Assistance household
 - Boarders rent a room or rooms and receive meals as part of the rent
 - Roomers (lodgers) rent a room or rooms and receive no meals as part of the rent

Self Employment Income - Allowable Non Farm Expenses

The following expenses are allowable deductions from gross self-employment income:

Advertising and promotional fees

- Amounts paid for advertising and promotional fees

Bad Debts

- A bad debt may be claimed if the income that the debt represents is definitely known to be worthless.

Car and Truck Expenses

- Allow the business portion of expenses for:
 - Gasoline
 - Oil
 - Repairs
 - Insurance
 - Tires
 - Parking Fees
 - Rental Fees
 - Garage Rent
 - License Plates
 - Allow a deduction for vehicle registration, prorated for 12 months.

Commissions and Fees

- Commissions and Fees

Depletion

- Individuals who have an economic interest in mineral property or standing timber may deduct the cost of using up those natural resources

Depreciation

- Depreciation

Employee benefit programs

- Contributions to employee benefit programs that are not a part of a pension or profit sharing plan.

Interest

- Interest paid to banks or other financial institutions for a mortgage on real property used in the business that is not the client's home or the home of any partner in the business

Legal and Professional services

- Legal and professional fees that are ordinary and necessary expenses

directly related to operating the business.

Office Expenses

- Expenses paid as operating costs of an office

Pension and profit sharing plans

- Contributions made to pension, profit-sharing, or annuity plans for employees of the business

Rent or leases

- Amounts paid for the use of property rented or leased for the business

Repairs and Maintenance

- Amounts paid for repairs and maintenance to property that does not add to the value or increase the life of the property

Supplies

- Supplies and materials used in the business.

Taxes

- Taxes paid by the business:
 - State and local sales taxes imposed on the individual as the seller of goods or services
 - Taxes on Income Producing Property
 - Real estate and personal property taxes on business assets
 - Licenses and regulatory fees for the trade or business paid each year to state or local governments
 - Social Security and Medicare taxes paid to match required withholding from the employee's wages
 - Federal unemployment taxes
 - Federal Highway use taxes

Travel, meals, and entertainment

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- Expenses for lodging and transportation connected with overnight travel, if they are directly related to or associated with the active conduct of the trade or business

Utilities

1. All payments for utilities, including telephone, are allowable deductions for a business that is NOT run in the client's home or the home of any partner in the business OR
2. If the business is operated in the home of the client or the client's partner, determine the percentage of the home that is used on a regular basis for business purposes and allow the same percentage of the utility costs

Wages paid to employees

- Wages paid to employees of the business

Donations to business organizations

- Donations to business organizations

Subscriptions to trade or professional publications

- Subscriptions to trade or professional publications

Insurance Premiums

- Premiums paid for insurance related to the trade or business

Day Care Provider Business costs

- If the business is a day care provider, the costs related to purchasing, preparing, and serving meals for children in day care are treated as expenses

Self Employment Income - Allowable Farm Expenses

The following expenses are allowable deductions from gross self-employment income:

Car and Truck Expenses

- Allow the business portion of expenses for:

- Gasoline
- Oil
- Repairs
- Insurance
- Parking Fees
- Tires
- Rental Fees
- Garage Rent
- License Plates
- Allow a deduction for vehicle registration, prorated for 12 months.

Chemicals

- Chemicals

Conservation Expenses

1. Deductible soil and water conservation expenses are those that are paid to conserve soil and water or to prevent erosion of land used for farming AND
2. This deduction may not exceed 25% of the gross income from farming

Custom Hire (Machine Work)

- Amounts paid for custom hire or machine work (the machine operator furnished the equipment)

Depreciation

- Depreciation

Employee Program Benefits

- Contributions made to employee benefit programs that are not an incidental part of a pension or profit-sharing plan

Feed Purchases

1. Expenses for feed that was consumed by the livestock in the current

year, including prepaid farm supplies AND

2. Deduct the expense for prepaid farm supplies that does not exceed 50% of the other deductible farm expenses in the year of payment

Fertilizers and lime

- Cost of fertilizer, lime, and other materials applied to farmland to enrich, neutralize or condition it

Freight and Trucking

- Costs of freight and trucking

Gasoline, fuel and oil

- Cost of gasoline, fuel and oil used for farming

Insurance Premiums

- Premiums paid for farm business insurance

Interest

1. Interest paid to banks or other financial institutions for a mortgage on farmland or other obligations incurred in the farm business AND
2. If the proceeds of a loan are used for more than one purpose (for example, personal and business), allocate the interest on that loan to each use AND
3. Only allow the portion of the interest payment that is the farm expense.

Labor Hired

- Amounts paid for farm labor

Pension and Profit-Sharing Plans

- Contributions made to employee pension, profit-sharing, or annuity plans for employees of the farm.

Rent or Lease Payments

- Business portion of the rental cost for rented or leased vehicles, ma-

chinery, or equipment.

Repairs and Maintenance

- Amounts paid for repairs and maintenance of farm buildings, machinery, and equipment.

Seeds and Plants Purchased

- Costs of seeds and plants purchased for further development and cultivation before sale

Storage and warehousing

- Costs for storage and warehousing

Supplies purchased

- Costs of supplies and materials used in the farming.

Taxes

- Taxes paid by the Farm:
 - Real estate and personal property taxes on the farm business assets
 - Social Security and Medicare taxes paid to match what was required to be withheld from farm employees wages
 - Federal unemployment taxes
 - Federal highway use taxes.

Utilities

- Amounts paid for gas, electricity, water, etc., for business use on the farm.

Veterinary, Breeding, and Medicine

- Veterinary, breeding and medicine costs

Advertising and Promotional Fees

- Amounts paid for advertising and promotional fees

Office Expenses

- Expenses paid as operating costs of an office

Qualified clean-fuel vehicle property

- Cost of qualified clean-fuel vehicle property

Legal and Professional services

- Legal and professional fees that are ordinary and necessary expenses directly related to operating the farm

Boarder/Lodger(Roomer) Income deduction

1. Disregard the first \$60 per month of any income from each boarder AND
2. Disregard the first \$15 per month from each roomer (lodger)

3.4.4 Unearned Income - ABD Type Programs

The following rules apply to these programs, and are referred to as the "ABD type" programs for determination of countable/non countable resources and incomes.

- ABD
- Cost Sharing Programs
 - Qualified Medicare Beneficiaries (QMB)
 - Specified Low-Income Medicare Beneficiaries (SLIMB)
 - Qualified Individual (QI-1)
 - Qualified Disabled Working Individual (QDWI)
- Long Term Care (LTC)
- Tuberculosis (TB)

Unearned Income Fully Counted

The following unearned income types are fully counted:

Alimony

- Alimony payments made directly to the household from non-household members.

Dividends

- Dividends

Interest

- Interest

Capital Gains Distributions

- Capital Gains Distributions

Royalties

- Royalties

Pensions

- Pensions excluding Veteran's Administration Pensions

Annuities

- Annuities

Agriculture and Stabilization and Conservation (ACSE) Payments

- Agriculture and Stabilization and Conservation (ACSE) Payments

Retirement

- Private Retirement Benefits

Railroad Retirement Benefits

- Railroad Retirement Benefit

Social Security Benefits

1. All social security benefits are fully counted where an exception does not apply:

- Social Security Widow(er)
 - Social Security Disabled Widow(er)
 - Social Security Disability
 - Social Security Retirement
 - Social Security Disability/Child
2. Exceptions to fully counted social security benefits
- a. Disabled Adult Child (DAC) exception
 - If the individual is a potential DAC, the Social Security Disability/Child is disregarded
 - Determine the amount of Social Security Disability/Child, the individual receives and disregard it
 - b. Disabled Widow's Exception
 - If the individual is a potential disabled widow not receiving Medicare, the Social Security Disabled Widow(er) is disregarded:
 - Determine the amount of current Social Security Disabled Widow(er) the individual receives and disregard it if the reason the individual lost SSI was because of receipt of Social Security Disabled Widow(er)
 - c. Pickle People exception
 - If the individual is a potential pickle person, A partial disregard applies to SS Benefits:
 - Determine what year SSI payments stopped.
 - Determine the corresponding reduction factor.
 - Multiply current Social Security benefit income by the reduction factor to get the countable Social Security Benefit income.
 - If there is a financially responsible person who receives Social Security Benefits, also disregard all COLA's received by that person since the individual was terminated from SSI to get their countable Social Security Benefit income

Worker's Compensation

- Worker's Compensation

Unemployment Insurance

- Unemployment Insurance

Union Benefits

- Union Benefits

Strike Benefits

- Strike Benefits

Tribal General Assistance payments made by BIA

- Tribal General Assistance payments made by the Bureau of Indian Affairs (BIA) are countable income for Medical Assistance in the month received.

Interest earned on Special Payments to American Indians (Oil and mineral lease payments)

- The interest earned on Oil and Mineral Lease payments is countable in the month received

Veteran's Administration Pension

- Veteran's Administration Pension

Veteran's Administration Compensation

- Veteran's Administration Compensation

Veteran's Administration Compensation Needs Based

- Veteran's Administration Compensation paid to the parent of a child

Trust Fund Proceeds

1. Count any payments made to the client as income in the month it is received
2. Count as unearned income in the month received, trust withdrawals, di-

vidends, or interest which are or could be received by the individual

Indian Fishing Rights Income

- Income derived by a member of an Indian tribe from the exercise of recognized fishing rights (i.e., secured as of 3/17/88, by a treaty, Executive Order, or an Act of Congress) is counted as unearned income in the month of receipt.

Black Lung Disease Benefits

- Black Lung Disease Benefits under the provisions of the Federal Mine Safety and Health Act (FMSHA)

Payments resulting from the Refugee Act of 1980

- Income from payments resulting from the Refugee Act of 1980

State Funded Adoption Subsidy

- State-funded subsidies are counted as unearned income to the adoptive parent(s).

In-Kind Support and Maintenance (ISM)

- ISM is unearned income in the form of food, clothing or shelter provided to the Medicaid individual/couple or Medicaid child.

Unearned Income Exclusions

The following types of unearned income are not counted:

Bona Fide Loans

- Bona fide loans in the month received.

Title IV-E Adoption Assistance Payments

- Adoption Assistance Payments

Foster Care Board Payments

1. Title IV-E Foster Care Board Payments
2. Title IV-B Foster Care Board Payments

3. Title XX Foster Care Board Payments

Federal Food Programs

The following food programs which have federal involvement are not counted:

1. The value of the food under the food stamp program to any household is excluded from income
2. The value of supplemental food assistance under the Child Nutrition Act of 1966
3. The value of any assistance to children under the special food service program for children under the National School Lunch Act
4. Benefits received under Title VII, Nutrition Program for the Elderly

Payments under the Domestic Volunteer Service Act 1973

- Payments under the Domestic Volunteer Service Act 1973

Older Americans Act of 1965 Benefits

- Older Americans Act of 1965 Benefits

Department of Housing and Urban Development (HUD) Payments

1. HUD Community Development Block Grant Funds
2. HUD payments or subsidies
3. Government housing subsidies

State Supplementary Payments

- State Supplementary Payments

Low Income Housing Energy Assistance Act

- Exclude Home Energy Assistance Payments under the Low-Income Home Energy Assistance Act (PL 99-425) in the month received.

Energy Assistance other than LIHEAA

- Exclude federal or state assistance payments for weatherization or emergency repair or replacement of heating or cooling devices in the month

received.

Attendant Care Payments

1. Money a disabled person receives to pay for attendant care if the money is used to pay for attendant care AND
2. The person providing the care is not financially responsible for the person receiving the care

Income Tax Refunds

- Federal or state income tax refunds are excluded as income in the month received.

Earned Income Tax Credit (EITC) payments

- Earned Income Tax Credit (EITC) payments

Nazi Persecution Victims Payments

- Payments to Victims of Nazi Persecution (PL 103-286), Austrian Social Insurance Payments and Netherlands WUV Payments to Victims of Persecution in the month received.

Special Payments to Children of Vietnam Veterans

- VA Payments to Vietnam Veterans Who Have a Child Born with Spina Bifida PL 104-204 in the month received.

Settlements Paid to Hemophilia Patients (and Others) Infected with HIV

1. Payments through lawsuits are excluded as income in the month received OR
2. Payments made by the federal government are excluded as income in the month received.

Payments to Certain Persons Captured and Interned by North Vietnam

- Payments to Certain Persons Captured and Interned by North Vietnam under Section 657 of the National Defense Authorization Act (P.L. 104-201) are excluded as income in the month received.

Travel and Training Allowances and Reimbursements

- Travel and Training Allowances and Reimbursements

TANF Payments

- Cash Assistance Payments

SSI Payments

- Supplemental Security Income

Victim's Compensation Payments

- Crime Victim's Compensation Payments under PL 103-322 are excluded as income in the month received.

Interest or Dividend Income

Interest received from the following payments are not counted:

1. Disaster Relief funds
2. Payments received under the Older American Act of 1965

Workforce Investment Act of 1998 (WIA) payments

1. Do not count payments for supportive services under the Workforce Investment Act (WIA) AND
2. Do not count payments for training under the Workforce Investment Act (WIA)

Educational Assistance Payments under Title IV of the Higher Education Act of 1965

- All student financial assistance under Title IV of the Higher Education Act of 1965 and interest earned on retained funds from these sources are excluded as income

Educational Assistance Payments under the Bureau of Indian Affairs (BIA)

- All student financial assistance under Bureau of Indian Affairs (BIA) student assistance programs and interest earned on retained funds from

these sources

Educational Loans, Grants or Scholarships

- Non Title IV and non BIA grants, scholarships and fellowships received after June 1, 2004 used for educational expenses are excluded from income

Veteran's Administration Educational Benefits

1. Veteran Administration educational benefits paid as part of a vocational rehabilitation program, or that represent a withdrawal of a veteran's own contributions
2. Veteran's Educational Benefits intended for family of student Exception:
 - Count Veteran's Educational Assistance intended for family members of the student as income for the individual whom intended

Veteran's Administration Payments for Aid and Attendance

- Veteran Administration Aid and Attendance Payments

Veteran's Administration Payments for Housebound Care

- Veteran Administration Housebound Care Payments

Veteran's Administration Payments for Unusual Medical Expenses (UME)

- Veteran Administration Payments for unusual medical expenses

Cash Payments for Medical or Social Services

- Cash Payments for Medical or Social Services are excluded as income in the month received.

Interest or Dividend Income

- Do not count as income any interest or dividends earned on the following:
 - Agent Orange Settlement funds;
 - Dedicated accounts containing retroactive SSI for a child;

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- Hemophilia Settlement payments;
- Individual Development Accounts;
- Japanese-American and Aleutian Restitution funds;
- Nazi Persecution Victims Payments;
- Payments to former prisoners of North Vietnam;
- Radiation Exposure Compensation funds;
- Vietnam Veteran's Spina Bifida payments
- Victim's Compensation Payments

Income excluded under (PASS) Plan for achieving Self-Support

- Money excluded by the Social Security Administration (SSA) in a plan for achieving Self-Support (PASS) under PL 102-237

Income Excluded By Federal Law

The following income is excluded by Federal Law

Payments made under the Alaska Native Claims Settlement Act, Public Law 92-203

- Payments made under the Alaska Native Claims Settlement Act, Public Law 92-203 are excluded as income in the month received.

Japanese- American and Aleutian Restitution payments

- Japanese-American and Aleutian restitution payments must be excluded as income in the month received.

Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240

- Payments made under the Maine Implementing Act and the Maine Indian Claims Settlement Fund, Section 9 of Public Law 96-240 are excluded as income in the month received.

Federal Tribal benefits made under section 5 of Public Law 94-114

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- Federal Tribal Benefits received by Indian tribes under section 5 of Public Law 94-114 are excluded as income in the month received.

Tribal General Assistance payments from tribal funds

- Tribal General Assistance payments paid directly from the tribe consisting only of tribal funds are excluded as income in the month received.

Agent Orange Settlement Payments

- Agent Orange Settlement Payments are excluded as income in the month received.

Disaster Relief and Emergency Assistance Amendment of 1988 Payments

- Disaster Relief and Emergency Assistance Amendment of 1988 Payments are excluded as income in the month received.

Payments by the Indian Claims Commission

- Indian Claims Commission Payments to the Federated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation

Radiation Exposure Compensation Trust Fund Payments

- Radiation Exposure Compensation Trust Fund Payments are excluded as income in the month received.

Relocation assistance to Navajos and Hopis

- Relocation assistance to Navajos and Hopis

Submarginal Land Bill payments held in trust by the United States

- Submarginal Land Bill payments held in trust by the United States

Wartime Relocation assistance

- Wartime relocation of Civilians payments authorized under PL 100-383 are excluded as income in the month received. (Japanese up to \$20000, and eligible Aleuts up to \$12000)

Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

- Federal Relocation Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are excluded as income in the month received

Unearned Income - Partially Excluded

The following are types of partially excluded unearned income:

Payments to American Indians - Oil and Mineral Lease Payments

- Disregard the first \$2000 of Oil and Mineral Lease money.

VA Payments paid to veterans in a VA Hospital

- Disregard \$30 from the VA benefits for personal needs.

Gifts Made to a Child with a Life-threatening Disease by Non-profit Organizations

- Gifts from a non-profit organization made to a child with a life-threatening disease do not count as income when the payment meets the following criteria:
 - Cash gifts when the total gift does not exceed \$2000 in a calendar year. Count the amount of cash gifts that exceeds \$2000 in a calendar year OR
 - In-kind gifts that are not converted to cash. If an in-kind gift is converted to cash, count the amount of cash received from the exchange as income. The \$2000 exclusion does not apply.

Rental Income

- Count Rental Income as unearned income if the individual is not directly engaged in management of property
- Disregard costs such as:
 - "Property taxes or insurance
 - Interest payments on the mortgage or second mortgage
 - Incidental repairs

- Advertising
- Landscaping
- Utilities

Child support disregard

- Disregard one-third of all child support payments received by a disabled child.

Infrequent or Irregular Unearned Income

- From the income of an individual or the combined income of an eligible couple disregard the first \$60 of income received in any calendar quarter if:
 - The income is not received more than once a calendar quarter from a particular source OR
 - The person cannot reasonably expect to receive the income again

Lump Sum - Fully Counted

All lump sum payments that are not listed below or identified in the exemption section are to be treated as fully counted as income in the month received

Death Benefits

- The following death benefits are counted as income in the month received minus a disregard for money used for burial of the deceased:
 - Death benefits from labor unions
 - Death benefits from Social Security (SSA) or Railroad Retirement
 - Veterans Administration burial benefits are counted as income in the month received.
 - Cash given by relatives, friends, or a community group (e.g., benevolent society) to assist with expenses related to the death are counted as income in the month received.

Life Insurance Benefits

- Life Insurance Benefits are counted as income in the month received minus a disregard for money used for burial of the deceased.

Inheritances

- Inheritances are counted as income in the month received minus a disregard for money used for burial of the deceased.

Personal Injury Settlements

- Personal Injury Settlements are counted as income in the month received.

Severance Pay

- Count severance pay as a non-exempt unearned lump sum payment

Lump Sum Exclusions

Any kind of lump sum payment of excluded earned or unearned income. If that kind of income is excluded, the lump sum payment is also excluded as income in the month received.

1. Insurance settlements for destroyed exempt property
2. Lump Sum Payments from SSI
3. SSA or Department of Health reimbursements of Medicare premiums
4. Money received from a TPL source for medical expenses, if the money will be recouped by Medical Assistance Agency

3.4.5 Earned Income - ABD Type Programs

The following rules apply to these programs, and are referred to as the "ABD type" programs for determination of countable/non countable resources and incomes.

- ABD
- Cost Sharing Programs
 - Qualified Medicare Beneficiaries (QMB)
 - Specified Low-Income Medicare Beneficiaries (SLIMB)
 - Qualified Individual (QI-1)
 - Qualified Disabled Working Individual (QDWI)
- Long Term Care (LTC)

- Tuberculosis (TB)

Earned Income - Fully Counted

The following types of earned income are fully counted:

Wages and salaries

- Wages and salaries

Sick Pay Not included in wages

- Sick Pay Not included in wages

Vacation Pay not included in wages

- Vacation Pay not included in wages

Military Pay/Allowances

- Military Pay/Allowances

Commission or Bonus

- Commission or bonus payments are fully counted

Tips

- Tips as reported by the individual

Training incentive payments and work allowances

- Training incentive payments and work allowances

Wages under Older Americans Act of 1965

- Wages under Older Americans Act of 1965

Temporary disability insurance

- Payments made to an individual, by an employer, who remains employed during recuperation from a temporary illness or injury pending the employees return to the job are fully counted as earned income.

Workforce Investment Act of 1998 (WIA) wages

- Income received from employment through the Workforce Investment Act is earned income

AmeriCorps Payments

1. Living allowance stipends
2. Educational Awards

In-kind Items Received in lieu of wages

- Wages may include the value of food, clothing, shelter or other items provided in lieu of cash wages

Earned Income - Exclusions

The following earned income exclusions apply to all programs:

Earned Income Tax Credit (EITC) payments

- Earned Income Tax Credit (EITC) payments

Temporary Census Takers Income

- Do not count earnings received by temporary workers that are identified as census earnings.

Wages under the Domestic Volunteer Service Act

- Wages under the Domestic Volunteer Service Act if their value is less than the minimum wage in effect under the Fair Labor Standards Act of 1938 or the minimum wage under the applicable State law

Earned Income Exclusion for Student Child

1. Disregard the first \$1410 in monthly earned income if:
 - The child is under 18 years old AND
 - The child is not married AND
 - The child is a student regularly attending a school, college, or university AND

- The child is not the head of a household AND
 - The child is a disabled child
2. This exclusion cannot exceed \$5670 in any calendar year

Irregular Earned Income

1. From the income of an individual or the combined income of an eligible couple, disregard the first \$30 of earned income received in any calendar quarter if:
- The income is not received more than once a calendar quarter from a particular source OR
 - The person cannot reasonably expect to receive the income again AND
2. If infrequent or irregular earned income is received from different sources in a calendar quarter exclude \$30 in total

Active-Duty Military Service - Hostile Fire/Imminent Danger Pay

- Do not count the income paid to a person that is called "hostile fire" or "imminent danger" pay while the person is actively serving in the military.

3.4.6 Self Employment Income - ABD Type Programs

The following rules apply to these programs, and are referred to as the "ABD type" programs for determination of countable/non countable resources and incomes.

- ABD
- Cost Sharing Programs
 - Qualified Medicare Beneficiaries (QMB)
 - Specified Low-Income Medicare Beneficiaries (SLIMB)
 - Qualified Individual (QI-1)
 - Qualified Disabled Working Individual (QDWI)
- Long Term Care (LTC)
- Tuberculosis (TB)

Self Employed Earners

Self-Employed Individual

1. A self-employed individual may be the sole owner of a business OR
2. A general partner in a partnership OR
3. A partner in a Limited Liability Partnership OR
4. A member of a Limited Liability Company being taxed as a partnership OR
5. A shareholder in an S Corp who is actively engaged in the operation of the business

Self-Employed Farmer

- A self-employed farmer actively earns income from operating a farm for profit either as owner or tenant

Self-Employment Income - Fully Counted

The following self employment income types are fully counted:

Child Care Food Program

- Payments received from the Child Care Food Program for providing meals to children in day care

Capital Gains

1. Gains received from the sale of farmland or depreciable farm equipment
2. Gains received from livestock held for breeding, sport or dairy purpose
3. Gains received from securities
4. Gains received from real estate
5. Gains received from other investment property

Rental Income

- Rental income, when the individual is engaged in management of property

Home Produce

- Home Produce for consumption by household members

Boarder/Roomer Income

- Income from boarders and roomers is payment received by the individual for lodging and/or meals from other individuals residing in the home who are not members of the individual's Medical Assistance household
 - Boarders rent a room or rooms and receive meals as part of the rent
 - Roomers (lodgers) rent a room or rooms and receive no meals as part of the rent

Self Employment Income - Allowable Non Farm Expenses

The following expenses are allowable deductions from gross self-employment income:

Advertising and promotional fees

- Amounts paid for advertising and promotional fees

Bad Debts

- A bad debt may be claimed if the income that the debt represents is definitely known to be worthless.

Car and Truck Expenses

- Allow the business portion of expenses for:
 - Gasoline
 - Oil
 - Repairs
 - Insurance
 - Tires
 - Parking Fees
 - Rental Fees
 - Garage Rent

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- License Plates
- Allow a deduction for vehicle registration, prorated for 12 months.

Commissions and Fees

- Commissions and Fees

Depletion

- Individuals who have an economic interest in mineral property or standing timber may deduct the cost of using up those natural resources

Depreciation

- Depreciation

Employee benefit programs

- Contributions to employee benefit programs that are not a part of a pension or profit sharing plan.

Interest

- Interest paid to banks or other financial institutions for a mortgage on real property used in the business that is not the client's home or the home of any partner in the business

Legal and Professional services

- Legal and professional fees that are ordinary and necessary expenses directly related to operating the business.

Office Expenses

- Expenses paid as operating costs of an office

Pension and profit sharing plans

- Contributions made to pension, profit-sharing, or annuity plans for employees of the business

Rent or leases

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- Amounts paid for the use of property rented or leased for the business

Repairs and Maintenance

- Amounts paid for repairs and maintenance to property that does not add to the value or increase the life of the property

Supplies

- Supplies and materials used in the business.

Taxes

- Taxes paid by the business:
 - State and local sales taxes imposed on the individual as the seller of goods or services
 - Taxes on Income Producing Property
 - Real estate and personal property taxes on business assets
 - Licenses and regulatory fees for the trade or business paid each year to state or local governments
 - Social Security and Medicare taxes paid to match required withholding from the employees wages
 - Federal unemployment taxes
 - Federal Highway use taxes

Travel, Meals, and Entertainment

- Expenses for lodging and transportation connected with overnight travel, if they are directly related to or associated with the active conduct of the trade or business

Utilities

1. All payments for utilities, including telephone, are allowable deductions for a business that is NOT run in the client's home or the home of any partner in the business OR
2. If the business is operated in the home of the client or the client's partner, determine the percentage of the home that is used on a regular basis for business purposes and allow the same percentage of the utility costs

Wages paid to employees

- Wages paid to employees of the business

Donations to business organizations

- Donations to business organizations

Subscriptions to trade or professional publications

- Subscriptions to trade or professional publications

Insurance Premiums

- Premiums paid for insurance related to the trade or business

Day Care Provider Business costs

- If the business is a day care provider, the costs related to purchasing, preparing, and serving meals for children in day care are treated as expenses

Self Employment Income - Allowable Farm Expenses

The following expenses are allowable deductions from gross self-employment income:

Car and Truck Expenses

- Allow the business portion of expenses for:
 - Gasoline
 - Oil
 - Repairs
 - Insurance
 - Parking Fees
 - Tires
 - Rental Fees
 - Garage Rent
 - License Plates

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- Allow a deduction for vehicle registration, prorated for 12 months.

Chemicals

- Chemicals

Conservation Expenses

1. Deductible soil and water conservation expenses are those that are paid to conserve soil and water or to prevent erosion of land used for farming AND
2. This deduction may not exceed 25% of the gross income from farming

Custom Hire (Machine Work)

- Amounts paid for custom hire or machine work (the machine operator furnished the equipment)

Depreciation

- Depreciation

Employee Program Benefits

- Contributions made to employee benefit programs that are not an incidental part of a pension or profit-sharing plan

Feed Purchases

1. Expenses for feed that was consumed by the livestock in the current year, including prepaid farm supplies AND
2. Deduct the expense for prepaid farm supplies that does not exceed 50% of the other deductible farm expenses in the year of payment

Fertilizers and lime

- Cost of fertilizer, lime, and other materials applied to farmland to enrich neutralize or condition it

Freight and Trucking

- Costs of freight and trucking

Gasoline, fuel and oil

- Cost of gasoline, fuel and oil used for farming

Insurance Premiums

- Premiums paid for farm business insurance

Interest

1. Interest paid to banks or other financial institutions for a mortgage on farmland or other obligations incurred in the farm business AND
2. If the proceeds of a loan are used for more than one purpose (for example, personal and business), allocate the interest on that loan to each use AND
3. Only allow the portion of the interest payment that is the farm expense.

Labor Hired

- Amounts paid for farm labor

Pension and Profit-Sharing Plans

- Contributions made to employee pension, profit-sharing, or annuity plans for employees of the farm.

Rent or Lease Payments

- Business portion of the rental cost for rented or leased vehicles, machinery, or equipment.

Repairs and Maintenance

- Amounts paid for repairs and maintenance of farm buildings, machinery, and equipment.

Seeds and Plants Purchased

- Costs of seeds and plants purchased for further development and cultivation before sale

Storage and Warehousing

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- Costs for storage and warehousing

Supplies Purchased

- Costs of supplies and materials used in the farming.

Taxes

- Taxes paid by the Farm:
 - Real estate and personal property taxes on the farm business assets
 - Social Security and Medicare taxes paid to match what was required to be withheld from farm employee's wages
 - Federal unemployment taxes
 - Federal highway use taxes.

Utilities

- Amounts paid for gas, electricity, water, etc., for business use on the farm.

Veterinary, Breeding, and Medicine

- Veterinary, breeding and medicine costs

Advertising and Promotional Fees

- Amounts paid for advertising and promotional fees

Office Expenses

- Expenses paid as operating costs of an office

Qualified Clean-Fuel Vehicle Property

- Cost of qualified clean-fuel vehicle property

Legal and Professional Services

- Legal and professional fees that are ordinary and necessary expenses directly related to operating the farm

Boarder/Lodger(Roomer) Income deduction

1. Disregard the first \$60 per month of any income from each boarder
AND
2. Disregard the first \$15 per month from each roomer (lodger)

3.4.7 In-Kind Support and Maintenance (ISM) - ABD Type Programs

The following rules apply to these programs, and are referred to as the "ABD type" programs for determination of countable/non countable resources and incomes.

- ABD
- Cost Sharing Programs
 - Qualified Medicare Beneficiaries (QMB)
 - Specified Low-Income Medicare Beneficiaries (SLIMB)
 - Qualified Individual (QI-1)
 - Qualified Disabled Working Individual (QDWI)
- Long Term Care (LTC)
- Tuberculosis (TB)

ISM is unearned income in the form of food, clothing or shelter provided to the Medical Assistance individual/couple or Medical Assistance child

1. Determine the Medical Assistance individual/couple's living arrangement (LA) AND
2. Value ISM based on the LA determined in step 1

Living Arrangements

Living Arrangement A (LA-A)

- Consider the Medical Assistance individual/couple to be residing in LA-A if any one of the following situations exists:
 - The individual lives alone or with no adults other than his/her spouse
OR
 - The individual has an ownership interest in his/her home

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- Ownership interest is one of the following:
 - Life estate interest OR
 - Partial ownership OR
 - Title or deed (full ownership) OR
 - Unprobated estate interest OR
- The individual has rental liability for his/her home OR
- The individual lives in a Public Assistance household
 - A Public Assistance household means all members of the household receive at least one of the following payments:
 - Cash Assistance OR
 - Veteran's Administration Pension OR
 - Veteran's Administration Compensation Needs Based OR
 - Payments resulting from the Refugee Act of 1980 OR
 - Disaster Relief and Emergency Assistance Amendment of 1988 Payments OR
 - SSI OR
 - Tribal General Assistance payments made by the Bureau of Indian Affairs OR
- The individual is a transient OR
- The individual is sharing household expenses
 - The individual without ownership interest or rental liability makes a pro-rata contribution toward any household operating expense of the person with ownership interest or rental liability AND
 - To determine if it is a pro-rata contribution:
 - Determine the total household operating expenses
 - When computing household operating expenses for inside ISM or the CMV of household costs for outside ISM, the following 10 items are the only ones used in the applicable computations:
 1. Food
 2. Mortgage (including property insurance required by the mortgage holder)

3. Rent
4. Real Property Taxes
5. Heating Fuel
6. Gas
7. Electricity
8. Water
9. Sewage
10. Garbage Removal AND

- Divide the total household operating expenses by the number of household members to determine the individuals pro-rata share of household expenses AND
- Compare pro-rate contribution to the average monthly contribution actually made AND
- If the contribution equals or exceeds the pro rata share, a sharing arrangement exists.

Living Arrangement C (LA-C)

1. The individual is a disabled child under age 18 AND
2. The individual lives with his/her parent(s) AND
3. The individuals parents have ownership interest or rental liability in the home lived in by the individual

Living Arrangement B (LA-B)

- The individual is not living in LA-A or LA-C

Value of ISM - PMV Rule

Use the presumed maximum value (PMV) rule when an individual who receives ISM resides in LA-A or LA-C (both Inside ISM and Outside ISM rules need to be executed)

Inside ISM

1. Develop Inside ISM for a Medical Assistance individual/couple in LA-A only if the basis for residing in LA-A is one of the following:

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- The individual has an ownership interest in his/her home OR
 - The individual has rental liability for his/her home
2. Develop Inside ISM for a Medical Assistance individual residing in LA-C when:
- The individual is a child living with a parent and another (non-parental) adult
3. PMV Rule
- Determine the total household operating expenses AND
 - Divide the total household operating expenses by the number of household members to determine the individuals pro-rata share of household expenses AND
 - If individual is LA-A
 - Deduct the individuals or couples contribution from the individuals or couples (individual pro-rata share multiplied by 2) pro-rata share to determine actual value of the Inside ISM OR
 - If individual is LA-C (i.e. a child)
 - Apply the parent(s) contributions to their own pro-rata share(s) of household operating expenses first AND
 - Apply any amount of their contributions exceeding their pro-rata share(s) of household operating expenses to their child's pro-rata share of household operating expenses AND
 - Deduct any contribution the child makes from the child's pro-rata share to determine actual value of Inside ISM

Outside ISM

- Develop Outside ISM for all Medical Assistance individuals/couples residing in LA-A or LA-C.
- PMV Rule
 - For each item of food or shelter that is paid by someone outside the household:
 - Use the current market value (CMV) of the item of shelter or food AND
 - Deduct from the CMV any payment made by household members toward that item AND

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- Divide the balance by the number of household members to obtain the actual value (AV) of the ISM to the individual

Total Inside and Outside ISM

1. Total the Actual Values of the Inside and Outside ISM AND
2. Use the total Actual Value or the PMV, whichever is less, as the value of ISM to the Medical Assistance individual/ couple.

Value of ISM - Value of One-Third Reduction (VTR) Rule

Use the VTR rule when an individual who receives ISM resides in LA-B:

- The VTR is equal to one third of the individual or couple full SSI Federal Benefit Rate (FBR)

Chapter 4

LIFC Medical Assistance

4.1 Introduction

Low Income Families with Children Medical Assistance is an eligibility category that provides Medical Assistance to both adults and dependent children in the household. Low Income Families with Children (LIFC) is a covered group of individuals in families who have a dependent, deprived child(ren) living in the home, and whose income and resources are within the program defined limits.

4.2 Non Financial Requirements

See Non Financial Requirements in the Common Rules chapter.

4.3 Household Composition

The LIFC program rules determine all potentially eligible LIFC assistance units in the household. The assistance units are formed around the dependent child and will then include all individual's based on the mandatory household member rules and exceptions. This also includes an unborn child for a pregnant household member in her last trimester of pregnancy.

- Household composition rules are used to form the assistance unit and determine the household members that are included in the unit.
- The dependent child rules determine if a child is considered a dependent child.
- Household determination rules determine the household members that are not included or excluded from the assistance unit.

This rule group determines the mandatory and optional household members in an assistance unit. If a household member is determined mandatory they

will be included in the assistance unit. If a household member is determined to be an optional member they may be included in the assistance unit. An assistance unit will be formed with and without the optional household member.

4.3.1 Mandatory Household Member

Mandatory household members of an assistance unit for Medical Assistance coverage are determined by the Mandatory Household Member rules. Mandatory Household Member Exception rules define when members who would normally be mandatory members, but in certain exceptions may be optional members. These rules also define when other members of the household must be considered as mandatory members of a unit as a result of the inclusion of specific optional members in a unit.

The following household members, who live in the home, must be included for Medical Assistance coverage, their income and resources are counted and they are included in the household size:

1. Dependent child who meets the Dependent Child rules AND
2. Natural or adoptive parent(s) of the dependent child AND
3. Blood-related or adoptive siblings who satisfy the Dependent Child rules

Mandatory Household Member Exceptions

Parent Exception

1. A non-SSI disabled parent in receipt of Social Security Disability benefits AND
2. Regardless of whether or not they choose to be included under Low Income Families with Children Medical Assistance, their income and resources are counted and they are included in the household size

Minor Parent living with Parent(s)/NPCR Exception

A minor parent and their dependent minor child are eligible for Medical Assistance coverage. If the Minor Parent living with Parent(s)/NPCR Exceptions are satisfied the minor parent and minor child will form an assistance unit with and without the minor parent's parents. The assistance unit with the minor parent's parents will also include the minor parent's siblings if they satisfy the dependent child rules.

1. A minor parent is a parent who is under 18, has never been married and has care of a minor child AND
2. Minor Parent is living with his/her parent(s)/Non-parent caretaker rel-

ative AND

3. The Minor parent is the parent of a dependent child AND
4. Minor parent's parents/NPCR are not currently receiving Low Income Families with Children Medical Assistance AND
5. Minor parent and his/her dependent child(ren) must be included in the assistance unit AND
6. The parents or non-parent caretaker relative of the minor parent may be included (i.e. optionally) if they are otherwise eligible, and the minor parent satisfies the Dependent Child rules AND
7. If the parent or non-parent caretaker relative is included, siblings of the minor parent must also be included if they satisfy the Dependent Child rules

Household Size and Income/Resource Unit

1. If minor parent's parents are not included for Medical Assistance coverage, their income/resources are deemed but they are not included in the household size OR
2. If minor parent's parents are included for Medical Assistance coverage, household size and income units consists of minor parent, minor parent's parent(s), minor parent's dependent child(ren) and minor parent's siblings

4.3.2 Temporary Absence

This rule group determines whether a household member is absent from the household on a temporary or long term basis. A household member can be absent from the household and maintain eligibility for Medical Assistance if all other program requirements are satisfied provided there is a definite plan for the absent individual to return home.

Temporary Absent Parent

1. A parent/NPCR who is temporarily absent from the home is considered part of the household if there is a definite plan for the return of the absent individual to the home OR
2. When the parent who is temporarily absent from the home has no definite plan to return to the home, they are not included in the assistance unit.

Temporary Absent Dependent Child

1. A dependent child who is temporarily absent from the home is con-

sidered part of the household if there is a definite plan for the return of the absent individual to the home OR

2. When the dependent child who is temporarily absent from the home has no definite plan to return to the home, the household is ineligible for Medical Assistance

4.3.3 Optional Household Members

The following household members, who live in the home, can optionally be included for Medical Assistance coverage. If they are included their income and resources are counted and they are included in the household size:

1. Dependent children, other than their own children, for whom the Caretaker Relative has responsibility.
2. Only one Non-parent caretaker relative where both of the child's parents are absent from the caretaker relatives home

4.4 Household Composition Special Circumstances

This rule group determines the assistance unit for a pregnant woman in her last trimester with no dependent children other than her unborn child. The assistance unit formed will only contain the pregnant woman.

4.4.1 Pregnant Woman

- Pregnant Woman in her last trimester is eligible for Medical Assistance where the unborn child is counted as a dependent child and there are no other dependent children in the household

Household Size and Income Unit for Pregnant Woman

1. If father of the unborn is not living in the home, household size is 1 and only pregnant woman's income is counted OR
2. If father of the unborn is living in the home, household size is 2 and pregnant woman's income and father's income is counted.

4.5 Dependent Child

See Dependent Child Rules in the Common Rules chapter.

4.6 Household Determination

This rule group determines if there are any non household members, ex-

cluded household members or individuals whose income/resources will be later deemed to a household member. None of these individuals will be included in the assistance unit.

4.6.1 Non Household Members

The following household members, who live in the home, are not eligible for Medical Assistance coverage, their income and resources are not counted and they are not included in the household size:

1. SSI Recipients OR
2. Children receiving Federal, State or Local government Foster Care payments OR
3. Children receiving Federal, State or Local government Adoption Assistance payments OR

4.6.2 Excluded Household Members

The following household members, who live in the home, are not eligible for Medical Assistance coverage however their income and resources are counted and they are included in the household size:

1. Sanctioned parent of a dependent child, when the parent is disqualified from Medical Assistance eligibility for failure to cooperate with CSED OR
2. The parent of a dependent child who is not cooperating with Third Party Liability (TPL) requirements OR
3. Individual who does not satisfy the citizenship and alienage rules OR
4. Individual who failed to apply for an Social Security Number OR
5. Sanctioned Parent of a child who is guilty of Intentional Program Violation (IPV) OR
6. Sanctioned Parent for failure to comply with work requirements for Cash Assistance OR
7. Father of an unborn child where there are no other dependent children in the household.

4.6.3 Deemed Members of Income Unit

If the household member falls into any of the following categories, there may be deemed members in the income unit:

1. The household member is an alien and Income and resources of an alien sponsor and the sponsor's spouse, if s/he lives with the sponsor, are

deemed to an alien who is included in the assistance unit OR

2. The household member is a minor parent and income and resources of a non recipient parent(s) of a minor parent are deemed to the minor parent

4.7 Resource Rules

Resource rules are used to determine what resources are countable/non countable for the household. Resources are classified as either countable or non-countable and liquid or non-liquid. Only countable resources are included in the resource eligibility determination. A household's countable resources must be less than a specified resource limit.

Liquid resources are resources that can readily be converted to cash, non-liquid resources are all other types of resources.

Resources are defined in rate tables and provides the information required to determine whether or not resources are countable or non-countable.

1. Countable resources for the household must be less than \$2000 for a 1 member household OR
2. Countable resources for the household must be less than \$3000 for a 2 member household OR
3. Countable resources for the household must be less than \$3000 + \$25 for each additional household member

4.7.1 Countable Liquid Resources

See Countable Liquid Resources - Family Type Programs in the Common Rules chapter.

4.7.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - Family Type Programs in the Common Rules chapter.

4.7.3 Excluded Resources

See Excluded Resources - Family Type Programs in the Common Rules chapter.

4.8 Income Rules

Income rules are used to determine the unearned, earned and self employment income that are countable/non countable for the household. Income is classified as either countable or non-countable. Only countable income is in-

cluded in the income eligibility determination. A household's countable income must be less than a specified income limit. Rate tables provide the information required to determine whether the income is countable or non countable.

1. The household's gross countable income is equal or less than 185% of the monthly limit for the household size AND
2. The household's net countable income is equal to or less than the 100% of the monthly limit for the household size

4.8.1 Unearned Income

See Unearned Income - Family Type Programs in the Common Rules chapter.

4.8.2 Earned Income

See Earned Income - Family Type Programs in the Common Rules chapter.

4.8.3 Self Employment Income

See Self Employment Income - Family Type Programs in the Common Rules chapter.

Chapter 5

LIFC Medical Assistance Calculations

5.1 Introduction

This chapter summarizes the calculations for Low Income Families with Children Medical Assistance.

The resource rules specify a resource limit that the household's total countable resources cannot exceed. Total countable resources include resources deemed to the household. If the household's resources exceed the resource limit, the household is ineligible for benefits.

The income rules specify a gross income limit that the household's gross income cannot exceed. Gross income is countable unearned, earned and self employment income. Total countable income includes income deemed to the household. The income rules also specify a net income limit that the household's net income cannot exceed. Net income is gross income minus allowable deductions/expenses.

5.2 Resource Calculations

1. Countable resources for the household must be less than \$2000 for a 1 member household
2. Countable resources for the household must be less than \$3000 for a 2 member household
3. Countable resources for the household must be less than $\$3000 + \25 for each additional household member

The following are the steps to be undertaken when determining the total countable resources for Low Income Families with Children Medical Assistance Program:

5.2.1 Resource Deeming

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The individuals whose income shall be deemed is determined as part of the LIFC household determination rules. The following happens for each category of individual whose income shall be deemed:

1. If the individual is a sponsor, carry out sponsor to alien deeming
2. If the individual is a major parent who is not included in the assistance unit for Low Income For Children, carry out Parent to Child Deeming (major parent to minor parent)
3. If the individual is the spouse of an eligible Non Parent Caretaker Relative, carry out Spouse to Spouse Deeming

Deeming Exceptions

Resources from the following individuals are not deemed for family programs:

- Resources of the Supplemental Security Income (SSI) recipient

Spouse to Spouse Deeming

1. Calculate countable resources for the ineligible spouse AND
2. Deem the ineligible spouse's total countable resources to the eligible individual

Note: Countable and excluded resources are detailed in the LIFC Medical Assistance Rules chapter.

Parent to Child Deeming (major parent to minor parent)

1. Calculate countable resources for the parent(s) AND
2. Deem the ineligible parent(s) total countable resources to the eligible child

Note: Countable and excluded resources are detailed in the LIFC Medical Assistance Rules chapter.

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules in the Income Deeming spreadsheet must be applied first when deeming resources

For each sponsor, determine the resources to be deemed to the Alien as follows:

- If the sponsor does not have a spouse living in the home:
 - Calculate countable resources for the sponsor AND

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- Compare the total countable resources to the resource limit for an individual AND
- Deem the value of resources in excess of the resource limit to the Alien
- If the sponsor has a spouse living in the home:
 - Calculate countable resources for the sponsor and his/her spouse AND
 - Combine their countable resources and compare to the resource limit for a couple AND
 - Deem the value of resources in excess of the resource limit to the Alien

Note: Countable and excluded resources are detailed in the LIFC Medical Assistance Rules chapter.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND
3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before

December 19, 1997 OR

8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least ½ American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for Legal Custody for P.L. 97-459 Amerasian

5.2.2 Total Countable Resources

For every individual in the income/resource unit whose resources are counted, carry out the following steps:

1. Calculate individual's countable resources AND
2. Add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources AND
3. Add individual's countable resources to other household member's countable resources to determine household's total countable resources

5.3 Income Calculations

1. The household's gross countable income is equal or less than 185% of the monthly limit for the household size AND
2. The household's net countable income is equal to or less than the 100% of the monthly limit for the household size

The following are the steps to be undertaken when determining the total countable gross and net income for Low Income Families with Children Medical Assistance Program:

5.3.1 Gross Income Calculations

Using the income unit previously determined in the household composition rules for Low Income Families with Children, carry out the following steps for the gross income test

Deemable Income

For every individual in the income unit whose income is deemed carry out the following steps:

1. Total the deemor's countable gross unearned income from all sources
2. Total the deemor's countable gross earned income from all sources including income from self employment
3. If the individual is a sponsor, carry out sponsor to alien deeming OR
4. If the individual is a major parent who is not included in the assistance unit for Low Income For Children, carry out Parent to Child Deeming (major parent to minor parent) OR
5. If the individual is the spouse of an eligible Non Parent Caretaker Relative, carry out Spouse to Spouse Deeming

Deeming Exceptions

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order

4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by a deemor is not deemed to the Medical Assistance individual

Spouse to Spouse Deeming

From the Spouse's gross countable earned Income:

1. Deduct up to \$90 Work Allowance per month from the employed persons earned income AND
2. Add the countable unearned income AND
3. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals, living in the home, not including the eligible spouse AND
4. Subtract any child support or alimony actually paid by the spouse to individuals not living in the home AND
5. The remaining amount, if any, is deemed as unearned income to the spouse

Note: Countable and excluded income are detailed in the LIFC Medical Assistance Rules chapter.

Parent to Child Deeming

From the Major Parent(s) gross countable earned Income:

1. Deduct up to \$90 Work Allowance per month from the gross countable earned income of each Major Parent AND
2. Add the countable unearned income for each Major Parent AND
3. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals living in the home, including the Major Parents but not including the minor parent AND
4. Subtract any child support or alimony actually paid by each major parent to individuals not living in the home AND
5. The remaining amount, if any, is deemed as unearned income to the Minor Parent

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied when deeming income - See Resource Chapter

Carry out the following process if no Sponsorship Deeming exceptions ap-

ply.

1. For each sponsor, determine the amount of money to be deemed to the alien
2. From the Sponsor's and their live in spouse (if any) countable earned Income:
 - a. Deduct the \$90 Work Allowance AND
 - b. Add the gross countable unearned income AND
 - c. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals, living in the sponsor's home AND
 - d. The remaining amount, if any, is deemed as unearned income to the alien

Gross Countable Income

For every individual in the income unit whose income is counted, carry out the following steps:

1. Calculate individual's countable gross unearned income from all sources
2. Add deemable income, if any, to the individual's unearned income
3. Add individual's countable gross unearned income to other household member's countable gross unearned income
4. Calculate the individual's countable gross earned income from all sources including income from self employment
5. Add individual's countable gross earned income to other household member's countable gross earned income
6. Combine the household's total gross unearned income and the total gross earned income to determine the household's total gross income

The household's gross countable income is equal or less than 185% of the monthly limit for the household size

5.3.2 Net Income Calculations

The Net Income Steps are carried out only If the household's countable gross income is less than or equal to the 185% of the monthly limit for the household size

Income Deductions

For every individual in the income unit whose income is counted, deductions may be applied. Apply disregards in the following order for each em-

employed/self employed individual in the household

1. Deduct the \$90 Work Allowance
 - Deduct up to \$90 per month from the employed persons earned income
2. Deduct the \$30 and 1/3 Disregard
 - a. The employed person has not received the \$30 and 1/3 disregard in 4 consecutive months in the last 12 months AND
 - b. Deduct the first \$30 and 1/3 of the remainder from the employed person's income
3. Deduct the \$30 Disregard
 - a. The employed person has received the 4 consecutive months of the \$30 and 1/3 disregard AND
 - b. Deduct the first \$30 from the employed persons income AND
 - c. This disregard applies for 8 consecutive months AND
 - d. Count all months including months that the person does not receive Medical Assistance or does not have earnings in determining the 8 consecutive months
4. Deduct the Dependent Care Allowance
 - Deduct the monthly amount paid for the care of each dependent child or incapacitated adult up to the maximum defined in the Dependent Care Chart if:
 - Child or incapacitated adult is an eligible member of the assistance unit AND
 - Actual cost of child care is not reimbursed AND
 - The care is necessary for employment

Apply the following disregard to each individuals remaining total income (any earned plus any unearned):

- Deduct Child Support/Alimony Payments
 - Reduce Income by the verified amount paid for dependents not living in the home

Net Countable Income

- Add individual's total countable net income to other household mem-

ber's countable net income after deductions to get the households total net income.

The household's net countable income is equal to or less than the 100% of the monthly limit for the household size

Chapter 6

Transitional LIFC Medical Assistance Rules

6.1 Introduction

Transitional Medical Assistance is a special medical assistance eligibility category that is designed to encourage households to take advantage of better employment opportunities, even when it means the household will make too much money to qualify for LIFC. When a household loses LIFC because the earnings of a specified relative have increased, the household may qualify for extended medical assistance eligibility for up to 12 months. The purpose of this extended medical assistance is to ease the "transition" from welfare to work.

6.2 Transitional Medical Assistance Eligibility Determination

To be eligible for Transitional Medical Assistance:

1. Household must have been both eligible for and in receipt of Low Income Families with Children Medical Assistance coverage in any 3 of the 6 months immediately preceding the month in which the household became ineligible for Low Income Families with Children Medical Assistance AND
2. Household lost eligibility for Low Income Families with Children Medical Assistance for one of the following reasons:
 - Household must have lost Low Income Families with Children Medical Assistance wholly or partly due to increased earnings of a Caretaker Relative OR
 - Any household member (including a dependent child) is no longer eligible for the time limited \$30 and 1/3 income disregard or \$30 disregard and this causes the countable income to exceed the limit

for Low Income Families with Children Medical Assistance.

6.2.1 LIFC - Reason for Ineligibility

1. Where Low Income Families with Children Medical Assistance ineligibility is caused solely by new or increased earnings of a Caretaker Relative, the household is eligible for Transitional Medical Assistance OR
2. Where Low Income Families with Children Medical Assistance ineligibility is as a result of an increase in earnings of a Caretaker Relative and a concurrent change in unearned income AND
 - If the increase in earnings would have resulted in the loss of Low Income Families with Children Medical Assistance eligibility if all other factors remained the same, household is eligible for Transitional Medical Assistance OR
 - When two factors of eligibility change, one of which is increased earnings, and either one could cause ineligibility, the household is eligible for Transitional Medical Assistance OR
3. Where Low Income Families with Children Medical Assistance ineligibility is as a result of an increase in earnings of a Caretaker Relative and a concurrent change in unearned income AND
 - If other factors in the case change that do not, when considered individually, result in loss of Low Income Families with Children Medical Assistance eligibility, but when combined with increased earnings do cause loss of eligibility, the household is eligible for Transitional Medical Assistance benefits

6.2.2 Household Composition

All household members who were covered under Low Income Families with Children Medical Assistance at the time of closing Low Income Families with Children Medical Assistance are eligible for coverage.

New Household Members

Anyone who moves into the home after Transitional Medical Assistance has started as long as that person would have been covered under Low Income Families with Children if the family were applying in the current month AND

Remove Household Members

If a household member leaves the home after Transitional Medical Assist-

ance has started they are no longer eligible for Transitional Medical Assistance

6.3 Transitional Medical Assistance Eligibility Period

- Transitional Medical Assistance coverage lasts for up to 12 months, divided into two six-month periods. To receive the entire 12 months of coverage, the eligible group must meet all eligibility criteria for each six-month period AND
- A household is eligible to receive Transitional Medical Assistance for 12 months, beginning with the first month following the last month of Low Income Families with Children Medical Assistance

6.3.1 First 6 Month Period

The household is eligible to receive Transitional Medical Assistance benefits for the first 6 months if:

- Household contains at least one dependent child during the first 6-month period AND
- There is no income test for the first 6 months of Transitional Medical Assistance AND
- There is no resource test for the first 6 months of Transitional Medical Assistance

Loss of Residency

If the family move out of state during the initial 6 month period eligibility ends.

Resume Residency

The family may resume eligibility under the initial 6 month Transitional Medical Assistance period if they return to the state and the initial 6 month Transitional Medical Assistance period has not expired.

6.3.2 Second 6 month period

To remain eligible for the second 6 months of Transitional Medical Assistance:

- Household must have received Transitional Medical Assistance benefits throughout the first 6 month period AND
- Household must continue to contain at least one dependent child during the second 6-month period AND

- There is no resource test for the second 6-month period AND
- Household must have met the reporting requirements unless good cause exists AND
- The household's average gross earned income minus the Dependent Care expenses for the second and third report periods must not exceed 185% of the Federal Poverty Level for the household size AND
- A specified caretaker must have earnings in each of the three months in the 3 report periods or have good cause for no earnings

Good Cause for No Earnings

The following reasons constitute good cause for no earnings:

- The individual was employed in the month but date on which s/he was paid did not fall in that month OR
- Involuntary loss of employment OR
- The employed person or a family member was ill OR
- A death in the family OR
- Loss of transportation OR
- Harassment OR
- Risk to health and safety OR
- Loss of child care if there is not any other adequate replacement OR
- Other

6.4 Income Reporting Requirements

To remain eligible for Transitional Medical Assistance, the household must report gross earnings on a quarterly basis.

6.4.1 First Report

- For the first report period, the only requirement is that a Caretaker Relative must have had earnings or good cause for no earnings in the first three months of the 12 month period. If the Caretaker Relative did not receive earnings in one or more of the first 3 months, the household must report this information by the <21st> of the 4 month.
- If the household reports that the Caretaker Relative did not have earnings in one or more of the first 3 months and good cause exists, eligibility for Transitional Medical Assistance continues
- If the household reports that the Caretaker Relative did not have earn-

ings in one or more of the first 3 months and good cause does not exist, eligibility ends after 6 months of Transitional Medical Assistance

6.4.2 Second and Third Reports

- The household must report the earnings of the caretaker relative, the family's gross monthly earnings, and the costs for dependent care necessary for the employment of the caretaker relative (1) by the 21st day of the 7th month for each of months 4, 5, and 6, and (2) by the 21st day of the 10th month for each of months 7, 8, and 9.
- Household is ineligible for 12 Month Transitional Medical Assistance at the end of the report month (i.e. end of the 7th month and end of 10th month) if:
 - The household did not provide the information needed and the information was not otherwise available OR
 - The Caretaker Relative did not have earnings and did not have good cause for no earnings in one or more of the 3 report months OR
 - The averaged earned income minus the averaged Dependent Care expenses for the 3 report months exceeds 185% of the poverty level for the household size.
- If the household provided all necessary information and the household meets all of the eligibility requirements for the program, the household is eligible for continued coverage under 12 Month Transitional Medical Assistance

6.4.3 Good Cause for failure to meet Reporting Requirements

Good Cause for Failing to Meet Reporting Requirements exists if:

- There was a serious illness or death of the recipient or a member of the recipient's family OR
- There was a family emergency or household disaster, such as a fire, flood or tornado OR
- There were other reasons beyond the recipients control for not returning the report OR
- The household did not receive the form for a reason that was not the recipients fault

6.5 Reinstatement of Transitional Medical Assistance

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- A household who again becomes eligible for LIFC during their transitional benefit period stops receiving Transitional Medical Assistance however the clock on the transitional benefit period continues to run AND
- If the household subsequently loses LIFC, they may be eligible for either:
 - A new transitional benefit period, if they meet the all of the conditions for Transitional Medical Assistance eligibility OR
 - The time remaining of the original Transitional Medical Assistance period.

Chapter 7

Extended LIFC Medical Assistance Rules

7.1 Introduction

When child support payments are made by an absent parent and the amount paid causes the child(ren) to be ineligible, Medical Assistance benefits are automatically continued for four months. Coverage begins on the first day of the month following the month of closure and the extended period is four consecutive months.

7.2 Extended Medical Assistance Eligibility Determination

To be eligible for 4 month extended Medical Assistance:

1. Household must have been both eligible for and in receipt of Low Income Families with Children Medical Assistance in any 3 of the 6 months immediately preceding the month in which the household became ineligible for Low Income Families with Children Medical Assistance AND
2. Household lost Low Income Families with Children Medical Assistance wholly or partly due to new or increased payments in child support or spousal support AND
3. Household must contain at least one dependent child during the 4 month period.

7.2.1 LIFC - Reason for Ineligibility

1. Where Low Income Families with Children Medical Assistance ineligibility is caused solely by new or increased payments in child support or spousal support, the household is eligible for 4 months extended

Medical Assistance OR

2. Where Low Income Families with Children Medical Assistance ineligibility is as a result of an increase in child/spousal support and a concurrent change in unearned income AND
 - If the increase in child/spousal support would have resulted in the loss of Low Income Families with Children Medical Assistance eligibility if other unearned income remained the same, household is eligible for 4 months extended Medical Assistance OR
 - When two types of unearned income change, one of which is increased child/spousal support, and either one could cause ineligibility, the household is eligible for 4 month extended Medical Assistance OR
3. Where Low Income Families with Children Medical Assistance ineligibility is as a result of an increase in child/spousal support and a concurrent change in unearned income AND
 - The increase in child/spousal support contributes to ineligibility but does not itself cause ineligibility AND
 - If other unearned income factors in the case change that do not, when considered individually, result in loss of Low Income Families with Children Medical Assistance eligibility, but when combined with increased child/spousal support payments do cause loss of eligibility, the household is eligible for 4 month extended Medical Assistance.

7.2.2 Residency

Loss of Residency

If the family move out of state during the 4 month period eligibility ends.

Resume Residency

The family may resume eligibility under the initial 4 month extended Medical Assistance period if they return to the state and the 4 month extended Medical Assistance period has not expired.

Chapter 8

ABD Medical Assistance Rules

8.1 Introduction

Aged Blind and Disabled Medical Assistance assists with medical expenses for individuals who are Aged 65 years or older, Blind, or Disabled (disability as classified by the Social Security Administration for an adult or child.)

8.2 Non Financial Requirements

Non financial requirements includes the rules for Citizenship, Residency and Social Security Numbers. See Non Financial Requirements in the Common Rules chapter.

8.3 ABD Categories

Aged, Blind and Disabled Medical Assistance provides coverage for both SSI recipients, and deemed SSI recipient. Deemed SSI recipients (protected group) are individuals who used to receive SSI benefits but have now lost it. Individuals who meet the eligibility criteria specific to the protected group continue to receive Medicaid even though their total income may exceed the poverty level.

8.3.1 SSI Recipients

1. Individual receiving SSI payments is eligible for Medical Assistance
OR
2. Individual receiving mandatory State supplements is eligible for Medical Assistance

8.3.2 Deemed SSI Recipients

The following individuals who are deemed SSI recipients are eligible for Medical Assistance:

- Pickle People
- Section 1619(b) eligible
- Disabled Adult Children (DAC)
- Disabled Widow(er)s not receiving Medicare
- Children Who Had Received SSI on August 22, 1996

Pickle People (Pickle Amendment Coverage)

People who are eligible for medical assistance because of the Pickle Amendment are sometimes called "Pickle People". Most of these people used to receive both SSA (Social Security) and SSI, but they are now ineligible for SSI because their income exceeds the SSI limit. Usually, the SSA income has increased beyond the SSI payment level because of cost-of-living adjustments (COLA).

1. Individual is currently receiving Social Security Benefits AND
2. Individual was eligible for and received SSI in at least one month after April 1977 AND
3. Individual was entitled to Social Security Benefits concurrently with the SSI benefits in at least one month after April 1977 AND
4. Individual lost eligibility for SSI after April 1977 because their unearned income exceeds the SSI limit AND
5. Individual is aged 65 or older or currently blind or disabled as determined by the Social Security Administration or the Disability Determination Office AND
6. Individual satisfies the Resource Test for Pickle People (See Resource Rules in Section 4 of this chapter) AND
7. Individual satisfies the Income Test for Pickle People (See Income Rules in Section 5 of this chapter)

Pickle Income and Resource Unit

The income and resource unit rules defines whose income and resources are considered in the financial eligibility determination.

In the Pickle People category the income and resource unit will consist of one of the following:

1. Eligible Individual with no Spouse
 - The aged blind or disabled person AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included.
 - SSI Recipients are not included
2. Eligible Child
 - The aged blind or disabled child AND
 - The parent(s) if the child is living with parent(s) AND
 - If the child is an alien, the income of the child's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included.
 - SSI recipients are not included
3. Eligible Couple
 - The aged blind or disabled individual AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
 - The spouse who is living in the home AND
 - The spouse is also potentially eligible for Medical Assistance under the Aged, Blind and Disabled category AND
 - If the spouse is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included.
 - SSI recipients are not included
4. Eligible Individual With Ineligible Spouse
 - The aged blind or disabled person AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
 - The spouse who is living in the home AND
 - The spouse is not eligible for Medical Assistance under the Aged, Blind and Disabled category.
 - SSI recipients are not included

Resource Household Size for Pickle People

The household size consists of the same individuals as listed in the Income/Resource Unit for Pickle People above with the following exceptions:

1. Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
2. Do not include a parent(s) living in the home in the household size OR
3. Do not include SSI recipients in the household size

Income Household Size for Pickle People

The household size consists of the same individuals as listed in the Income/Resource Unit for Pickle People above with the following exceptions:

1. Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
2. Do not include a parent(s) living in the home in the household size OR
3. Do not include SSI recipients in the household size OR
4. Do not include the ineligible spouse in the household size when there is no deemable income

Section 1619(b) eligible

- Individual who has had 1619 (b) status determined by the Social Security Administration (SSA) is eligible for Medical Assistance

Note: Individuals eligible as 1619b are categorically financially eligible i.e. there are no resource or income tests for this category, provided they satisfy all other factors of eligibility.

Disabled Adult Children (DAC)

Social Security will continue to pay Child's insurance benefits (these are payments on a parent's record due to the retirement, death or disability of a parent) to a child age 18 or over who was disabled before age 22, whether or not they received such payments as a minor child. The "adult child" can apply at any time, but must be able to prove the disability started before age 22. We refer to an individual who receives "Child's insurance benefits" when they reach 18 years old as a Disabled Adult Child or DAC. A person who was receiving SSI may lose their SSI when they become eligible for the child's benefit, or when they get an increase in those benefits. It is these people who may qualify for protected medical assistance status.

1. Individual is age 18 or over AND

2. Individual is currently entitled to and receives Title II Disabled Adult Child's benefit on a parent's record due to the retirement, death or disability of a parent AND
3. Individual has a disability or blindness which began before age 22, AND
4. Individual has received SSI and then lost the SSI payment after July 1, 1987 due to receipt or increases of the Title II Disabled Adult child's benefit AND
5. Individual satisfies the Resource Test for DAC (See Resource Rules in Section 4 of this chapter) AND
6. Individual satisfies the Income Test for DAC (See Resource Rules in Section 5 of this chapter)

Income Requirements

If the individual only receives Title II Disabled Adult Child payment (no other income type), then there is no need to do an income test, otherwise an income test must be carried out.

DAC Income and Resource Unit

The income and resource unit will consist of one of the following:

1. Individual With No Spouse
 - The disabled adult child AND
 - If the disabled adult child is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included.
 - SSI Recipients are not included.
2. Eligible Couple
 - The disabled adult child AND
 - If the disabled adult child is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
 - The spouse who is living in the home AND
 - The spouse is also potentially eligible for Medical Assistance under the Disabled Adult Child, Pickle or Disabled Widow(er) category AND
 - If the spouse is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included.

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- SSI Recipients are not included.
3. Eligible Individual With Ineligible Spouse
- The disabled adult child AND
 - If the disabled adult child is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
 - The spouse who is living in the home AND
 - The spouse is not eligible for Medical Assistance under the Disabled Adult Child, Pickle or Disabled Widow(er) categories AND
 - The spouse is receiving Title II benefits as a widow/widower, ex-wife/ex-husband, parent, disability payments under their own work history.
- SSI Recipients are not included.

Resource Household Size for Disabled Adult Children

The household size consists of the same individuals as listed in the Income and Resource Unit above with the following exceptions:

1. Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
2. Do not include a parent(s) living in the home in the household size OR
3. Do not include SSI recipients in the household size

Income Household Size for Disabled Adult Children

The household size consists of the same individuals as listed in the Income and Resource Unit above with the following exceptions:

1. Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
2. Do not include SSI recipients OR
3. Do not include the ineligible spouse in the household size when there is no deable income

Disabled Widow(er)s not receiving Medicare

1. Individual is receiving Social Security Disabled Widow(er) benefits AND

2. Individual is at least age 60, but not yet attained age 65 AND
3. The individual is not receiving Medicare Part A AND
4. Individual has received SSI and then lost the SSI payment due to receipt of the widow/widower Title II benefits AND
5. Individual is currently blind or disabled AND
6. Individual satisfies the Resource Test for Disabled Widower (See Resource Rules in Section 4 of this chapter) AND
7. Individual satisfies the Income Test for Disabled Widower (See Income Rules in Section 5 of this chapter)

Disabled Widow(er)s Income and Resource Unit

The income and resource unit will consist of one of the following:

1. Individual With No Spouse
 - The Disabled widow(er) AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included.
 - SSI Recipients are not included.
2. Eligible Couple
 - The Disabled Widow(er) AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
 - The spouse who is living in the home AND
 - The spouse is also potentially eligible under the category of Aged, Blind and Disabled AND
 - If the eligible spouse is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included
 - SSI Recipients are not included
3. Eligible Individual With Ineligible Spouse
 - The Disabled widow(er) AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

AND

- The spouse who is living in the home AND
- The spouse is not eligible under the category of Aged, Blind and Disabled
- Do not include SSI recipients

Resource Household Size for Disabled Widow(er)s

The household size consists of the same individuals as listed in the Income and Resource Unit above with the following exceptions:

1. Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
2. Do not include a parent(s) living in the home in the household size OR
3. Do not include SSI recipients in the household size

Income Household Size for Disabled Widow(er)s

The household size consists of the same individuals as listed in the Income and Resource Unit above with the following exceptions:

1. Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
2. Do not include SSI recipients OR
3. Do not include the ineligible spouse in the household size when there is no deemable income

Children Who Had Received SSI on August 22, 1996

On August 22, 1996, Public Law 104-193 was passed which changed Social Security's definition of disability for children. As a result, some children receiving SSI have had their disability status reviewed and have subsequently been terminated from SSI because they do not meet the new disability criteria. On August 5, 1997, Public Law 105-33 (The Balanced Budget Act of 1997) was passed. Under this law, children receiving SSI on August 22, 1996 who lose their SSI because they do not meet the new disability criteria, may continue to receive Medicaid. The Balanced Budget Act protects their Medicaid eligibility.

1. Child is under age 18 AND
2. Child was receiving SSI on August 22, 1996 AND
3. Child's SSI payment stopped on or after July 1, 1997 AND

4. Child's SSI was terminated due to the revised childhood disability criteria established under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) AND
5. Child continues to meet the SSI child disability criteria in effect prior to August 22, 1996 AND
6. Individual satisfies the Resource Test for Children Who Had Received SSI on August 22, 1996 (See Resource Rules in Section 4 of this chapter) AND
7. Individual satisfies the Income Test for Children Who Had Received SSI on August 22, 1996 (See Income Rules in Section 5 of this chapter)

Children Who Had Received SSI on August 22, 1996 Income and Resource Unit

The following individual's income and resources are included in the income and resource unit:

1. The disabled child AND
2. The parent(s) living with the child AND
3. If the disabled child is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included.
4. Do not include SSI recipients

8.4 Resource Rules

The following are the resource limits for the various categories of ABD. Note there is no resource test for the 1619(b) category as mentioned previously.

1. Pickle People
 - Resources must not exceed \$2000 for individual OR
 - Resources must not exceed \$3000 for a couple
2. Disabled Adult Children (DAC)
 - Resources must not exceed \$2000 for individual OR
 - Resources must not exceed \$3000 for a couple
3. Disabled Widow(er)s not receiving Medicare
 - Resources must not exceed \$2000 for individual OR

- Resources must not exceed \$3000 for a couple
4. Children Who Had Received SSI on August 22, 1996
 - Resources must not exceed \$2000 for individual

8.4.1 Countable Liquid Resources

See Countable Liquid Resources - ADB Type Programs in the Common Rules chapter.

8.4.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - ABD Type Programs in the Common Rules chapter.

8.4.3 Excluded Resources

See Excluded Resources - ABD Type Programs in the Common Rules chapter.

8.5 Income Rules

The following are the income limits for the various categories of ABD. Note there is no income test for the 1619(b) category as mentioned previously.

1. Pickle People
 - If income is less than the current SSI Income Limit then individual has satisfied the income test.
2. Disabled Adult Children (DAC)
 - If income is less than the current SSI Income Limit then individual has satisfied the income test.
3. Disabled Widow(er)s not receiving Medicare
 - If income is less than the current SSI Income Limit then individual has satisfied the income test.
4. Children Who Had Received SSI on August 22, 1996
 - Child continues to meet federal SSI income Limit

8.5.1 Unearned Income

See Unearned Income - ABD Type Programs in the Common Rules chapter.

8.5.2 Earned Income

See Earned Income - ABD Type Programs in the Common Rules chapter.

8.5.3 Self Employment Income

See Self Employment Income - ABD Type Programs in the Common Rules chapter.

8.5.4 In-Kind Support and Maintenance (ISM)

See In-Kind Support and Maintenance (ISM) - ABD Type Programs in the Common Rules chapter.

Chapter 9

ABD Medical Assistance Calculations

9.1 Introduction

This chapter summarizes the calculations for Aged, Blind and Disabled Medical Assistance.

9.2 Resource Calculations

The following are the steps to be undertaken when determining the total countable resources for the Aged, Blind and Disabled Medical Assistance Program:

9.2.1 Resource Deeming

The individuals whose income shall be deemed is determined as part of the ABD household determination rules. The following is a list of the deeming support in the ABD program:

1. Spouse to Spouse Deeming
2. Parent to Child Deeming
3. Sponsor to Alien Deeming

Deeming Exceptions

Resources from the following individuals are not deemed for ABD programs:

- Resources of the Supplemental Security Income (SSI) recipient

The following resources cannot be deemed during ABD Program resource deeming:

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1. A pension fund is not counted as a resource in the deeming process if it is owned by:
 - An ineligible spouse OR
 - An ineligible parent
2. This exclusion applies to pension funds administered by an employers or union OR
 - Pension funds administered by an employers or union OR
 - Individual Retirement Accounts (IRA) OR
 - Keogh accounts

Spouse to Spouse Deeming

1. Calculate the total countable resources for the ineligible spouse AND
2. Deem the amount obtained to the eligible individual

Note: Countable and excluded resources are detailed in the ABD Medical Assistance Rules chapter.

Parent to Child Deeming

- Calculate the total countable resources for the parent(s) AND
 - If only one parent is living in the household with the child, deem the parent's resources as follows:
 1. Subtract the individual resource limit appropriate from the parent's countable resources AND
 2. Determine the amount in excess of the Individual resource limit AND
 3. Determine the number of potential blind/disabled children in the household AND
 4. Divide the value of the resources among all blind/disabled children equally to determine the amount to be deemed to the eligible child
 - If two parents are living in the household with the child, deem the parents resources as follows:
 1. Subtract the couple resource limit appropriate from the combined countable resources of both parents AND
 2. Determine the amount in excess of the Couple resource limit AND

3. Determine the number of potential blind/disabled children in the household AND
4. Divide the value of the resources among all blind/disabled children equally to determine the amount to be deemed to the eligible child

Note: Countable and excluded resources are detailed in the ABD Medical Assistance Rules chapter.

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied before executing the deeming resources process (See 2.1.4.1)

Carry out the following process if no Sponsorship Deeming exceptions apply:

1. For each sponsor, determine the resources to be deemed to the Alien as follows:
 - If the sponsor does not have a spouse living in the home:
 - a. Calculate countable resources for the sponsor AND
 - b. Compare the total countable resources to the resource limit for an individual AND
 - c. Calculate the amount of resources in excess of the resource limit AND
 - If the sponsor has a spouse living in the home:
 - a. Calculate countable resources for the sponsor and his/her spouse AND
 - b. Combine their countable resources and compare to the resource limit for a couple AND
 - c. Calculate the amount of resources in excess of the resource limit to determine the deemable amount
2. Total all deemable amounts to determine the amount to be deemed to the alien.

Note: Countable and excluded resources are detailed in the ABD Medical Assistance chapter.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a

condition of the alien's entry or admission to the U.S. AND

2. The sponsor is not included in the assistance unit AND
3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least 50% American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR

17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for Legal Custody for P.L. 97-459 Amerasian

9.2.2 Total Countable Resources

The following are the steps to be undertaken when determining the total countable resources for ABD:

The resource unit will consist of one of the following:

1. Eligible Individual with no spouse
2. Eligible child
3. Eligible individual and ineligible spouse
4. Eligible couple

Eligible Individual with no spouse

1. Calculate individual's countable resources AND
2. If the individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the alien

Eligible Child

1. Calculate eligible child's countable resources AND
2. If the eligible child is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the eligible child's total countable resources AND
3. If parent(s) are living with the eligible child, carry out parent to child deeming and add total deemed resources from the parent(s), if any, to the individual's total countable resources to determine the total countable resources for the eligible child

Eligible individual and ineligible spouse

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND

3. Carry out spouse to spouse deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the individual

Eligible couple

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Total eligible spouse's countable resources AND
4. If the eligible spouse is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the spouse's total countable resources to determine the total countable resources for the alien spouse AND
5. Combine the countable resources for the eligible individual and the eligible spouse

9.3 Income Calculations

In order to be eligible for Medical Assistance and ABD program, the total income of the household must be less than the SSI Federal Limit where applicable.

9.3.1 Deeming Income

Carry out the following steps in the deeming process

1. Deeming Exceptions AND
2. Sponsor to Alien Deeming OR
3. Spouse to Spouse Deeming OR
4. Parent to Child Deeming

Deeming Exceptions

Deeming Exceptions - Individuals

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a

residence.

Deeming Exceptions - Income Types

The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by an ineligible spouse or parent is not deemed to the Medical Assistance individual

Sponsor to Alien Deeming

1. The sponsor definition and sponsor deeming exception rules should be applied before proceeding to the deeming process
2. Carry out the following process if no Sponsorship Deeming exceptions apply:
 - For each sponsor, determine the amount of money to be deemed to the alien:
 - Combine the total gross countable earned and unearned income of the alien sponsor and spouse, if any, living in the home with the sponsor AND
 - Exclude from the total income the maximum allocation for a sponsor AND
 - If the sponsor has a spouse and if the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is not a sponsor and the spouse is not receiving payments from any of the following exclude from the total income the allocation for a spouse:
 - TANF

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- Veteran's Administration Pension
- Veteran's Administration Compensation paid to the parent of a child
- Refugee Act of 1980
- Disaster Relief and Emergency Assistance Act Payments
- SSI
- General assistance programs of the Bureau of Indian Affairs AND

Exclude from the total income an allocation for each child living in their household AND

- The remaining amount, if any, is the deemable income

Spouse to Spouse Deeming

1. Exclude from the ineligible spouse's unearned income any ineligible child deductions they are entitled to AND
2. If the ineligible spouse does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible spouse's earned income AND
3. Compare the ineligible spouse's remaining income (i.e. total earned and unearned) to the living allowance for a spouse

Remaining Income greater than Living Allowance

1. If the remaining income (i.e. total earned and unearned) is greater than the living allowance, deeming is applicable AND
2. Deem the remaining unearned income to the eligible spouse as unearned income AND
3. Deem the remaining earned income to the eligible spouse as earned income

Remaining Income equal to or less than Living Allowance

- If the remaining income (i.e. total earned and unearned) is equal to or less than the living allowance, no income is deemed

Parent to Child Deeming

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1. Combine the ineligible parent(s) countable unearned income AND
2. Combine the ineligible parent(s) countable earned income AND
3. Exclude from the ineligible parent(s) unearned income any ineligible child deductions they are entitled to AND
4. If the ineligible parent(s) does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible parent(s) earned income AND
5. Apply unearned income deductions to the combined unearned income of the parent(s) AND
6. Apply earned income deductions to the combined earned income of the parent(s) AND
7. Total the net unearned and the net earned of the parent(s) income to determine the parent(s) total net income
8. Exclude from the ineligible parent(s) total net income the maximum allocation for a parent(s) AND
9. The remaining amount, if any, is the deemable income to the child

Ineligible Child Deductions

Additional deductions are applied to the deemed income amount when there are other children the household. This deduction is calculated as follows:

1. Subtract an allocation for each non-disabled child in the home if the following criteria are met:
 - a. The child is under age 18, or if age 18 to 19 is a full-time student AND
 - b. The child is living in the home AND
 - c. The child is not receiving payments from the following:
 - TANF AND
 - Veteran's Administration Pension AND
 - Veteran's Administration Compensation paid to the parent of a child AND
 - Refugee Act of 1980 AND
 - Disaster Relief and Emergency Assistance Act Payments AND
 - SSI AND
 - General assistance programs of the Bureau of Indian Affairs

2. Ineligible Child Allocation is calculated as follows:
 - a. Determine child's countable income
 - b. Subtract the child's countable income from the maximum allocation amount
 - c. The remainder is the amount to be allocated for the child

9.3.2 Income Deductions

Deductions are applied for as long as there is available income. If there is no available income from which a deduction can be made all income is excluded.

Unearned Income Deductions

If dealing with an eligible couple whose income is combined, combine the unearned income before applying the Unearned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents unearned income before applying the Unearned Income Deductions.

Unearned Income Deductions are as follows:

\$20 General Income Disregard

The \$20 General Income Disregard is applied unless the type of Unearned Income is one where an exception applies:

1. Deduct a \$20 General Income Disregard from unearned income for the individual where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group OR
2. Deduct \$20 from the combined unearned income for a married couple where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group

Do not deduct \$20 General Disregard from the following types of Unearned Income:

1. Tribal General Assistance payments made by BIA
2. Income from payments resulting from the Refugee Act of 1980
3. Veteran's Administration Pension
4. Veteran's Administration Compensation paid to the parent of a child

Earned Income Deductions

If dealing with an eligible couple whose income is combined, combine the

earned income before applying the Earned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents earned income before applying the Earned Income Deductions.

Earned Income Deductions are as follows:

\$20 General Income Disregard

- Deduct the balance of the \$20 general income disregard remaining, if any, after allowing this deduction from unearned income

Loss from a Self-Employment Business

1. Individual is self-employed AND
2. Individual's business is losing money AND
3. Determine the amount of the loss from the self-employment business AND
4. Only deduct the current loss (i.e. loss from the last 12 months) from earned income

\$65 deduction

- Deduct \$65 from the remaining earned income

Impairment-Related Work Expenses (IRWE)

1. Deduct monthly expenses the client pays for services and items related to the individual's disability when those expenses are necessary for the individual to work AND
2. These expenses are not covered by Medical Assistance or any third party

Examples of these work expenses:

1. Transportation for a disabled client who cannot use public transportation because of his impairment
2. Medications not covered by Medical Assistance or any third party
3. Wheelchairs
4. Respirators
5. Braces
6. Typing Aids
7. Telecommunications Devices for the Deaf

8. Dog Guide
9. Special visual aid equipment

1/2 deduction

- Deduct one half of the earned income that remains

9.3.3 Total Countable Income

The income unit will consist of one of the following groups:

1. Eligible Individual with no spouse
2. Eligible Child
3. Eligible Couple
4. Eligible Individual with Ineligible spouse

These are the steps to follow when determining the total net countable income for ABD programs:

Eligible Individual with no spouse

Individual Not Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance (see ABD Medical Assistance Rules chapter)
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Total the individual's countable gross earned income from all sources (including self employment income) (see the ABD Medical Assistance Rules chapter)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is not a sponsored alien, this is the end of the income steps. Use total net countable income determined above

Individual Sponsored Alien

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1. Determine value of the individual's In-kind Support and Maintenance (see the ABD Medical Assistance Rules chapter)
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Total the individual's countable gross earned income from all sources (including self employment income) (See the ABD Medical Assistance Rules chapter)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is a sponsored alien, determine if they are eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income, use amount determined in Step 2 and proceed
9. Carry out the steps outlined in Sponsor's Deemed Income
10. Apply unearned income deductions to the alien's countable unearned income to determine the net unearned income
11. Using the gross earned income (determined in step 4), apply earned income deductions to determine the net earned income
12. Add the net countable unearned income (determined in Step 10) and the net countable earned income (determined in Step 11) to determine the total net countable income for the eligible alien

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Eligible Child

1. Determine value of the child's In-kind Support and Maintenance (See the ABD Medical Assistance Rules chapter)
2. Calculate the child's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the child is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income

4. Calculate the parent(s) countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
5. Calculate the parent(s) countable gross earned income from all sources (including self employment income)
6. Carry out the parent to child deeming process
7. Add the total deemable income, if any, of the parent(s) to the eligible child's countable gross unearned income
8. Apply unearned income deductions to the child's countable gross unearned income to determine the countable net unearned income
9. Calculate the child's countable gross earned income from all sources (including Self Employment income)
10. Apply earned income deductions to the child's countable gross earned income to determine the net earned income
11. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible child

Eligible Couple

1. Determine value of the couple's In-kind Support and Maintenance (See the ABD Medical Assistance Rules chapter)
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the spouse's countable gross unearned income from all sources
5. If the spouse is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
6. Combine the countable gross unearned income of the couple
7. Apply unearned income deductions to the couple's income to determine the countable net unearned income
8. Calculate the individual's countable gross earned income from all sources (including self employment income)
9. Calculate the spouse's countable gross earned income from all sources
10. Combine the countable gross earned income of the couple
11. Apply earned income deductions to the couples income to determine

the net earned income

12. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible couple

Eligible Individual with Ineligible spouse

1. Determine value of the individual's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Calculate the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. Add the countable net unearned income and the countable net earned income to determine the total net countable income
7. Determine if the individual is eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income and if the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
9. Total the ineligible spouse's countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
10. Calculate the ineligible spouse's countable gross earned income from all sources
11. Carry out the spouse to spouse deeming process
12. Add the total deemable unearned income, if any, of the ineligible spouse to the eligible spouse's unearned income
13. Apply unearned income deductions to the individual's unearned to determine the net unearned income
14. Add the total deemable earned income, if any, of the ineligible spouse to the eligible spouse's countable earned income
15. Apply earned income deductions to the individual's earned to determine the net countable earned income
16. Add the net countable unearned income and the net countable earned income to determine the total net countable income for the eligible in-

dividual with ineligible spouse

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Sponsor's Deemed Income

An eligible alien's income will consist of deemed income from a sponsor in addition to their own income. Follow these steps to determine how much should be deemed to the alien from a sponsor:

1. Determine value of the sponsor's and spouse's, if any, In-kind Support and Maintenance
2. Total the sponsor's and spouse's, if any, countable gross unearned income from all other sources add the value of any In-kind Support and Maintenance (determined above)
3. Total the sponsor's and spouse's, if any, countable gross earned income from all sources (including self employment income)
4. Carry out the deeming process for Sponsor to Alien deeming
5. Add the total deemable income, if any, of the sponsor(s) to the eligible alien's unearned income

The above steps are repeated for each of the alien's sponsors.

Chapter 10

Children Medical Assistance Rules

10.1 Introduction

Children's Medical Assistance assists with medical expenses for children under the age of 6 and children aged from 6 to 19

10.2 Non Financial Requirements

See Non Financial Requirements in the Common Rules chapter.

10.3 Child Categories

The children Medical Assistance programs can be broken into the following categories:

1. Children Under 6
2. Children Aged 6 to 19

10.3.1 Children Under 6

Children may receive Medical Assistance coverage through the end of the month in which they turn 6 years old.

Household Rules:

1. Child is eligible for Medical Assistance if the child is under age 6 AND
2. Child is not an SSI Recipient AND
3. Child is not receiving Federal, State or Local government Foster Care payments AND

4. Child is not receiving Federal, State or Local government Adoption Assistance payments AND
5. The Household must satisfy the Resource Test for Children Under 6 AND
6. The Household must satisfy the Income Test for Children Under 6

Income/Resource Unit for Children under 6

Include the income and resources of the following individuals in the Income and Resource Unit:

- The child AND
- The child's mother, if living in the home AND
- The child's legal father, if living in the home AND
- Blood-related or adoptive siblings living in the home who are dependent children (Dependent Child rules must be satisfied with the exception of Deprivation) AND
- If the child for whom assistance is being provided is a sponsored alien, include the income and resources of the sponsor and the sponsor's spouse, if s/he lives with the sponsor.

Exception to Income/Resource Unit for Children under 6

Do not include the income and resources of the following individuals in the Income and Resource Unit:

- SSI Recipients OR
- Children receiving Federal, State or Local government Foster Care payments OR
- Children receiving Federal, State or Local government Adoption Assistance payments

Household Unit for Children Under 6

The household size is the same the Income/Resource Unit for Child under 6 with the following exception:

- Do not include the alien sponsor or the sponsor's spouse in the household size

10.3.2 Children Aged 6 to 19

Children born after September 30, 1983 may qualify for this program

through the month in which they turn 19.

Household Rules

1. A child at least age 6, and under 19 is eligible for Medical Assistance AND
2. Age rule is satisfied through the month in which the child reaches age 19 OR
3. Child is not an SSI Recipient AND
4. Child is not receiving Federal, State or Local government Foster Care payments AND
5. Child is not receiving Federal, State or Local government Adoption Assistance payments AND
6. Household must satisfy the Resource Test for Children Aged 6 to 19 AND
7. Household must satisfy the Income Test for Children Aged 6 to 19

Income/Resource Unit for Children Aged 6 to 19

Include the income and resources of the following individuals in the Income and Resource Unit:

- The child AND
- The child's mother, if living in the home AND
- The child's legal father, if living in the home AND
- Blood-related or adoptive siblings living in the home who are dependent children (Dependent Child rules must be satisfied with the exception of Deprivation) AND
- If the child for whom assistance is being provided is a sponsored alien, include the income and resources of the sponsor and the sponsor's spouse, if s/he lives with the sponsor.

Exception to Income/Resource Unit for Children Aged 6 to 19

Do not include the income and resources of the following individuals in the Income and Resource Unit:

- SSI Recipients OR
- Children receiving Federal, State or Local government Foster Care payments OR
- Children receiving Federal, State or Local government Adoption Assist-

ance payments

Household Unit for Children Aged 6 to 19

The household size is the same the Income/Resource Unit for Children ages 6-19 with the following exception:

- Do not include the alien sponsor or the sponsor's spouse in the household size

10.3.3 Dependent Child Rules

- A dependent child must be living in the home of a Caretaker Relative AND
 - For Low Income Families with Children Medical Assistance the household must include a child who is living with their natural parent(s) or adoptive parent(s) OR
 - The household must include a child who is living with a non parent caretaker, in the non parent caretaker's home, and who has a relationship to the child as specified below:
 - Grandfather and grandmother OR
 - Brother or sister including half or adopted brother or sister OR
 - Uncle or aunt OR
 - First cousin or cousin once removed OR
 - Nephew or niece OR
 - Persons of prior generations designated by the prefix grand, great, great-great, or great-great-great OR
 - Spouses of any person listed above AND
 - The non parent caretaker relative must be an adult
- Child must meet the Age Limit for a Child rules
 - A child must be under age 18 and unmarried AND
 - Age rule is satisfied through the month in which the child reaches age 18 OR
 - A child must be under age 19, unmarried and participating full-time in a secondary school, GED or vocational or technical training and expects to graduate before or in the month of their 19th birthday AND
 - Age rule is satisfied until the last day of the month of course comple-

tion, withdrawal of the child from enrollment, or the child's 19th birthday, whichever occurs first.

10.4 Resource Rules

10.4.1 Resource Limit

The resource limit for both Children Under 6 and Children aged 6 to 19 are as follows:

1. Countable resources must not exceed \$2,000 for an individual OR
2. Countable resources must not exceed \$3,000 for a two member household OR
3. Countable resources for the household must be less than \$3000 + \$25 for each additional individual

10.4.2 Countable Liquid Resources

See Countable Liquid Resources - Family Programs in the Common Rules chapter.

10.4.3 Countable Non-liquid Resources

See Countable Non-Liquid Resources - Family Programs in the Common Rules chapter.

10.4.4 Excluded Resources

See Excluded Resources - Family Programs in the Common Rules chapter.

10.5 Income Rules

10.5.1 Income Limits

Children Under 6 Income Limit

The household's net countable income must be equal to or less than 133% of the federal poverty level for the household size

Children Aged 6 to 19 Income Limit

The household's net countable income must be equal to or less than 100% of the federal poverty level for the household size

10.5.2 Unearned Income

See Unearned Income - Family Programs in the Common Rules chapter.

10.5.3 Earned Income

See Earned Income - Family Programs in the Common Rules chapter.

10.5.4 Self Employment Income

See Self Employment Income - Family Programs in the Common Rules chapter.

Chapter 11

Children Medical Assistance Calculations

11.1 Introduction

This chapter summarizes the calculations for Children Under 6 and Children Aged 6 to 19 Medical Assistance.

11.2 Resource Calculations

Resource limits for Children Under 6 Medical Assistance and Children Aged 6 to 19 Medical Assistance are as follows:

1. Countable resources must not exceed \$2,000 for an individual OR
2. Countable resources must not exceed \$3,000 for a two member household OR
3. Countable resources for the household must be less than $\$3000 + \25 for each additional individual

The following are the steps to be undertaken when determining the total countable resources for Children Under 6 and Children Aged 6 to 19 Medical Assistance Programs:

11.2.1 Resource Deeming

If the eligible child is a sponsored alien, carry out sponsor to alien deeming as follows:

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules in the Income Deeming spreadsheet must be applied first when deeming resources

For each sponsor, determine the resources to be deemed to the Alien as fol-

lows:

1. If the sponsor does not have a spouse living in the home:
 - Calculate countable resources for the sponsor AND
 - Compare the total countable resources to the resource limit for an individual AND
 - Deem the value of resources in excess of the resource limit to the Alien
2. If the sponsor has a spouse living in the home:
 - Calculate countable resources for the sponsor and his/her spouse AND
 - Combine their countable resources and compare to the resource limit for a couple AND
 - Deem the value of resources in excess of the resource limit to the Alien

Note: Countable and excluded resources are detailed in the Children Medical Assistance Rules chapter.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND
3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR

6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least half American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for Legal Custody for P.L. 97-459 Amerasian

11.2.2 Total Countable Resources

For every individual in the income/resource unit whose resources are counted, carry out the following steps:

1. Calculate individual's countable resources AND
2. Add total deemed resources, if any, to the eligible individual's total countable resources to determine the total countable resources AND
3. Add individual's countable resources to other household member's countable resources to determine household's total countable resources

11.3 Income Calculations

- The households net countable income must be equal to or less than 133% of the federal poverty level for the household size for Children

Under 6 Medical Assistance

- The households net countable income must be equal to or less than 100% of the federal poverty level for the household size for Children Aged 6 to 19 Medical Assistance

The following are the steps to be undertaken when determining the total countable gross and net income for the Children's Medical Assistance Program:

11.3.1 Deeming Income

If there is a sponsor whose income is to be deemed to the child, carry out the following steps:

- Total the deemor's countable gross unearned income from all sources AND
- Total the deemor's countable gross earned income from all sources AND
- Carry out sponsor to alien deeming

Deeming Exceptions

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by a deemor is not deemed to the Medical Assistance individual

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied when deeming income - See Resource Chapter

Carry out the following process if no Sponsorship Deeming exceptions apply.

1. For each sponsor, determine the amount of money to be deemed to the alien
2. From the Sponsor's and their live in spouse (if any) countable earned Income:
 - a. Deduct the \$90 Work Allowance AND
 - b. Add the gross countable unearned income AND
 - c. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals, living in the sponsor's home AND
 - d. The remaining amount, if any, is deemed as unearned income to the alien

11.3.2 Total Countable Income Calculation

For every individual in the income unit whose income is counted, carry out the following steps:

1. Total individual's countable gross unearned income from all sources
2. Add deemable income, if any, to the individual's unearned income
3. Total the individual's countable gross earned income from all sources including self employment
4. Apply income deductions to their gross income in the following order:
 - Deduct the \$90 Work Allowance
 - Deduct up to \$90 per month from the employed persons earned income
 - Deduct the \$30 and 1/3 Disregard if the employed person has received Low Income Families with Children Medical Assistance in one of the previous 4 months (this does not include transitional or extended medical assistance)
 - The employed person has not received the \$30 and 1/3 disregard in 4 consecutive months in the last 12 months AND
 - Deduct the first \$30 and 1/3 of the remainder from the employed person's income

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- Deduct the \$30 Disregard
 - The employed person has received the 4 consecutive months of the \$30 and 1/3 disregard AND
 - Deduct the first \$30 from the employed persons income AND
 - This disregard applies for 8 consecutive months AND
 - Count all months including months that the person does not receive Medical Assistance or does not have earnings in determining the 8 consecutive months.
- Deduct the Dependent Care Allowance
 - Deduct the monthly amount paid for the care of each dependent child or incapacitated adult up to the maximum defined if
 - Child or incapacitated adult is an eligible member of the assistance unit AND
 - Actual cost of child care is not reimbursed AND
 - The care is necessary for employment

Apply the following disregard to the individual's remaining total income (any earned plus any unearned)

- Deduct Child Support/Alimony Payments
 - Reduce Income by the verified amount paid for dependents not living in the home

Add individual's total countable net income to other household member's countable net income after deductions to get the household's net countable income.

The households net countable income must be less than 133% of the federal poverty level for the household size for Children Under 6 Medical Assistance and less than 100% of the federal poverty level for the household size for Children Aged 6 to 19.

Chapter 12

Pregnant Women Medical Assistance Rules

12.1 Introduction

Pregnant Woman Medical Assistance is an eligibility category that provides Medical Assistance to pregnant women whose income and resources are within the program defined limits. Once a woman is determined to be eligible as a Pregnant Woman any changes in her income do not affect eligibility.

12.2 Non Financial Requirements

See Non Financial requirements in the Common Rules chapter.

12.3 Qualifying Conditions

1. The woman is pregnant AND
2. She is not an SSI Recipient AND
3. She is not a Child receiving Federal, State or Local government Foster Care payments AND
4. She is not a Child receiving Federal, State or Local government Adoption Assistance payments AND
5. Household must satisfy the Resource Test AND
6. Household must satisfy the Income Test

12.3.1 Income/Resource Unit

Include the income and resources of the following individuals in the Income

and Resource Unit:

1. Pregnant Woman AND
2. Unborn(s) AND
3. Unborn child's father (if living in the household); AND
4. Blood-related or adoptive siblings who are dependent children (Dependent Child rules must be satisfied with the exception of Deprivation) if any exist AND
5. If the pregnant woman for whom assistance is being provided is a sponsored alien, include the income and resources of the sponsor and the sponsor's spouse, if the spouse lives with the sponsor AND
6. If the pregnant woman is a minor, i.e. under 18 and has never been married, and lives with major parent(s) then income and resources of major parent(s) are included.

Income/Resource Unit Exception

Do not include the income and resources of the following individuals in the Income and Resource Unit:

1. SSI Recipients OR
2. Children receiving Federal, State or Local government Foster Care payments OR
3. Children receiving Federal, State or Local government Adoption Assistance payments

12.3.2 Household Size

The household size is the same as the Income and Resource Unit with the following exceptions:

1. Do not include major parent in the household size OR
2. Do not include the alien sponsor or the sponsor's spouse in the household size

12.4 Resource Rules

- Countable resources must not exceed \$2,000 for an individual OR
- Countable resources must not exceed \$3,000 for a two member household OR
- Countable resources for the household must be less than \$3000 + \$25

for each additional individual

12.4.1 Countable Liquid Resources

See Countable Liquid Resources - Family Programs in the Common Rules chapter.

12.4.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - Family Programs in the Common Rules chapter.

12.4.3 Excluded Resources

See Excluded Resources - Family Programs in the Common Rules chapter.

12.5 Income Rules

12.5.1 Income Limits

Household income must be less than or equal to 133% of federal poverty level.

12.5.2 Unearned Income

See Unearned Income - Family Programs in the Common Rules chapter.

12.5.3 Earned Income

See Earned Income - Family Programs in the Common Rules chapter.

12.5.4 Self Employment Income

See Self Employment Income - Family Programs in the Common Rules chapter.

12.6 60 Days Postpartum

Once eligibility is established, pregnant women remain eligible for Medical Assistance through the end of the calendar month in which the 60th day after the end of the pregnancy falls.

12.6.1 60 Days Postpartum Eligibility Period

The 60 day postpartum eligibility period is determined as follows:

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1. Count forward 60 days beginning with the day the baby is born or the pregnancy ends.
2. Continue the postpartum eligibility period through the end of the month in which the 60th day falls.

Chapter 13

Pregnant Women Medical Assistance Calculations

13.1 Introduction

This chapter summarizes the calculations for Pregnant Women Medical Assistance.

13.2 Resource Calculations

Resource limits for Pregnant Women Medical Assistance are as follows:

1. Countable resources must not exceed \$2,000 for an individual OR
2. Countable resources must not exceed \$3,000 for a two member household OR
3. Countable resources for the household must be less than $\$3000 + \25 for each additional individual

The following are the steps to be undertaken when determining the total countable resources for Pregnant Women Medical Assistance Program:

13.2.1 Resource Deeming

For every individual in the income/resource unit whose resources are deemed carry out the following steps:

- If the pregnant woman is a sponsored alien, carry out sponsor to alien deeming
- If the pregnant woman is a minor and the income/resource unit includes a major parent(s), carry out parent to child deeming

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules in the Income Deeming spreadsheet must be applied first when deeming resources

For each sponsor, determine the resources to be deemed to the Alien as follows:

1. If the sponsor does not have a spouse living in the home:
 - Calculate countable resources for the sponsor AND
 - Compare the total countable resources to the resource limit for an individual AND
 - Deem the value of resources in excess of the resource limit to the Alien
2. If the sponsor has a spouse living in the home:
 - Calculate countable resources for the sponsor and his/her spouse AND
 - Combine their countable resources and compare to the resource limit for a couple AND
 - Deem the value of resources in excess of the resource limit to the Alien

Note: Countable and excluded resources are detailed in the Pregnant Medical Assistance Rules chapter.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND
3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR

3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least half American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for Legal Custody for P.L. 97-459 Amerasian

Parent to Child Deeming (major parent to minor parent)

1. Calculate countable resources for the parent(s) AND
2. Deem the ineligible parent(s) total countable resources to the eligible child

Note: Countable and excluded resources are detailed in the Pregnant Women Medical Assistance Rules chapter.

13.2.2 Total Countable Resources

For every individual in the income/resource unit whose resources are coun-

ted, carry out the following steps:

1. Calculate individual's countable resources AND
2. Add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources AND
3. Add individual's countable resources to other household member's countable resources to determine household's total countable resources

13.3 Income Calculations

The households net countable income must be equal to or less than 133% of the federal poverty level for the household size

The following are the steps to be undertaken when determining the total countable gross and net income for Pregnant Women Medical Assistance Program:

13.3.1 Deeming Income

For every individual in the income unit whose income is deemed carry out the following steps:

- Total the deemor's countable gross unearned income from all sources AND
- Total the deemor's countable gross earned income from all sources AND
- If the individual is a sponsor, carry out sponsor to alien deeming OR
- If the individual is a major parent carry out Parent to Child Deeming (major parent to minor parent)

Deeming Exceptions

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980

2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by a deemor is not deemed to the Medical Assistance individual

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied when deeming income - See Resource Chapter

Carry out the following process if no Sponsorship Deeming exceptions apply.

1. For each sponsor, determine the amount of money to be deemed to the alien
2. From the Sponsor's and their live in spouse (if any) countable earned Income:
 - a. Deduct the \$90 Work Allowance AND
 - b. Add the gross countable unearned income AND
 - c. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals, living in the sponsor's home AND
 - d. The remaining amount, if any, is deemed as unearned income to the alien

Parent to Child Deeming

From the Major Parent(s) gross countable earned Income:

1. Deduct up to \$90 Work Allowance per month from the gross countable earned income of each Major Parent AND
2. Add the countable unearned income for each Major Parent AND
3. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals living in the home, including the Major Parents but not including the minor parent AND
4. Subtract any child support or alimony actually paid by each major parent to individuals not living in the home AND
5. The remaining amount, if any, is deemed as unearned income to the

Minor Parent

13.3.2 Total Countable Income Calculation

For every individual in the income unit whose income is counted, carry out the following steps:

1. Total individual's countable gross unearned income from all sources
2. Add deemable income, if any, to the individual's unearned income
3. Total the individual's countable gross earned income from all sources including self employment
4. Apply income deductions to their gross income in the following order:
 - Deduct the \$90 Work Allowance
 - Deduct up to \$90 per month from the employed persons earned income
 - Deduct the \$30 and 1/3 Disregard if the employed person has received Low Income Families with Children Medical Assistance in one of the previous 4 months (this does not include transitional or extended medical assistance)
 - The employed person has not received the \$30 and 1/3 disregard in 4 consecutive months in the last 12 months AND
 - Deduct the first \$30 and 1/3 of the remainder from the employed person's income
 - Deduct the \$30 Disregard
 - The employed person has received the 4 consecutive months of the \$30 and 1/3 disregard AND
 - Deduct the first \$30 from the employed persons income AND
 - This disregard applies for 8 consecutive months AND
 - Count all months including months that the person does not receive Medical Assistance or does not have earnings in determining the 8 consecutive months.
 - Deduct the Dependent Care Allowance
 - Deduct the monthly amount paid for the care of each dependent child or incapacitated adult up to the maximum defined if
 - Child or incapacitated adult is an eligible member of the assistance unit AND
 - Actual cost of child care is not reimbursed AND

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- The care is necessary for employment

Apply the following disregard to the individual's remaining total income (any earned plus any unearned)

- Deduct Child Support/Alimony Payments
 - Reduce Income by the verified amount paid for dependents not living in the home

Add individual's total countable net income to other household member's countable net income after deductions to get the household's net countable income.

The household's net countable income must be less than 133% of the federal poverty level for the household size.

Chapter 14

Newborn Medical Assistance Rules

14.1 Introduction

A child born to a woman determined eligible for Medical Assistance benefits on the date the child is born shall also be deemed Medical Assistance eligible for up to one year. Newborns are not required to satisfy income or resource eligibility.

14.2 Deemed Eligibility of Newborns

A child born to a woman eligible for and receiving Medical Assistance on the date of the child's birth is deemed to have filed an application and been found eligible on the date of birth, and to remain eligible for 1 year provided:

- The child resides continuously in the mother's household AND
- The mother's eligibility criteria is satisfied.

14.2.1 Eligibility Criteria for Mother of Newborn

The following are the eligibility criteria for the mother of the newborn child:

- The mother remains eligible for Medical Assistance OR
- The mother would have remained eligible for Pregnant Woman Medicaid if she were still pregnant.

Chapter 15

Title IV-E Foster Care Medical Assistance Rules

15.1 Introduction

Title IV-E is a section of the Social Security Act, which addresses federal payments for foster care and adoption assistance. Children for whom Title IV-E Foster Care Maintenance Payments are made are categorically needy eligible for Medical Assistance.

15.2 Non Financial Requirements

See Non Financial Requirements in the Common Rules chapter.

15.3 Title IV-E Foster Care Payments

A child for whom foster care maintenance payments are made under title IV-E of the Social Security Act is eligible for Medical Assistance

Chapter 16

Title IV-E Adoption Medical Assistance Rules

16.1 Introduction

Title IV-E is a section of the Social Security Act, which addresses federal payments for foster care and adoption assistance. Children for whom Title IV-E Adoption Assistance Payments are made are categorically needy eligible for Medical Assistance.

16.2 Non Financial Requirements

See Non Financial Requirements in the Common Rules chapter.

16.3 Title IV-E Adoption Payments

A child for whom adoption assistance payments are made under title IV-E of the Social Security Act is eligible for Medical Assistance

Chapter 17

Qualified Medicare Beneficiaries Medical Assistance

17.1 Introduction

The Qualified Medicare Beneficiaries (QMB) program is for people who receive Part A Medicare and whose income is below 100% of poverty. This program pays Medicare co-payments and co-insurance amounts for medical services covered by Medicare, including the co-payments for Medicare-approved skilled nursing home care. It also pays the Medicare Part B premiums for eligible clients.

17.2 Non Financial Requirements

Non financial requirements includes the rules for Citizenship, Residency and Social Security Numbers. See Non Financial Requirements in the Common Rules chapter.

17.3 Qualifying Conditions

To receive QMB medical assistance the following conditions must be met:

- Individual is receiving Medicare Part A benefits AND
- Individual must satisfy the Resource Test AND
- Individual must satisfy the Income Test

17.3.1 Income/Resource Unit

The income and resource unit will consist of one of the following:

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- Eligible Individual With No Spouse
- Eligible Child
- Eligible Couple
- Eligible Individual With Ineligible Spouse

Eligible Individual With No Spouse

- The Medicare Part A recipient AND
- If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

Exception: SSI recipients are not included.

Eligible Child

- The child who is a Medicare Part A recipient AND
- The parent(s) if the child is living with parent(s) AND
- If the child is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND

Exception: SSI recipients are not included.

Eligible Couple

- The Medicare Part A recipient AND
- If the Medicare Part A recipient is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
- The spouse who is living in the home and is a Medicare Part A recipient AND
- If the spouse is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

Exception: SSI recipients are not included.

Eligible Individual With Ineligible Spouse

- The Medicare Part A recipient AND
- If the Medicare Part A recipient is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
- A spouse living in the home who is not a Medicare Part A recipient

Exception: SSI recipients are not included.

17.3.2 Household Size

Resource Household Size for QMB

The household size consists of the same individuals as listed in the Income/Resource Unit for QMB sub rule group above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include a parent(s) living in the home in the household size OR
- Do not include SSI recipients in the household size

Income Household Size for QMB

The household size consists of the same individuals as listed in the Income/Resource Unit for QMB sub rule group above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include parent(s) living in the home in the household size OR
- Do not include the ineligible spouse in the household size when there is no deemable income OR
- Do not include SSI recipients in the household size

17.4 Resource Rules

- Resources must not exceed \$4000 for individual OR
- Resources must not exceed \$6000 for a couple

17.4.1 Countable Liquid Resources

See Countable Liquid Resources - ADB Type Programs in the Common Rules chapter.

17.4.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - ABD Type Programs in the Common Rules chapter.

17.4.3 Excluded Resources

See Excluded Resources - ABD Type Programs in the Common Rules chapter.

17.5 Income Rules

Income must be less than or equal to 100% of federal poverty level

17.5.1 Unearned Income

See Unearned Income - ABD Type Programs in the Common Rules chapter.

17.5.2 Earned Income

See Earned Income - ABD Type Programs in the Common Rules chapter.

17.5.3 Self Employment Income

See Self Employment Income - ABD Type Programs in the Common Rules chapter.

17.5.4 In-Kind Support and Maintenance (ISM) - ABD Type Programs

See In-Kind Support and Maintenance (ISM) - ABD Type Programs in the Common Rules chapter.

Chapter 18

Qualified Medicare Beneficiaries Medical Assistance Calculations

18.1 Introduction

This chapter summarizes the calculations for Qualified Medicare Beneficiaries Medical Assistance.

18.2 Resource Calculations

The following are the steps to be undertaken when determining the total countable resources for the Qualified Medicare Beneficiaries Medical Assistance Program:

Resources must not exceed \$4000 for individual OR \$6000 for a couple.

18.2.1 Resource Deeming

The individuals whose income shall be deemed is determined as part of the Qualified Medicare Beneficiaries household determination rules. The following is a list of the deeming support in the Qualified Medicare Beneficiaries program:

1. Spouse to Spouse Deeming
2. Parent to Child Deeming
3. Sponsor to Alien Deeming

Deeming Exceptions

Resources from the following individuals are not deemed for Medicare Cost Sharing programs:

- Resources of the Supplemental Security Income (SSI) recipient

The following resources cannot be deemed during Medicare Cost Sharing Program resource deeming:

1. A pension fund is not counted as a resource in the deeming process if it is owned by:
 - An ineligible spouse OR
 - An ineligible parent
2. This exclusion applies to pension funds administered by an employers or union OR
 - Pension funds administered by an employers or union OR
 - Individual Retirement Accounts (IRA) OR
 - Keogh accounts

Spouse to Spouse Deeming

1. Calculate the total countable resources for the ineligible spouse AND
2. Deem the amount obtained to the eligible individual

Parent to Child Deeming

- Calculate the total countable resources for the parent(s) AND
 - If only one parent is living in the household with the child, deem the parent's resources as follows:
 1. Subtract the individual resource limit appropriate from the parent's countable resources AND
 2. Determine the amount in excess of the Individual resource limit AND
 3. Determine the number of potential blind/disabled children in the household AND
 4. Divide the value of the resources among all blind/disabled children equally to the determine the amount to be deemed to the eligible child
 - If two parents are living in the household with the child, deem the parents resources as follows:
 1. Subtract the couple resource limit appropriate from the combined countable resources of both parents AND

2. Determine the amount in excess of the Couple resource limit AND
3. Determine the number of potential blind/disabled children in the household AND
4. Divide the value of the resources among all blind/disabled children equally to determine the amount to be deemed to the eligible child

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied before executing the deeming resources process (See 2.1.4.1)

Carry out the following process if no Sponsorship Deeming exceptions apply:

1. For each sponsor, determine the resources to be deemed to the Alien as follows:
 - If the sponsor does not have a spouse living in the home:
 - a. Calculate countable resources for the sponsor AND
 - b. Compare the total countable resources to the resource limit for an individual AND
 - c. Calculate the amount of resources in excess of the resource limit AND
 - If the sponsor has a spouse living in the home:
 - a. Calculate countable resources for the sponsor and his/her spouse AND
 - b. Combine their countable resources and compare to the resource limit for a couple AND
 - c. Calculate the amount of resources in excess of the resource limit to determine the deemable amount
2. Total all deemable amounts to determine the amount to be deemed to the alien.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND

3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least half American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for

Legal Custody for P.L. 97-459 Amerasian

18.2.2 Total Countable Resources

The following are the steps to be undertaken when determining the total countable resources for Qualified Medicare Beneficiaries:

The resource unit will consist of one of the following:

1. Eligible Individual with no spouse
2. Eligible child
3. Eligible individual and ineligible spouse
4. Eligible couple

Eligible Individual with no spouse

1. Calculate individual's countable resources AND
2. If the individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the alien AND

Eligible Child

1. Calculate eligible child's countable resources AND
2. If the eligible child is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the eligible child's total countable resources AND
3. If parent(s) are living with the eligible child, carry out parent to child deeming and add total deemed resources from the parent(s), if any, to the individual's total countable resources to determine the total countable resources for the eligible child

Eligible individual and ineligible spouse

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Carry out spouse to spouse deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the individual

Eligible couple

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Total eligible spouse's countable resources AND
4. If the eligible spouse is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the spouse's total countable resources to determine the total countable resources for the alien spouse AND
5. Combine the countable resources for the eligible individual and the eligible spouse

18.3 Income Calculations

In order to be eligible for Medical Assistance and Qualified Medicare Beneficiaries program, the total income must be less than or equal to 100% of federal poverty level.

18.3.1 Deeming Income

Carry out the following steps in the deeming process

1. Deeming Exceptions AND
2. Sponsor to Alien Deeming OR
3. Spouse to Spouse Deeming OR
4. Parent to Child Deeming

Deeming Exceptions

Deeming Exceptions - Individuals

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

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The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by an ineligible spouse or parent is not deemed to the Medical Assistance individual

Sponsor to Alien Deeming

1. The sponsor definition and sponsor deeming exception rules should be applied before proceeding to the deeming process
2. Carry out the following process if no Sponsorship Deeming exceptions apply:
 - For each sponsor, determine the amount of money to be deemed to the alien:
 - Combine the total gross countable earned and unearned income of the alien sponsor and spouse, if any, living in the home with the sponsor AND
 - Exclude from the total income the maximum allocation for a sponsor AND
 - If the sponsor has a spouse and if the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is not a sponsor and the spouse is not receiving payments from any of the following exclude from the total income the allocation for a spouse:
 - TANF
 - Veteran's Administration Pension
 - Veteran's Administration Compensation paid to the parent of a child

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- Refugee Act of 1980
- Disaster Relief and Emergency Assistance Act Payments
- SSI
- General assistance programs of the Bureau of Indian Affairs
AND

Exclude from the total income an allocation for each child living in their household AND

- The remaining amount, if any, is the deemable income

Spouse to Spouse Deeming

1. Exclude from the ineligible spouse's unearned income any ineligible child deductions they are entitled to AND
2. If the ineligible spouse does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible spouse's earned income AND
3. Compare the ineligible spouse's remaining income (i.e. total earned and unearned) to the living allowance for a spouse

Remaining Income greater than Living Allowance

1. If the remaining income (i.e. total earned and unearned) is greater than the living allowance, deeming is applicable AND
2. Deem the remaining unearned income to the eligible spouse as unearned income AND
3. Deem the remaining earned income to the eligible spouse as earned income

Remaining Income equal to or less than Living Allowance

If the remaining income (i.e. total earned and unearned) is equal to or less than the living allowance, no income is deemed

Parent to Child Deeming

1. Combine the ineligible parent(s) countable unearned income AND
2. Combine the ineligible parent(s) countable earned income AND
3. Exclude from the ineligible parent(s) unearned income any ineligible child deductions they are entitled to AND

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4. If the ineligible parent(s) does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible parent(s) earned income AND
5. Apply unearned income deductions to the combined unearned income of the parent(s) AND
6. Apply earned income deductions to the combined earned income of the parent(s) AND
7. Total the net unearned and the net earned of the parent(s) income to determine the parent(s) total net income
8. Exclude from the ineligible parent(s) total net income the maximum allocation for a parent(s) AND
9. The remaining amount, if any, is the deemable income to the child

Ineligible Child Deductions

Additional deductions are applied to the deemed income amount when there are other children the household. This deduction is calculated as follows:

1. Subtract an allocation for each non-disabled child in the home if the following criteria are met:
 - a. The child is under age 18, or if age 18 to 19 is a full-time student AND
 - b. The child is living in the home AND
 - c. The child is not receiving payments from the following:
 - TANF AND
 - Veteran's Administration Pension AND
 - Veteran's Administration Compensation paid to the parent of a child AND
 - Refugee Act of 1980 AND
 - Disaster Relief and Emergency Assistance Act Payments AND
 - SSI AND
 - General assistance programs of the Bureau of Indian Affairs
2. Ineligible Child Allocation is calculated as follows:
 - a. Determine child's countable income
 - b. Subtract the child's countable income from the maximum allocation amount

- c. The remainder is the amount to be allocated for the child

18.3.2 Income Deductions

Deductions are applied for as long as there is available income. If there is no available income from which a deduction can be made all income is excluded.

Unearned Income Deductions

If dealing with an eligible couple whose income is combined, combine the unearned income before applying the Unearned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents unearned income before applying the Unearned Income Deductions.

Unearned Income Deductions are as follows:

\$20 General Income Disregard

The \$20 General Income Disregard is applied unless the type of Unearned Income is one where an exception applies:

1. Deduct a \$20 General Income Disregard from unearned income for the individual where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group OR
2. Deduct \$20 from the combined unearned income for a married couple where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group

Do not deduct \$20 General Disregard from the following types of Unearned Income:

1. Tribal General Assistance payments made by BIA
2. Income from payments resulting from the Refugee Act of 1980
3. Veteran's Administration Pension
4. Veteran's Administration Compensation paid to the parent of a child

Earned Income Deductions

If dealing with an eligible couple whose income is combined, combine the earned income before applying the Earned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents earned income before applying the Earned Income Deductions.

Earned Income Deductions are as follows:

\$20 General Income Disregard

Deduct the balance of the \$20 general income disregard remaining, if any, after allowing this deduction from unearned income

Loss from a Self-Employment Business

1. Individual is self-employed AND
2. Individual's business is losing money AND
3. Determine the amount of the loss from the self-employment business AND
4. Only deduct the current loss (i.e. loss from the last 12 months) from earned income

\$65 deduction

Deduct \$65 from the remaining earned income

Impairment-Related Work Expenses (IRWE)

1. Deduct monthly expenses the client pays for services and items related to the individual's disability when those expenses are necessary for the individual to work AND
2. These expenses are not covered by Medical Assistance or any third party

Examples of these work expenses:

1. Transportation for a disabled client who cannot use public transportation because of his impairment
2. Medications not covered by Medical Assistance or any third party
3. Wheelchairs
4. Respirators
5. Braces
6. Typing Aids
7. Telecommunications Devices for the Deaf
8. Dog Guide
9. Special visual aid equipment

1/2 deduction

Deduct one half of the earned income that remains

18.3.3 Total Countable Income

The income unit will consist of one of the following groups:

1. Eligible Individual with no spouse
2. Eligible Child
3. Eligible Couple
4. Eligible Individual with Ineligible spouse

These are the steps to follow when determining the total net countable income for Qualified Medicare Beneficiaries program:

Eligible Individual with no spouse

Individual Not Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Total the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is not a sponsored alien, this is the end of the income steps. Use total net countable income determined above

Individual Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income

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4. Total the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is a sponsored alien, determine if they are eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income, use amount determined in Step 2 and proceed
9. Carry out the steps outlined in Sponsor's Deemed Income
10. Apply unearned income deductions to the alien's countable unearned income to determine the net unearned income
11. Using the gross earned income (determined in step 4), apply earned income deductions to determine the net earned income
12. Add the net countable unearned income (determined in Step 10) and the net countable earned income (determined in Step 11) to determine the total net countable income for the eligible alien

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Eligible Child

1. Determine value of the child's In-kind Support and Maintenance
2. Calculate the child's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the child is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the parent(s) countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
5. Calculate the parent(s) countable gross earned income from all sources (including self employment income)
6. Carry out the parent to child deeming process
7. Add the total deemable income, if any, of the parent(s) to the eligible child's countable gross unearned income
8. Apply unearned income deductions to the child's countable gross unearned income to determine the countable net unearned income

9. Calculate the child's countable gross earned income from all sources (including Self Employment income)
10. Apply earned income deductions to the child's countable gross earned income to determine the net earned income
11. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible child

Eligible Couple

1. Determine value of the couple's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the spouse's countable gross unearned income from all sources
5. If the spouse is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
6. Combine the countable gross unearned income of the couple
7. Apply unearned income deductions to the couple's income to determine the countable net unearned income
8. Calculate the individual's countable gross earned income from all sources (including self employment income)
9. Calculate the spouse's countable gross earned income from all sources
10. Combine the countable gross earned income of the couple
11. Apply earned income deductions to the couples income to determine the net earned income
12. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible couple

Eligible Individual with Ineligible spouse

1. Determine value of the individual's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)

3. Apply unearned income deductions to determine the net unearned income
4. Calculate the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. Add the countable net unearned income and the countable net earned income to determine the total net countable income
7. Determine if the individual is eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income and if the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
9. Total the ineligible spouse's countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
10. Calculate the ineligible spouse's countable gross earned income from all sources
11. Carry out the spouse to spouse deeming process
12. Add the total deemable unearned income, if any, of the ineligible spouse to the eligible spouse's unearned income
13. Apply unearned income deductions to the individual's unearned to determine the net unearned income
14. Add the total deemable earned income, if any, of the ineligible spouse to the eligible spouse's countable earned income
15. Apply earned income deductions to the individual's earned to determine the net countable earned income
16. Add the net countable unearned income and the net countable earned income to determine the total net countable income for the eligible individual with ineligible spouse

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Sponsor's Deemed Income

An eligible alien's income will consist of deemed income from a sponsor in addition to their own income. Follow these steps to determine how much should be deemed to the alien from a sponsor:

1. Determine value of the sponsor's and spouse's, if any, In-kind Support and Maintenance

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2. Total the sponsor's and spouse's, if any, countable gross unearned income from all other sources add the value of any In-kind Support and Maintenance (determined above)
3. Total the sponsor's and spouse's, if any, countable gross earned income from all sources (including self employment income)
4. Carry out the deeming process for Sponsor to Alien deeming
5. Add the total deemable income, if any, of the sponsor(s) to the eligible alien's unearned income

The above steps are repeated for each of the alien's sponsors.

Chapter 19

Specified Low-Income Medicare Beneficiaries Medical Assistance

19.1 Introduction

The Specified Low-Income Medicare Beneficiaries (SLMB) program is for people who receive Part A Medicare and whose income exceeds the QMB level but is equal to or less than 120% of poverty.

19.2 Non Financial Requirements

Non financial requirements includes the rules for Citizenship, Residency and Social Security Numbers. See Non Financial Requirements in the Common Rules chapter.

19.3 Qualifying Conditions

To receive SLMB medical assistance the following conditions must be met:

- Individual is receiving Medicare Part A benefits AND
- Individual must satisfy the Resource Test AND
- Individual must satisfy the Income Test

19.3.1 Income/Resource Unit

The income and resource unit will consist of one of the following:

- Eligible Individual With No Spouse
- Eligible Child

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- Eligible Couple
- Eligible Individual With Ineligible Spouse

Eligible Individual With No Spouse

- The Medicare Part A recipient AND
- If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

Exception: SSI recipients are not included.

Eligible Child

- The child who is a Medicare Part A recipient AND
- The parent(s) if the child is living with parent(s) AND
- If the child is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND

Exception: SSI recipients are not included.

Eligible Couple

- The Medicare Part A recipient AND
- If the Medicare Part A recipient is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
- The spouse who is living in the home and is a Medicare Part A recipient AND
- If the spouse is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

Exception: SSI recipients are not included.

Eligible Individual With Ineligible Spouse

- The Medicare Part A recipient AND
- If the Medicare Part A recipient is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
- A spouse living in the home who is not a Medicare Part A recipient

Exception: SSI recipients are not included.

19.3.2 Household Size

Resource Household Size for SLMB

The household size consists of the same individuals as listed in the Income/Resource Unit for QMB sub rule group above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include a parent(s) living in the home in the household size OR
- Do not include SSI recipients in the household size

Income Household Size for SLMB

The household size consists of the same individuals as listed in the Income/Resource Unit for QMB sub rule group above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include parent(s) living in the home in the household size OR
- Do not include the ineligible spouse in the household size when there is no deemable income OR
- Do not include SSI recipients in the household size

19.4 Resource Rules

- Resources must not exceed \$4000 for individual OR
- Resources must not exceed \$6000 for a couple

19.4.1 Countable Liquid Resources

See Countable Liquid Resources - ADB Type Programs in the Common Rules chapter.

19.4.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - ABD Type Programs in the Common Rules chapter.

19.4.3 Excluded Resources

See Excluded Resources - ABD Type Programs in the Common Rules chapter.

19.5 Income Rules

Income must be greater than 100% and less than or equal to 120% of federal poverty level

19.5.1 Unearned Income

See Unearned Income - ABD Type Programs in the Common Rules chapter.

19.5.2 Earned Income

See Earned Income - ABD Type Programs in the Common Rules chapter.

19.5.3 Self Employment Income

See Self Employment Income - ABD Type Programs in the Common Rules chapter.

19.5.4 In-Kind Support and Maintenance (ISM)

See In-Kind Support and Maintenance (ISM) - ABD Type Programs in the Common Rules chapter.

Chapter 20

Specified Low-Income Medicare Beneficiaries Medical Assistance Calculations

20.1 Introduction

This chapter summarizes the calculations for Specified Low-Income Medicare Beneficiaries Medical Assistance.

20.2 Resource Calculations

The following are the steps to be undertaken when determining the total countable resources for the Specified Low-Income Medicare Beneficiaries Medical Assistance Program:

Resources must not exceed \$4000 for individual OR \$6000 for a couple.

20.2.1 Resource Deeming

The individuals whose income shall be deemed is determined as part of the Specified Low-Income Medicare Beneficiaries household determination rules. The following is a list of the deeming support in the Specified Low-Income Medicare Beneficiaries program:

1. Spouse to Spouse Deeming
2. Parent to Child Deeming
3. Sponsor to Alien Deeming

Deeming Exceptions

Resources from the following individuals are not deemed for Medicare Cost Sharing programs:

- Resources of the Supplemental Security Income (SSI) recipient

The following resources cannot be deemed during Medicare Cost Sharing Program resource deeming:

1. A pension fund is not counted as a resource in the deeming process if it is owned by:
 - An ineligible spouse OR
 - An ineligible parent
2. This exclusion applies to pension funds administered by an employers or union OR
 - Pension funds administered by an employers or union OR
 - Individual Retirement Accounts (IRA) OR
 - Keogh accounts

Spouse to Spouse Deeming

1. Calculate the total countable resources for the ineligible spouse AND
2. Deem the amount obtained to the eligible individual

Parent to Child Deeming

- Calculate the total countable resources for the parent(s) AND
 - If only one parent is living in the household with the child, deem the parent's resources as follows:
 1. Subtract the individual resource limit appropriate from the parent's countable resources AND
 2. Determine the amount in excess of the Individual resource limit AND
 3. Determine the number of potential blind/disabled children in the household AND
 4. Divide the value of the resources among all blind/disabled children equally to the determine the amount to be deemed to the eligible child
 - If two parents are living in the household with the child, deem the parents resources as follows:
 1. Subtract the couple resource limit appropriate from the combined countable resources of both parents AND

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2. Determine the amount in excess of the Couple resource limit AND
3. Determine the number of potential blind/disabled children in the household AND
4. Divide the value of the resources among all blind/disabled children equally to determine the amount to be deemed to the eligible child

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied before executing the deeming resources process (See 2.1.4.1)

Carry out the following process if no Sponsorship Deeming exceptions apply:

1. For each sponsor, determine the resources to be deemed to the Alien as follows:
 - If the sponsor does not have a spouse living in the home:
 - a. Calculate countable resources for the sponsor AND
 - b. Compare the total countable resources to the resource limit for an individual AND
 - c. Calculate the amount of resources in excess of the resource limit AND
 - If the sponsor has a spouse living in the home:
 - a. Calculate countable resources for the sponsor and his/her spouse AND
 - b. Combine their countable resources and compare to the resource limit for a couple AND
 - c. Calculate the amount of resources in excess of the resource limit to determine the deemable amount
2. Total all deemable amounts to determine the amount to be deemed to the alien.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND

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3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least half American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for

Legal Custody for P.L. 97-459 Amerasian

20.2.2 Total Countable Resources

The following are the steps to be undertaken when determining the total countable resources for Specified Low-Income Medicare Beneficiaries:

The resource unit will consist of one of the following:

1. Eligible Individual with no spouse
2. Eligible child
3. Eligible individual and ineligible spouse
4. Eligible couple

Eligible Individual with no spouse

1. Calculate individual's countable resources AND
2. If the individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the alien AND

Eligible Child

1. Calculate eligible child's countable resources AND
2. If the eligible child is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the eligible child's total countable resources AND
3. If parent(s) are living with the eligible child, carry out parent to child deeming and add total deemed resources from the parent(s), if any, to the individual's total countable resources to determine the total countable resources for the eligible child

Eligible individual and ineligible spouse

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Carry out spouse to spouse deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the individual

Eligible couple

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Total eligible spouse's countable resources AND
4. If the eligible spouse is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the spouse's total countable resources to determine the total countable resources for the alien spouse AND
5. Combine the countable resources for the eligible individual and the eligible spouse

20.3 Income Calculations

In order to be eligible for Medical Assistance under the Specified Low-Income Medicare Beneficiaries program, the total income must be greater than 100% and less than or equal to 120% of the federal poverty level.

20.3.1 Deeming Income

Carry out the following steps in the deeming process

1. Deeming Exceptions AND
2. Sponsor to Alien Deeming OR
3. Spouse to Spouse Deeming OR
4. Parent to Child Deeming

Deeming Exceptions

Deeming Exceptions - Individuals

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

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The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by an ineligible spouse or parent is not deemed to the Medical Assistance individual

Sponsor to Alien Deeming

1. The sponsor definition and sponsor deeming exception rules should be applied before proceeding to the deeming process
2. Carry out the following process if no Sponsorship Deeming exceptions apply:
 - For each sponsor, determine the amount of money to be deemed to the alien:
 - Combine the total gross countable earned and unearned income of the alien sponsor and spouse, if any, living in the home with the sponsor AND
 - Exclude from the total income the maximum allocation for a sponsor AND
 - If the sponsor has a spouse and if the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is not a sponsor and the spouse is not receiving payments from any of the following exclude from the total income the allocation for a spouse:
 - TANF
 - Veteran's Administration Pension
 - Veteran's Administration Compensation paid to the parent of a child

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- Refugee Act of 1980
- Disaster Relief and Emergency Assistance Act Payments
- SSI
- General assistance programs of the Bureau of Indian Affairs
AND

Exclude from the total income an allocation for each child living in their household AND

- The remaining amount, if any, is the deemable income

Spouse to Spouse Deeming

1. Exclude from the ineligible spouse's unearned income any ineligible child deductions they are entitled to AND
2. If the ineligible spouse does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible spouse's earned income AND
3. Compare the ineligible spouse's remaining income (i.e. total earned and unearned) to the living allowance for a spouse

Remaining Income greater than Living Allowance

1. If the remaining income (i.e. total earned and unearned) is greater than the living allowance, deeming is applicable AND
2. Deem the remaining unearned income to the eligible spouse as unearned income AND
3. Deem the remaining earned income to the eligible spouse as earned income

Remaining Income equal to or less than Living Allowance

If the remaining income (i.e. total earned and unearned) is equal to or less than the living allowance, no income is deemed

Parent to Child Deeming

1. Combine the ineligible parent(s) countable unearned income AND
2. Combine the ineligible parent(s) countable earned income AND
3. Exclude from the ineligible parent(s) unearned income any ineligible child deductions they are entitled to AND

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4. If the ineligible parent(s) does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible parent(s) earned income AND
5. Apply unearned income deductions to the combined unearned income of the parent(s) AND
6. Apply earned income deductions to the combined earned income of the parent(s) AND
7. Total the net unearned and the net earned of the parent(s) income to determine the parent(s) total net income
8. Exclude from the ineligible parent(s) total net income the maximum allocation for a parent(s) AND
9. The remaining amount, if any, is the deemable income to the child

Ineligible Child Deductions

Additional deductions are applied to the deemed income amount when there are other children the household. This deduction is calculated as follows:

1. Subtract an allocation for each non-disabled child in the home if the following criteria are met:
 - a. The child is under age 18, or if age 18 to 19 is a full-time student AND
 - b. The child is living in the home AND
 - c. The child is not receiving payments from the following:
 - TANF AND
 - Veteran's Administration Pension AND
 - Veteran's Administration Compensation paid to the parent of a child AND
 - Refugee Act of 1980 AND
 - Disaster Relief and Emergency Assistance Act Payments AND
 - SSI AND
 - General assistance programs of the Bureau of Indian Affairs
2. Ineligible Child Allocation is calculated as follows:
 - a. Determine child's countable income
 - b. Subtract the child's countable income from the maximum allocation amount

- c. The remainder is the amount to be allocated for the child

20.3.2 Income Deductions

Deductions are applied for as long as there is available income. If there is no available income from which a deduction can be made all income is excluded.

Unearned Income Deductions

If dealing with an eligible couple whose income is combined, combine the unearned income before applying the Unearned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents unearned income before applying the Unearned Income Deductions.

Unearned Income Deductions are as follows:

\$20 General Income Disregard

The \$20 General Income Disregard is applied unless the type of Unearned Income is one where an exception applies:

1. Deduct a \$20 General Income Disregard from unearned income for the individual where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group OR
2. Deduct \$20 from the combined unearned income for a married couple where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group

Do not deduct \$20 General Disregard from the following types of Unearned Income:

1. Tribal General Assistance payments made by BIA
2. Income from payments resulting from the Refugee Act of 1980
3. Veteran's Administration Pension
4. Veteran's Administration Compensation paid to the parent of a child

Earned Income Deductions

If dealing with an eligible couple whose income is combined, combine the earned income before applying the Earned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents earned income before applying the Earned Income Deductions.

Earned Income Deductions are as follows:

\$20 General Income Disregard

Deduct the balance of the \$20 general income disregard remaining, if any, after allowing this deduction from unearned income

Loss from a Self-Employment Business

1. Individual is self-employed AND
2. Individual's business is losing money AND
3. Determine the amount of the loss from the self-employment business AND
4. Only deduct the current loss (i.e. loss from the last 12 months) from earned income

\$65 deduction

Deduct \$65 from the remaining earned income

Impairment-Related Work Expenses (IRWE)

1. Deduct monthly expenses the client pays for services and items related to the individual's disability when those expenses are necessary for the individual to work AND
2. These expenses are not covered by Medical Assistance or any third party

Examples of these work expenses:

1. Transportation for a disabled client who cannot use public transportation because of his impairment
2. Medications not covered by Medical Assistance or any third party
3. Wheelchairs
4. Respirators
5. Braces
6. Typing Aids
7. Telecommunications Devices for the Deaf
8. Dog Guide
9. Special visual aid equipment

1/2 deduction

Deduct one half of the earned income that remains

20.3.3 Total Countable Income

The income unit will consist of one of the following groups:

1. Eligible Individual with no spouse
2. Eligible Child
3. Eligible Couple
4. Eligible Individual with Ineligible spouse

These are the steps to follow when determining the total net countable income for Specified Low-Income Medicare Beneficiaries program:

Eligible Individual with no spouse

Individual Not Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Total the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is not a sponsored alien, this is the end of the income steps. Use total net countable income determined above

Individual Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income

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4. Total the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is a sponsored alien, determine if they are eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income, use amount determined in Step 2 and proceed
9. Carry out the steps outlined in Sponsor's Deemed Income
10. Apply unearned income deductions to the alien's countable unearned income to determine the net unearned income
11. Using the gross earned income (determined in step 4), apply earned income deductions to determine the net earned income
12. Add the net countable unearned income (determined in Step 10) and the net countable earned income (determined in Step 11) to determine the total net countable income for the eligible alien

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Eligible Child

1. Determine value of the child's In-kind Support and Maintenance
2. Calculate the child's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the child is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the parent(s) countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
5. Calculate the parent(s) countable gross earned income from all sources (including self employment income)
6. Carry out the parent to child deeming process
7. Add the total deemable income, if any, of the parent(s) to the eligible child's countable gross unearned income
8. Apply unearned income deductions to the child's countable gross unearned income to determine the countable net unearned income

9. Calculate the child's countable gross earned income from all sources (including Self Employment income)
10. Apply earned income deductions to the child's countable gross earned income to determine the net earned income
11. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible child

Eligible Couple

1. Determine value of the couple's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the spouse's countable gross unearned income from all sources
5. If the spouse is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
6. Combine the countable gross unearned income of the couple
7. Apply unearned income deductions to the couple's income to determine the countable net unearned income
8. Calculate the individual's countable gross earned income from all sources (including self employment income)
9. Calculate the spouse's countable gross earned income from all sources
10. Combine the countable gross earned income of the couple
11. Apply earned income deductions to the couples income to determine the net earned income
12. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible couple

Eligible Individual with Ineligible spouse

1. Determine value of the individual's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)

3. Apply unearned income deductions to determine the net unearned income
4. Calculate the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. Add the countable net unearned income and the countable net earned income to determine the total net countable income
7. Determine if the individual is eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income and if the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
9. Total the ineligible spouse's countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
10. Calculate the ineligible spouse's countable gross earned income from all sources
11. Carry out the spouse to spouse deeming process
12. Add the total deemable unearned income, if any, of the ineligible spouse to the eligible spouse's unearned income
13. Apply unearned income deductions to the individual's unearned to determine the net unearned income
14. Add the total deemable earned income, if any, of the ineligible spouse to the eligible spouse's countable earned income
15. Apply earned income deductions to the individual's earned to determine the net countable earned income
16. Add the net countable unearned income and the net countable earned income to determine the total net countable income for the eligible individual with ineligible spouse

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Sponsor's Deemed Income

An eligible alien's income will consist of deemed income from a sponsor in addition to their own income. Follow these steps to determine how much should be deemed to the alien from a sponsor:

1. Determine value of the sponsor's and spouse's, if any, In-kind Support and Maintenance

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2. Total the sponsor's and spouse's, if any, countable gross unearned income from all other sources add the value of any In-kind Support and Maintenance (determined above)
3. Total the sponsor's and spouse's, if any, countable gross earned income from all sources (including self employment income)
4. Carry out the deeming process for Sponsor to Alien deeming
5. Add the total deemable income, if any, of the sponsor(s) to the eligible alien's unearned income

The above steps are repeated for each of the alien's sponsors.

Chapter 21

Qualified Individual Medical Assistance

21.1 Introduction

The Qualified Individual Medicare Beneficiaries (QI-1) program is for people who receive Part A Medicare and whose income exceeds the SLMB level but is equal to or less than 135% of poverty.

21.2 Non Financial Requirements

Non financial requirements includes the rules for Citizenship, Residency and Social Security Numbers. See Non Financial Requirements in the Common Rules chapter.

21.3 Qualifying Conditions

To receive QI-1 medical assistance the following conditions must be met:

- Individual is receiving Medicare Part A benefits AND
- Individual must satisfy the Resource Test AND
- Individual must satisfy the Income Test

21.3.1 Income/Resource Unit

The income and resource unit will consist of one of the following:

- Eligible Individual With No Spouse
- Eligible Child
- Eligible Couple

- Eligible Individual With Ineligible Spouse

Eligible Individual With No Spouse

- The Medicare Part A recipient AND
- If the Medicare Part A recipient is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

Exception: SSI recipients are not included.

Eligible Child

- The child who is a Medicare Part A recipient AND
- The parent(s) if the child is living with parent(s) AND
- If the child is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND

Exception: SSI recipients are not included.

Eligible Couple

- The Medicare Part A recipient AND
- If the Medicare Part A recipient is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
- The spouse who is living in the home and is a Medicare Part A recipient AND
- If the spouse is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

Exception: SSI recipients are not included.

Eligible Individual With Ineligible Spouse

- The Medicare Part A recipient AND
- If the Medicare Part A recipient is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
- A spouse living in the home who is not a Medicare Part A recipient

Exception: SSI recipients are not included.

21.3.2 Household Size

Resource Household Size for QI-1

The household size consists of the same individuals as listed in the Income/Resource Unit for QMB sub rule group above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include a parent(s) living in the home in the household size OR
- Do not include SSI recipients in the household size

Income Household Size for QI-1

The household size consists of the same individuals as listed in the Income/Resource Unit for QMB sub rule group above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include parent(s) living in the home in the household size OR
- Do not include the ineligible spouse in the household size when there is no deable income OR
- Do not include SSI recipients in the household size

21.4 Resource Rules

- Resources must not exceed \$4000 for individual OR
- Resources must not exceed \$6000 for a couple

21.4.1 Countable Liquid Resources

See Countable Liquid Resources - ADB Type Programs in the Common Rules chapter.

21.4.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - ABD Type Programs in the Common Rules chapter.

21.4.3 Excluded Resources

See Excluded Resources - ABD Type Programs in the Common Rules chapter.

21.5 Income Rules

Income must be greater than 120% and less than or equal to 135% of federal poverty level

21.5.1 Unearned Income

See Unearned Income - ABD Type Programs in the Common Rules chapter.

21.5.2 Earned Income

See Earned Income - ABD Type Programs in the Common Rules chapter.

21.5.3 Self Employment Income

See Self Employment Income - ABD Type Programs in the Common Rules chapter.

21.5.4 In-Kind Support and Maintenance (ISM)

See In-Kind Support and Maintenance (ISM) - ABD Type Programs in the Common Rules chapter.

Chapter 22

Qualified Individual Medical Assistance Calculations

22.1 Introduction

This chapter summarizes the calculations for Qualified Individual Medical Assistance.

22.2 Resource Calculations

The following are the steps to be undertaken when determining the total countable resources for the Qualified Individual Medical Assistance Program:

Resources must not exceed \$4000 for individual OR \$6000 for a couple.

22.2.1 Resource Deeming

The individuals whose income shall be deemed is determined as part of the Qualified Individual household determination rules. The following is a list of the deeming support in the Qualified Individual program:

1. Spouse to Spouse Deeming
2. Parent to Child Deeming
3. Sponsor to Alien Deeming

Deeming Exceptions

Resources from the following individuals are not deemed for Medicare Cost Sharing programs:

- Resources of the Supplemental Security Income (SSI) recipient

The following resources cannot be deemed during Medicare Cost Sharing Program resource deeming:

1. A pension fund is not counted as a resource in the deeming process if it is owned by:
 - An ineligible spouse OR
 - An ineligible parent
2. This exclusion applies to pension funds administered by an employers or union OR
 - Pension funds administered by an employers or union OR
 - Individual Retirement Accounts (IRA) OR
 - Keogh accounts

Spouse to Spouse Deeming

1. Calculate the total countable resources for the ineligible spouse AND
2. Deem the amount obtained to the eligible individual

Parent to Child Deeming

- Calculate the total countable resources for the parent(s) AND
 - If only one parent is living in the household with the child, deem the parent's resources as follows:
 1. Subtract the individual resource limit appropriate from the parent's countable resources AND
 2. Determine the amount in excess of the Individual resource limit AND
 3. Determine the number of potential blind/disabled children in the household AND
 4. Divide the value of the resources among all blind/disabled children equally to the determine the amount to be deemed to the eligible child
 - If two parents are living in the household with the child, deem the parents resources as follows:
 1. Subtract the couple resource limit appropriate from the combined countable resources of both parents AND

2. Determine the amount in excess of the Couple resource limit AND
3. Determine the number of potential blind/disabled children in the household AND
4. Divide the value of the resources among all blind/disabled children equally to determine the amount to be deemed to the eligible child

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied before executing the deeming resources process (See 2.1.4.1)

Carry out the following process if no Sponsorship Deeming exceptions apply:

1. For each sponsor, determine the resources to be deemed to the Alien as follows:
 - If the sponsor does not have a spouse living in the home:
 - a. Calculate countable resources for the sponsor AND
 - b. Compare the total countable resources to the resource limit for an individual AND
 - c. Calculate the amount of resources in excess of the resource limit AND
 - If the sponsor has a spouse living in the home:
 - a. Calculate countable resources for the sponsor and his/her spouse AND
 - b. Combine their countable resources and compare to the resource limit for a couple AND
 - c. Calculate the amount of resources in excess of the resource limit to determine the deemable amount
2. Total all deemable amounts to determine the amount to be deemed to the alien.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND

3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least half American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for

Legal Custody for P.L. 97-459 Amerasian

22.2.2 Total Countable Resources

The following are the steps to be undertaken when determining the total countable resources for Qualified Individuals:

The resource unit will consist of one of the following:

1. Eligible Individual with no spouse
2. Eligible child
3. Eligible individual and ineligible spouse
4. Eligible couple

Eligible Individual with no spouse

1. Calculate individual's countable resources AND
2. If the individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the alien AND

Eligible Child

1. Calculate eligible child's countable resources AND
2. If the eligible child is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the eligible child's total countable resources AND
3. If parent(s) are living with the eligible child, carry out parent to child deeming and add total deemed resources from the parent(s), if any, to the individual's total countable resources to determine the total countable resources for the eligible child

Eligible individual and ineligible spouse

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Carry out spouse to spouse deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the individual

Eligible couple

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Total eligible spouse's countable resources AND
4. If the eligible spouse is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the spouse's total countable resources to determine the total countable resources for the alien spouse AND
5. Combine the countable resources for the eligible individual and the eligible spouse

22.3 Income Calculations

In order to be eligible for Medical Assistance and Qualified Individual program, the total income must be greater than 120% and less than or equal to 135% of the federal poverty level.

22.3.1 Deeming Income

Carry out the following steps in the deeming process

1. Deeming Exceptions AND
2. Sponsor to Alien Deeming OR
3. Spouse to Spouse Deeming OR
4. Parent to Child Deeming

Deeming Exceptions

Deeming Exceptions - Individuals

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

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The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by an ineligible spouse or parent is not deemed to the Medical Assistance individual

Sponsor to Alien Deeming

1. The sponsor definition and sponsor deeming exception rules should be applied before proceeding to the deeming process
2. Carry out the following process if no Sponsorship Deeming exceptions apply:
 - For each sponsor, determine the amount of money to be deemed to the alien:
 - Combine the total gross countable earned and unearned income of the alien sponsor and spouse, if any, living in the home with the sponsor AND
 - Exclude from the total income the maximum allocation for a sponsor AND
 - If the sponsor has a spouse and if the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is not a sponsor and the spouse is not receiving payments from any of the following exclude from the total income the allocation for a spouse:
 - TANF
 - Veteran's Administration Pension
 - Veteran's Administration Compensation paid to the parent of a child

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- Refugee Act of 1980
- Disaster Relief and Emergency Assistance Act Payments
- SSI
- General assistance programs of the Bureau of Indian Affairs
AND

Exclude from the total income an allocation for each child living in their household AND

- The remaining amount, if any, is the deemable income

Spouse to Spouse Deeming

1. Exclude from the ineligible spouse's unearned income any ineligible child deductions they are entitled to AND
2. If the ineligible spouse does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible spouse's earned income AND
3. Compare the ineligible spouse's remaining income (i.e. total earned and unearned) to the living allowance for a spouse

Remaining Income greater than Living Allowance

1. If the remaining income (i.e. total earned and unearned) is greater than the living allowance, deeming is applicable AND
2. Deem the remaining unearned income to the eligible spouse as unearned income AND
3. Deem the remaining earned income to the eligible spouse as earned income

Remaining Income equal to or less than Living Allowance

If the remaining income (i.e. total earned and unearned) is equal to or less than the living allowance, no income is deemed

Parent to Child Deeming

1. Combine the ineligible parent(s) countable unearned income AND
2. Combine the ineligible parent(s) countable earned income AND
3. Exclude from the ineligible parent(s) unearned income any ineligible child deductions they are entitled to AND

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4. If the ineligible parent(s) does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible parent(s) earned income AND
5. Apply unearned income deductions to the combined unearned income of the parent(s) AND
6. Apply earned income deductions to the combined earned income of the parent(s) AND
7. Total the net unearned and the net earned of the parent(s) income to determine the parent(s) total net income
8. Exclude from the ineligible parent(s) total net income the maximum allocation for a parent(s) AND
9. The remaining amount, if any, is the deemable income to the child

Ineligible Child Deductions

Additional deductions are applied to the deemed income amount when there are other children the household. This deduction is calculated as follows:

1. Subtract an allocation for each non-disabled child in the home if the following criteria are met:
 - a. The child is under age 18, or if age 18 to 19 is a full-time student AND
 - b. The child is living in the home AND
 - c. The child is not receiving payments from the following:
 - TANF AND
 - Veteran's Administration Pension AND
 - Veteran's Administration Compensation paid to the parent of a child AND
 - Refugee Act of 1980 AND
 - Disaster Relief and Emergency Assistance Act Payments AND
 - SSI AND
 - General assistance programs of the Bureau of Indian Affairs
2. Ineligible Child Allocation is calculated as follows:
 - a. Determine child's countable income
 - b. Subtract the child's countable income from the maximum allocation amount

- c. The remainder is the amount to be allocated for the child

22.3.2 Income Deductions

Deductions are applied for as long as there is available income. If there is no available income from which a deduction can be made all income is excluded.

Unearned Income Deductions

If dealing with an eligible couple whose income is combined, combine the unearned income before applying the Unearned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents unearned income before applying the Unearned Income Deductions.

Unearned Income Deductions are as follows:

\$20 General Income Disregard

The \$20 General Income Disregard is applied unless the type of Unearned Income is one where an exception applies:

1. Deduct a \$20 General Income Disregard from unearned income for the individual where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group OR
2. Deduct \$20 from the combined unearned income for a married couple where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group

Do not deduct \$20 General Disregard from the following types of Unearned Income:

1. Tribal General Assistance payments made by BIA
2. Income from payments resulting from the Refugee Act of 1980
3. Veteran's Administration Pension
4. Veteran's Administration Compensation paid to the parent of a child

Earned Income Deductions

If dealing with an eligible couple whose income is combined, combine the earned income before applying the Earned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents earned income before applying the Earned Income Deductions.

Earned Income Deductions are as follows:

\$20 General Income Disregard

Deduct the balance of the \$20 general income disregard remaining, if any, after allowing this deduction from unearned income

Loss from a Self-Employment Business

1. Individual is self-employed AND
2. Individual's business is losing money AND
3. Determine the amount of the loss from the self-employment business AND
4. Only deduct the current loss (i.e. loss from the last 12 months) from earned income

\$65 deduction

Deduct \$65 from the remaining earned income

Impairment-Related Work Expenses (IRWE)

1. Deduct monthly expenses the client pays for services and items related to the individual's disability when those expenses are necessary for the individual to work AND
2. These expenses are not covered by Medical Assistance or any third party

Examples of these work expenses:

1. Transportation for a disabled client who cannot use public transportation because of his impairment
2. Medications not covered by Medical Assistance or any third party
3. Wheelchairs
4. Respirators
5. Braces
6. Typing Aids
7. Telecommunications Devices for the Deaf
8. Dog Guide
9. Special visual aid equipment

1/2 deduction

Deduct one half of the earned income that remains

22.3.3 Total Countable Income

The income unit will consist of one of the following groups:

1. Eligible Individual with no spouse
2. Eligible Child
3. Eligible Couple
4. Eligible Individual with Ineligible spouse

These are the steps to follow when determining the total net countable income for Qualified Individual program:

Eligible Individual with no spouse

Individual Not Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Total the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is not a sponsored alien, this is the end of the income steps. Use total net countable income determined above

Individual Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income

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4. Total the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is a sponsored alien, determine if they are eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income, use amount determined in Step 2 and proceed
9. Carry out the steps outlined in Sponsor's Deemed Income
10. Apply unearned income deductions to the alien's countable unearned income to determine the net unearned income
11. Using the gross earned income (determined in step 4), apply earned income deductions to determine the net earned income
12. Add the net countable unearned income (determined in Step 10) and the net countable earned income (determined in Step 11) to determine the total net countable income for the eligible alien

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Eligible Child

1. Determine value of the child's In-kind Support and Maintenance
2. Calculate the child's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the child is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the parent(s) countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
5. Calculate the parent(s) countable gross earned income from all sources (including self employment income)
6. Carry out the parent to child deeming process
7. Add the total deemable income, if any, of the parent(s) to the eligible child's countable gross unearned income
8. Apply unearned income deductions to the child's countable gross unearned income to determine the countable net unearned income

9. Calculate the child's countable gross earned income from all sources (including Self Employment income)
10. Apply earned income deductions to the child's countable gross earned income to determine the net earned income
11. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible child

Eligible Couple

1. Determine value of the couple's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the spouse's countable gross unearned income from all sources
5. If the spouse is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
6. Combine the countable gross unearned income of the couple
7. Apply unearned income deductions to the couple's income to determine the countable net unearned income
8. Calculate the individual's countable gross earned income from all sources (including self employment income)
9. Calculate the spouse's countable gross earned income from all sources
10. Combine the countable gross earned income of the couple
11. Apply earned income deductions to the couples income to determine the net earned income
12. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible couple

Eligible Individual with Ineligible spouse

1. Determine value of the individual's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)

3. Apply unearned income deductions to determine the net unearned income
4. Calculate the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. Add the countable net unearned income and the countable net earned income to determine the total net countable income
7. Determine if the individual is eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income and if the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
9. Total the ineligible spouse's countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
10. Calculate the ineligible spouse's countable gross earned income from all sources
11. Carry out the spouse to spouse deeming process
12. Add the total deemable unearned income, if any, of the ineligible spouse to the eligible spouse's unearned income
13. Apply unearned income deductions to the individual's unearned to determine the net unearned income
14. Add the total deemable earned income, if any, of the ineligible spouse to the eligible spouse's countable earned income
15. Apply earned income deductions to the individual's earned to determine the net countable earned income
16. Add the net countable unearned income and the net countable earned income to determine the total net countable income for the eligible individual with ineligible spouse

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Sponsor's Deemed Income

An eligible alien's income will consist of deemed income from a sponsor in addition to their own income. Follow these steps to determine how much should be deemed to the alien from a sponsor:

1. Determine value of the sponsor's and spouse's, if any, In-kind Support and Maintenance

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2. Total the sponsor's and spouse's, if any, countable gross unearned income from all other sources add the value of any In-kind Support and Maintenance (determined above)
3. Total the sponsor's and spouse's, if any, countable gross earned income from all sources (including self employment income)
4. Carry out the deeming process for Sponsor to Alien deeming
5. Add the total deemable income, if any, of the sponsor(s) to the eligible alien's unearned income

The above steps are repeated for each of the alien's sponsors.

Chapter 23

Qualified Disabled Working Individuals Medical Assistance

23.1 Introduction

The Qualified Disabled Working Individual (QDWI) program is designed to help pay an individual's Medicare Part A monthly premium. If you are under age 65, disabled, and no longer entitled to free Medicare Hospital Insurance Part A solely because you successfully returned to work, you may be eligible for this program.

23.2 Non Financial Requirements

Non financial requirements include the rules for Citizenship, Residency and Social Security Numbers. See Non Financial Requirements in the Common Rules chapter.

23.3 Qualifying Conditions

To receive QDWI medical assistance the following conditions must be met:

- Individual is under 65 years of age AND
- Individual has lost entitlement to premium free Medicare Part A solely because his/her earnings exceeded the Substantial Gainful Activity (SGA) amount AND
- Individual continues to have the same disability AND
- Individual satisfies the Resource Test AND
- Individual satisfies the Income Test

23.3.1 Income/Resource Unit

The income and resource unit for Qualified Disabled Working Individuals will consist of one of the following:

- Eligible Individual With No Spouse
- Eligible Child
- Eligible Couple
- Eligible Individual With Ineligible Spouse

Eligible Individual With No Spouse

- The QDWI individual AND
- If the QDWI individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

Exception: SSI recipients are not included.

Eligible Child

- The child who is a QDWI Individual AND
- The parent(s) if the child is living with parent(s) AND
- If the child is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND

Exception: SSI recipients are not included.

Eligible Couple

- The QDWI individual AND
- If the QDWI individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
- The spouse who is living in the home and is also a potential QDWI individual AND
- If the spouse is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included

Exception: SSI recipients are not included.

Eligible Individual With Ineligible Spouse

- The QDWI individual AND
- If the QDWI individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
- A spouse living in the home who is not a QDWI individual

Exception: SSI recipients are not included.

23.3.2 Household Size

Resource Household Size for QI-1

The household size consists of the same individuals as listed in the Income/Resource Unit for QMB sub rule group above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include a parent(s) living in the home in the household size OR
- Do not include SSI recipients in the household size

Income Household Size for QI-1

The household size consists of the same individuals as listed in the Income/Resource Unit for QMB sub rule group above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include parent(s) living in the home in the household size OR
- Do not include the ineligible spouse in the household size when there is no deemable income OR
- Do not include SSI recipients in the household size

23.4 Resource Rules

- Resources must not exceed \$4000 for individual OR
- Resources must not exceed \$6000 for a couple

23.4.1 Countable Liquid Resources

See Countable Liquid Resources - ADB Type Programs in the Common

Rules chapter.

23.4.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - ABD Type Programs in the Common Rules chapter.

23.4.3 Excluded Resources

See Excluded Resources - ABD Type Programs in the Common Rules chapter.

23.5 Income Rules

Income must be greater than 135% and less than or equal to 200% of federal poverty level

23.5.1 Unearned Income

See Unearned Income - ABD Type Programs in the Common Rules chapter.

23.5.2 Earned Income

See Earned Income - ABD Type Programs in the Common Rules chapter.

23.5.3 Self Employment Income

See Self Employment Income - ABD Type Programs in the Common Rules chapter.

23.5.4 In-Kind Support and Maintenance (ISM) - ABD Type Programs

See In-Kind Support and Maintenance (ISM) - ABD Type Programs in the Common Rules chapter.

Chapter 24

Qualified Disabled Working Individuals Medical Assistance Calculations

24.1 Introduction

This chapter summarizes the calculations for Qualified Disabled Working Individuals Medical Assistance.

24.2 Resource Calculations

The following are the steps to be undertaken when determining the total countable resources for the Qualified Disabled Working Individuals Medical Assistance Program:

Resources must not exceed \$4000 for individual OR \$6000 for a couple.

24.2.1 Resource Deeming

The individuals whose income shall be deemed is determined as part of the Qualified Disabled Working Individuals household determination rules. The following is a list of the deeming support in the Qualified Disabled Working Individuals program:

1. Spouse to Spouse Deeming
2. Parent to Child Deeming
3. Sponsor to Alien Deeming

Deeming Exceptions

Resources from the following individuals are not deemed for Medicare Cost Sharing programs:

- Resources of the Supplemental Security Income (SSI) recipient

The following resources cannot be deemed during Medicare Cost Sharing Program resource deeming:

1. A pension fund is not counted as a resource in the deeming process if it is owned by:
 - An ineligible spouse OR
 - An ineligible parent
2. This exclusion applies to pension funds administered by an employers or union OR
 - Pension funds administered by an employers or union OR
 - Individual Retirement Accounts (IRA) OR
 - Keogh accounts

Spouse to Spouse Deeming

1. Calculate the total countable resources for the ineligible spouse AND
2. Deem the amount obtained to the eligible individual

Parent to Child Deeming

- Calculate the total countable resources for the parent(s) AND
 - If only one parent is living in the household with the child, deem the parent's resources as follows:
 1. Subtract the individual resource limit appropriate from the parent's countable resources AND
 2. Determine the amount in excess of the Individual resource limit AND
 3. Determine the number of potential blind/disabled children in the household AND
 4. Divide the value of the resources among all blind/disabled children equally to the determine the amount to be deemed to the eligible child
 - If two parents are living in the household with the child, deem the parents resources as follows:
 1. Subtract the couple resource limit appropriate from the combined countable resources of both parents AND

2. Determine the amount in excess of the Couple resource limit AND
3. Determine the number of potential blind/disabled children in the household AND
4. Divide the value of the resources among all blind/disabled children equally to determine the amount to be deemed to the eligible child

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied before executing the deeming resources process (See 2.1.4.1)

Carry out the following process if no Sponsorship Deeming exceptions apply:

1. For each sponsor, determine the resources to be deemed to the Alien as follows:
 - If the sponsor does not have a spouse living in the home:
 - a. Calculate countable resources for the sponsor AND
 - b. Compare the total countable resources to the resource limit for an individual AND
 - c. Calculate the amount of resources in excess of the resource limit AND
 - If the sponsor has a spouse living in the home:
 - a. Calculate countable resources for the sponsor and his/her spouse AND
 - b. Combine their countable resources and compare to the resource limit for a couple AND
 - c. Calculate the amount of resources in excess of the resource limit to determine the deemable amount
2. Total all deemable amounts to determine the amount to be deemed to the alien.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND

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3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least half American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for

Legal Custody for P.L. 97-459 Amerasian

24.2.2 Total Countable Resources

The following are the steps to be undertaken when determining the total countable resources for Qualified Disabled Working Individuals

The resource unit will consist of one of the following:

1. Eligible Individual with no spouse
2. Eligible child
3. Eligible individual and ineligible spouse
4. Eligible couple

Eligible Individual with no spouse

1. Calculate individual's countable resources AND
2. If the individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the alien AND

Eligible Child

1. Calculate eligible child's countable resources AND
2. If the eligible child is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the eligible child's total countable resources AND
3. If parent(s) are living with the eligible child, carry out parent to child deeming and add total deemed resources from the parent(s), if any, to the individual's total countable resources to determine the total countable resources for the eligible child

Eligible individual and ineligible spouse

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Carry out spouse to spouse deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the individual

Eligible couple

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Total eligible spouse's countable resources AND
4. If the eligible spouse is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the spouse's total countable resources to determine the total countable resources for the alien spouse AND
5. Combine the countable resources for the eligible individual and the eligible spouse

24.3 Income Calculations

In order to be eligible for Medical Assistance and Qualified Disabled Working Individuals program, the total income must be greater than 135% and less than or equal to 200% of federal poverty level.

24.3.1 Deeming Income

Carry out the following steps in the deeming process

1. Deeming Exceptions AND
2. Sponsor to Alien Deeming OR
3. Spouse to Spouse Deeming OR
4. Parent to Child Deeming

Deeming Exceptions

Deeming Exceptions - Individuals

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

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The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by an ineligible spouse or parent is not deemed to the Medical Assistance individual

Sponsor to Alien Deeming

1. The sponsor definition and sponsor deeming exception rules should be applied before proceeding to the deeming process
2. Carry out the following process if no Sponsorship Deeming exceptions apply:
 - For each sponsor, determine the amount of money to be deemed to the alien:
 - Combine the total gross countable earned and unearned income of the alien sponsor and spouse, if any, living in the home with the sponsor AND
 - Exclude from the total income the maximum allocation for a sponsor AND
 - If the sponsor has a spouse and if the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is not a sponsor and the spouse is not receiving payments from any of the following exclude from the total income the allocation for a spouse:
 - TANF
 - Veteran's Administration Pension
 - Veteran's Administration Compensation paid to the parent of a child

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- Refugee Act of 1980
- Disaster Relief and Emergency Assistance Act Payments
- SSI
- General assistance programs of the Bureau of Indian Affairs
AND

Exclude from the total income an allocation for each child living in their household AND

- The remaining amount, if any, is the deemable income

Spouse to Spouse Deeming

1. Exclude from the ineligible spouse's unearned income any ineligible child deductions they are entitled to AND
2. If the ineligible spouse does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible spouse's earned income AND
3. Compare the ineligible spouse's remaining income (i.e. total earned and unearned) to the living allowance for a spouse

Remaining Income greater than Living Allowance

1. If the remaining income (i.e. total earned and unearned) is greater than the living allowance, deeming is applicable AND
2. Deem the remaining unearned income to the eligible spouse as unearned income AND
3. Deem the remaining earned income to the eligible spouse as earned income

Remaining Income equal to or less than Living Allowance

If the remaining income (i.e. total earned and unearned) is equal to or less than the living allowance, no income is deemed

Parent to Child Deeming

1. Combine the ineligible parent(s) countable unearned income AND
2. Combine the ineligible parent(s) countable earned income AND
3. Exclude from the ineligible parent(s) unearned income any ineligible child deductions they are entitled to AND

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4. If the ineligible parent(s) does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible parent(s) earned income AND
5. Apply unearned income deductions to the combined unearned income of the parent(s) AND
6. Apply earned income deductions to the combined earned income of the parent(s) AND
7. Total the net unearned and the net earned of the parent(s) income to determine the parent(s) total net income
8. Exclude from the ineligible parent(s) total net income the maximum allocation for a parent(s) AND
9. The remaining amount, if any, is the deemable income to the child

Ineligible Child Deductions

Additional deductions are applied to the deemed income amount when there are other children the household. This deduction is calculated as follows:

1. Subtract an allocation for each non-disabled child in the home if the following criteria are met:
 - a. The child is under age 18, or if age 18 to 19 is a full-time student AND
 - b. The child is living in the home AND
 - c. The child is not receiving payments from the following:
 - TANF AND
 - Veteran's Administration Pension AND
 - Veteran's Administration Compensation paid to the parent of a child AND
 - Refugee Act of 1980 AND
 - Disaster Relief and Emergency Assistance Act Payments AND
 - SSI AND
 - General assistance programs of the Bureau of Indian Affairs
2. Ineligible Child Allocation is calculated as follows:
 - a. Determine child's countable income
 - b. Subtract the child's countable income from the maximum allocation amount

- c. The remainder is the amount to be allocated for the child

24.3.2 Income Deductions

Deductions are applied for as long as there is available income. If there is no available income from which a deduction can be made all income is excluded.

Unearned Income Deductions

If dealing with an eligible couple whose income is combined, combine the unearned income before applying the Unearned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents unearned income before applying the Unearned Income Deductions.

Unearned Income Deductions are as follows:

\$20 General Income Disregard

The \$20 General Income Disregard is applied unless the type of Unearned Income is one where an exception applies:

1. Deduct a \$20 General Income Disregard from unearned income for the individual where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group OR
2. Deduct \$20 from the combined unearned income for a married couple where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group

Do not deduct \$20 General Disregard from the following types of Unearned Income:

1. Tribal General Assistance payments made by BIA
2. Income from payments resulting from the Refugee Act of 1980
3. Veteran's Administration Pension
4. Veteran's Administration Compensation paid to the parent of a child

Earned Income Deductions

If dealing with an eligible couple whose income is combined, combine the earned income before applying the Earned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents earned income before applying the Earned Income Deductions.

Earned Income Deductions are as follows:

\$20 General Income Disregard

Deduct the balance of the \$20 general income disregard remaining, if any, after allowing this deduction from unearned income

Loss from a Self-Employment Business

1. Individual is self-employed AND
2. Individual's business is losing money AND
3. Determine the amount of the loss from the self-employment business AND
4. Only deduct the current loss (i.e. loss from the last 12 months) from earned income

\$65 deduction

Deduct \$65 from the remaining earned income

Impairment-Related Work Expenses (IRWE)

1. Deduct monthly expenses the client pays for services and items related to the individual's disability when those expenses are necessary for the individual to work AND
2. These expenses are not covered by Medical Assistance or any third party

Examples of these work expenses:

1. Transportation for a disabled client who cannot use public transportation because of his impairment
2. Medications not covered by Medical Assistance or any third party
3. Wheelchairs
4. Respirators
5. Braces
6. Typing Aids
7. Telecommunications Devices for the Deaf
8. Dog Guide
9. Special visual aid equipment

1/2 deduction

Deduct one half of the earned income that remains

24.3.3 Total Countable Income

The income unit will consist of one of the following groups:

1. Eligible Individual with no spouse
2. Eligible Child
3. Eligible Couple
4. Eligible Individual with Ineligible spouse

These are the steps to follow when determining the total net countable income for Qualified Disabled Working Individuals program:

Eligible Individual with no spouse

Individual Not Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Total the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is not a sponsored alien, this is the end of the income steps. Use total net countable income determined above

Individual Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income

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4. Total the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is a sponsored alien, determine if they are eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income, use amount determined in Step 2 and proceed
9. Carry out the steps outlined in Sponsor's Deemed Income
10. Apply unearned income deductions to the alien's countable unearned income to determine the net unearned income
11. Using the gross earned income (determined in step 4), apply earned income deductions to determine the net earned income
12. Add the net countable unearned income (determined in Step 10) and the net countable earned income (determined in Step 11) to determine the total net countable income for the eligible alien

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Eligible Child

1. Determine value of the child's In-kind Support and Maintenance
2. Calculate the child's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the child is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the parent(s) countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
5. Calculate the parent(s) countable gross earned income from all sources (including self employment income)
6. Carry out the parent to child deeming process
7. Add the total deemable income, if any, of the parent(s) to the eligible child's countable gross unearned income
8. Apply unearned income deductions to the child's countable gross unearned income to determine the countable net unearned income

9. Calculate the child's countable gross earned income from all sources (including Self Employment income)
10. Apply earned income deductions to the child's countable gross earned income to determine the net earned income
11. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible child

Eligible Couple

1. Determine value of the couple's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the spouse's countable gross unearned income from all sources
5. If the spouse is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
6. Combine the countable gross unearned income of the couple
7. Apply unearned income deductions to the couple's income to determine the countable net unearned income
8. Calculate the individual's countable gross earned income from all sources (including self employment income)
9. Calculate the spouse's countable gross earned income from all sources
10. Combine the countable gross earned income of the couple
11. Apply earned income deductions to the couples income to determine the net earned income
12. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible couple

Eligible Individual with Ineligible spouse

1. Determine value of the individual's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)

3. Apply unearned income deductions to determine the net unearned income
4. Calculate the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. Add the countable net unearned income and the countable net earned income to determine the total net countable income
7. Determine if the individual is eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income and if the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
9. Total the ineligible spouse's countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
10. Calculate the ineligible spouse's countable gross earned income from all sources
11. Carry out the spouse to spouse deeming process
12. Add the total deemable unearned income, if any, of the ineligible spouse to the eligible spouse's unearned income
13. Apply unearned income deductions to the individual's unearned to determine the net unearned income
14. Add the total deemable earned income, if any, of the ineligible spouse to the eligible spouse's countable earned income
15. Apply earned income deductions to the individual's earned to determine the net countable earned income
16. Add the net countable unearned income and the net countable earned income to determine the total net countable income for the eligible individual with ineligible spouse

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Sponsor's Deemed Income

An eligible alien's income will consist of deemed income from a sponsor in addition to their own income. Follow these steps to determine how much should be deemed to the alien from a sponsor:

1. Determine value of the sponsor's and spouse's, if any, In-kind Support and Maintenance

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2. Total the sponsor's and spouse's, if any, countable gross unearned income from all other sources add the value of any In-kind Support and Maintenance (determined above)
3. Total the sponsor's and spouse's, if any, countable gross earned income from all sources (including self employment income)
4. Carry out the deeming process for Sponsor to Alien deeming
5. Add the total deemable income, if any, of the sponsor(s) to the eligible alien's unearned income

The above steps are repeated for each of the alien's sponsors.

Chapter 25

Medically Needy Children Medical Assistance

25.1 Introduction

The Medically Needy are those individuals or families whose income is within the Medically Needy Income Level and whose resources fall within the specified limits of the Medically Needy Program. The Children's Medically Needy Program provides limited health coverage to children under the age of 19 who do not qualify for regular Medical Assistance because their family income or financial resources are too high.

25.2 Non Financial Requirements

See Non Financial Requirements in the Common Rules chapter.

25.3 Categorically Needy Requirements

25.3.1 Household Rules

Medically needy children must satisfy the following rules:

1. Child must meet the Age Limit for a Child rules AND
2. Child is not an SSI Recipient AND
3. Child is not receiving Federal, State or Local government Foster Care payments AND
4. Child is not receiving Federal, State or Local government Adoption Assistance payments AND
5. Household must satisfy the Medically Needy Resource Test AND
6. Household satisfy the Medically Needy Income Test.

Age Limit for Medically Needy Child

A medically needy child must satisfy either the Child Under 18 or Child Under 19 rules.

Child Under 18

1. A child must be under age 18 AND
2. Age rule is satisfied through the month in which the child reaches age 18 OR

Child Under 19

1. A child must be under age 19 and participating full-time in a secondary school, GED or vocational or technical training and expects to graduate before or in the month of the child's 19th birthday AND
2. Age rule is satisfied until the last day of the month of course completion, withdrawal of the child from enrollment, or the child's 19th birthday, whichever occurs first.

25.3.2 Income/Resource Unit for Medically Needy Children

Income/Resource Unit for Medically Needy Children

Include the income and resources of the following individuals in the Income and Resource Unit:

1. The child AND
2. The child's mother, if living in the home AND
3. The child's legal father, if living in the home AND
4. Blood-related or adoptive siblings living in the home who are dependent children (Dependent Child rules must be satisfied with the exception of Deprivation) AND
5. If the child for whom assistance is being provided is a sponsored alien, include the income and resources of the sponsor and the sponsor's spouse, if s/he lives with the sponsor.

Exception to Income/Resource Unit for Medically Needy Children

Do not include the income and resources of the following individuals in the Income and Resource Unit:

1. SSI Recipients OR

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2. Children receiving Federal, State or Local government Foster Care payments OR
3. Children receiving Federal, State or Local government Adoption Assistance payments.

Dependent Child rules

The Dependent Child Criteria is as follows:

1. A dependent child must be living in the home of a Caretaker Relative AND
2. Child must meet the Age Limit for a Child rules AND

Relationship (Caretaker Relative)

1. For Low Income Families with Children Medical Assistance, the household must include a child who is living with natural parent(s) or adoptive parent(s) OR
2. The household must include a child who is living with a non parent caretaker, in the non parent caretaker's home, and who has a relationship to the child as specified below:
 - a. Grandfather and grandmother OR
 - b. Brother or sister including half or adopted brother or sister OR
 - c. Uncle or aunt OR
 - d. First cousin or cousin once removed OR
 - e. Nephew or niece OR
 - f. Persons of prior generations designated by the prefix grand, great, great-great, or great-great-great OR
 - g. Spouses of any person listed above AND
 - h. The non parent caretaker relative must be an adult.

Age Limit for a Child

Child under 18:

1. A child must be under age 18 and unmarried AND
2. Age rule is satisfied through the month in which the child reaches age 18 OR

Child Under 19:

1. A child must be under age 19, unmarried and participating full-time in a secondary school, GED or vocational or technical training and expects to graduate before or in the month of the child's 19th birthday AND
2. Age rule is satisfied until the last day of the month of course completion, withdrawal of the child from enrollment, or the child's 19th birthday, whichever occurs first.

25.3.3 Income/Resource Test for Medically Needy Children

Medically Needy Resource Test

To enable the medically needy child to qualify for Medically Needy Children Medical Assistance, the household must satisfy the Medically Needy Resource Test. The Medically Needy Resource Test steps are as follows:

1. Determine Income and Resource Unit.
2. Carry out Resource Steps.
3. Determine Household Size.
4. Countable resources must not exceed the Medically Needy Child Resource Level for the Household Size.

Medically Needy Income Test

To enable the medically needy child to qualify for Medically Needy Children Medical Assistance, the household must satisfy the Medically Needy Income Test. The Medically Needy Income Test steps are as follows:

1. Use Income and Resource Unit as determined within Resource Test rules above.
2. Carry out Income Steps.
3. Determine Household Size.
4. The household's net countable income must be less than or equal to the Medically Needy Income Level (MNIL) which is 133% of Federal Poverty Level.

Household Size for Medically Needy Children

The household size is the same as the Income/Resource Unit for Medically Needy Children with the following exception:

- Do not include the alien sponsor or the sponsor's spouse in the household size.

25.4 Resource Rules

25.4.1 Resource Limit

The resource limit for medically needy children is based on the household size:

Household Size	Resource Limit (\$)
1	2000
2	3000
3	3025
4	3050
5	3075
6	3100
7	3125
8	3150
9	3175
10	3200
For each additional person (+10)	25

Table 25.1 Resource Levels for Medically Needy

25.4.2 Countable Liquid Resources

See Countable Liquid Resources - Family Programs in the Common Rules chapter.

25.4.3 Countable Non-liquid Resources

See Countable Non-Liquid Resources - Family Programs in the Common Rules chapter.

25.4.4 Excluded Resources

See Excluded Resources - Family Programs in the Common Rules chapter.

25.5 Income Rules

25.5.1 Income Limits

The household's net countable income must be less than or equal to the

Medically Needy Income Level (MNIL) which is 133% of Federal Poverty Level.

25.5.2 Unearned Income

See Unearned Income - Family Programs in the Common Rules chapter.

25.5.3 Earned Income

See Earned Income - Family Programs in the Common Rules chapter.

25.5.4 Self Employment Income

See Self Employment Income - Family Programs in the Common Rules chapter.

Chapter 26

Medically Needy Children Medical Assistance Calculations

26.1 Introduction

This chapter summarizes the calculations for Medically Needy Children Medical Assistance.

26.2 Resource Calculations

26.2.1 Resource Limit

The resource limit for Medically Needy Children is based on the household size:

Household Size	Resource Limit (\$)
1	2000
2	3000
3	3025
4	3050
5	3075
6	3100
7	3125
8	3150
9	3175
10	3200
For each additional person (+10)	25

Table 26.1 Resource Levels for Medically Needy

26.2.2 Resource Deeming

If the eligible child is a sponsored alien, carry out sponsor to alien deeming as follows:

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules in the Income Deeming spreadsheet must be applied first when deeming resources.

For each sponsor, determine the resources to be deemed to the alien as follows:

1. If the sponsor does not have a spouse living in the home:
 - Calculate countable resources for the sponsor AND
 - Compare the total countable resources to the resource limit for an individual AND
 - Deem the value of resources in excess of the resource limit to the alien.
2. If the sponsor has a spouse living in the home:
 - Calculate countable resources for the sponsor and his/her spouse AND
 - Combine their countable resources and compare to the resource limit for a couple AND
 - Deem the value of resources in excess of the resource limit to the alien.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND
3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor.

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least half American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for Legal Custody for P.L. 97-459 Amerasian

26.2.3 Total Countable Resources

For every individual in the income/resource unit whose resources are counted, carry out the following steps:

1. Calculate individual's countable resources AND
2. Add total deemed resources, if any, to the eligible individual's total countable resources to determine the total countable resources AND
3. Add individual's countable resources to other household member's countable resources to determine household's total countable resources

26.3 Income Calculations

- The household's net countable income must be less than or equal to the Medically Needy Income Level (MNIL) which is 133% of Federal Poverty Level.

The following are the steps to be undertaken when determining the total countable gross and net income for Medically Needy Children's Medical Assistance Program.

26.3.1 Deeming Income

If there is a sponsor whose income is to be deemed to the child, carry out the following steps:

- Total the deemor's countable gross unearned income from all sources AND
- Total the deemor's countable gross earned income from all sources AND
- Carry out sponsor to alien deeming.

Deeming Exceptions

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980.
2. Exclude Tribal Payments from general assistance programs of the Bureau of Indian Affairs.

3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order.
4. Exclude the Veteran's Administration Pension.
5. Exclude the Veteran's Administration Compensation paid to the parent of a child.
6. ISM received by a deemor is not deemed to the Medical Assistance individual.

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied when deeming income.

Carry out the following process if no Sponsorship Deeming exceptions apply:

1. For each sponsor, determine the amount of money to be deemed to the alien.
2. Carry out the following calculations on the countable earned income for the sponsor and the sponsor's live-in spouse (if any):
 - a. Deduct the \$90 Work Allowance AND
 - b. Add the gross countable unearned income AND
 - c. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals, living in the sponsor's home AND
 - d. The remaining amount, if any, is deemed as unearned income to the alien.

26.3.2 Total Countable Income Calculation

For every individual in the income unit whose income is counted, carry out the following steps:

1. Total individual's countable gross unearned income from all sources.
2. Add deemable income, if any, to the individual's unearned income.
3. Total the individual's countable gross earned income from all sources including self employment.
4. Apply income deductions to the individual's gross income in the following order:
 - Deduct the \$90 Work Allowance:
 - Deduct up to \$90 per month from the employed person's earned income.

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- Deduct the \$30 and 1/3 Disregard if the employed person has received Low Income Families with Children Medical Assistance in one of the previous 4 months (this does not include transitional or extended medical assistance) provided the following:
 - The employed person has not received the \$30 and 1/3 disregard in 4 consecutive months in the last 12 months AND
 - Deduct the first \$30 and 1/3 of the remainder from the employed person's income.
- Deduct the \$30 Disregard provided the following:
 - The employed person has received the 4 consecutive months of the \$30 and 1/3 disregard AND
 - Deduct the first \$30 from the employed persons income AND
 - This disregard applies for 8 consecutive months AND
 - Count all months including months that the person does not receive Medical Assistance or does not have earnings in determining the 8 consecutive months.
- Deduct the Dependent Care Allowance:
 - Deduct the monthly amount paid for the care of each dependent child or incapacitated adult up to the maximum defined if
 - Child or incapacitated adult is an eligible member of the assistance unit AND
 - Actual cost of child care is not reimbursed AND
 - The care is necessary for employment.

Apply the following disregard to the individual's remaining total income (any earned plus any unearned)

- Deduct Child Support/Alimony Payments
 - Reduce Income by the verified amount paid for dependents not living in the home

Add individual's total countable net income to other household member's countable net income after deductions to get the household's net countable income.

The household's net countable income must be less than 133% of the Federal Poverty Level for the household size for Children Under 6 Medical Assistance and less than 100% of the Federal Poverty Level for the household size for Children Aged 6 to 19.

Chapter 27

Medically Needy Pregnant Women Medical Assistance

27.1 Introduction

All pregnant women during the course of their pregnancy who, except for income and resources, would be eligible for Medicaid as mandatory or optionally categorically needy are eligible for Medically Needy Medicaid.

27.2 Non Financial Requirements

See Non Financial Requirements in the Common Rules chapter.

27.3 Qualifying Conditions

27.3.1 Medically Needy Pregnant Woman Eligibility

1. All pregnant women during the course of their pregnancy who satisfy the categorically needy requirements (except income and resources) AND
2. Household must satisfy the medically needy pregnant woman resource test AND
3. Household must satisfy the medically needy pregnant woman income test.

27.3.2 Pregnant Woman Requirements

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1. The woman is pregnant AND
2. She is not an SSI Recipient AND
3. She is not a Child receiving Federal, State or Local government Foster Care payments AND
4. She is not a Child receiving Federal, State or Local government Adoption Assistance payments AND
5. The pregnant woman does not leave the state.

Income/Resource Unit

Include the income and resources of the following individuals in the Income and Resource Unit:

1. Pregnant Woman AND
2. Unborn(s) AND
3. Unborn child's father (if living in the household) AND
4. Blood-related or adoptive siblings who are dependent children (Dependent Child rules must be satisfied with the exception of Deprivation) if any exist AND
5. If the pregnant woman for whom assistance is being provided is a sponsored alien, include the income and resources of the sponsor and the sponsor's spouse, if the spouse lives with the sponsor AND
6. If the pregnant woman is a minor, i.e. under 18 and has never been married, and lives with major parent(s) then income and resources of major parent(s) are included.

Income/Resource Unit Exception

Do not include the income and resources of the following individuals in the Income and Resource Unit:

1. SSI Recipients OR
2. Children receiving Federal, State or Local government Foster Care payments OR
3. Children receiving Federal, State or Local government Adoption Assistance payments

Household Size

The household size is the same as the Income and Resource Unit with the following exceptions:

1. Do not include major parent in the household size OR
2. Do not include the alien sponsor or the sponsor's spouse in the household size.

27.4 Resource Rules

Countable resources must not exceed state set Medically Needy resource level for the Medically Needy household size.

Household Size	Resource Limit (\$)
1	2000
2	3000
3	3025
4	3050
5	3075
6	3100
7	3125
8	3150
9	3175
10	3200
For each additional person (+10)	25

Table 27.1 Resource Levels for Medically Needy

27.4.1 Countable Liquid Resources

See Countable Liquid Resources - Family Programs in the Common Rules chapter.

27.4.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - Family Programs in the Common Rules chapter.

27.4.3 Excluded Resources

See Excluded Resources - Family Programs in the Common Rules chapter.

27.5 Income Rules

27.5.1 Income Limits

Household income must be less than or equal to the State set Medically Needy Income Level which is 185% of FPL.

27.5.2 Unearned Income

See Unearned Income - Family Programs in the Common Rules chapter.

27.5.3 Earned Income

See Earned Income - Family Programs in the Common Rules chapter.

27.5.4 Self Employment Income

See Self Employment Income - Family Programs in the Common Rules chapter.

27.6 60 Days Postpartum

Once eligibility is established, pregnant women remain eligible for Medical Assistance through the end of the calendar month in which the 60th day after the end of the pregnancy falls, regardless of any changes in the family's income, resources or household composition.

27.6.1 60 Days Postpartum Eligibility Period

The 60 day postpartum eligibility period is determined as follows:

1. Count forward 60 days beginning with the day the baby is born or the pregnancy ends.
2. Continue the postpartum eligibility period through the end of the month in which the 60th day falls.

Chapter 28

Medically Needy Pregnant Women Medical Assistance Calculations

28.1 Introduction

This chapter summarizes the calculations for Medically Needy Pregnant Women Medical Assistance.

28.2 Resource Calculations

Countable resources must not exceed state set Medically Needy resource level for the Medically Needy household size as follows:

Household Size	Resource Limit (\$)
1	2000
2	3000
3	3025
4	3050
5	3075
6	3100
7	3125
8	3150
9	3175
10	3200
For each additional person (+10)	25

Table 28.1 Resource Levels for Medically Needy

The following are the steps to be undertaken when determining the total

countable resources for Pregnant Women Medical Assistance Program.

28.2.1 Resource Deeming

For every individual in the income/resource unit whose resources are deemed, carry out the following steps:

- If the pregnant woman is a sponsored alien, carry out sponsor to alien deeming.
- If the pregnant woman is a minor and the income/resource unit includes a major parent(s), carry out parent to child deeming.

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules in the Income Deeming spreadsheet must be applied first when deeming resources.

For each sponsor, determine the resources to be deemed to the alien as follows:

1. If the sponsor does not have a spouse living in the home:
 - Calculate countable resources for the sponsor AND
 - Compare the total countable resources to the resource limit for an individual AND
 - Deem the value of resources in excess of the resource limit to the alien.
2. If the sponsor has a spouse living in the home:
 - Calculate countable resources for the sponsor and his/her spouse AND
 - Combine their countable resources and compare to the resource limit for a couple AND
 - Deem the value of resources in excess of the resource limit to the alien.

Sponsor Definition

The definition of a sponsor is:

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND
2. The sponsor is not included in the assistance unit AND
3. The sponsor and/or the sponsor's spouse are financially responsible for

the alien by deeming their income to the alien unless an exception is met AND

4. An alien may have more than one sponsor.

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least half American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR
18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for Legal Custody for P.L. 97-459 Amerasian

Parent to Child Deeming (major parent to minor parent)

1. Calculate countable resources for the parent(s) AND
2. Deem the ineligible parent(s) total countable resources to the eligible child.

28.2.2 Total Countable Resources

For every individual in the income/resource unit whose resources are counted, carry out the following steps:

1. Calculate individual's countable resources AND
2. Add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources AND
3. Add individual's countable resources to other household member's countable resources to determine household's total countable resources.

28.3 Income Calculations

The household's net countable income must be equal to or less than 185% of the Federal Poverty Level for the household size. Once a woman is determined to be eligible, changes in income will not affect eligibility.

The following are the steps to be undertaken when determining the total countable gross and net income for Pregnant Women Medical Assistance Program.

28.3.1 Deeming Income

For every individual in the income unit whose income is deemed, carry out the following steps:

- Total the deemor's countable gross unearned income from all sources AND
- Total the deemor's countable gross earned income from all sources AND
- If the individual is a sponsor, carry out sponsor to alien deeming OR
- If the individual is a major parent, carry out Parent to Child Deeming (major parent to minor parent).

Deeming Exceptions

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI

recipient, not just the SSI amount.

2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980.
2. Exclude Tribal Payments from general assistance programs of the Bureau of Indian Affairs.
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order.
4. Exclude Veteran's Administration Pension.
5. Exclude Veteran's Administration Compensation paid to the parent of a child.
6. ISM received by a deemor is not deemed to the Medical Assistance individual.

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied when deeming income.

Carry out the following process if no Sponsorship Deeming exceptions apply.

1. For each sponsor, determine the amount of money to be deemed to the alien.
2. From the sponsor's and his or her live-in spouse's (if any) countable earned Income:
 - a. Deduct the \$90 Work Allowance AND
 - b. Add the gross countable unearned income AND
 - c. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals living in the sponsor's home AND
 - d. The remaining amount, if any, is deemed as unearned income to the alien.

Parent to Child Deeming

From the Major Parent(s) gross countable earned Income:

1. Deduct up to \$90 Work Allowance per month from the gross countable earned income of each Major Parent AND
2. Add the countable unearned income for each Major Parent AND
3. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals living in the home, including the Major Parents but not including the minor parent AND
4. Subtract any child support or alimony actually paid by each major parent to individuals not living in the home AND
5. The remaining amount, if any, is deemed as unearned income to the Minor Parent.

28.3.2 Total Countable Income Calculation

For every individual in the income unit whose income is counted, carry out the following steps:

1. Total individual's countable gross unearned income from all sources.
2. Add deemable income, if any, to the individual's unearned income.
3. Total the individual's countable gross earned income from all sources including self employment.
4. Apply income deductions to the individual's gross income in the following order:
 - Deduct the \$90 Work Allowance.
 - Deduct up to \$90 per month from the employed persons earned income.
 - Deduct the \$30 and 1/3 Disregard if the employed person has received Low Income Families with Children Medical Assistance in one of the previous 4 months (this does not include transitional or extended medical assistance).
 - The employed person has not received the \$30 and 1/3 disregard in 4 consecutive months in the last 12 months AND
 - Deduct the first \$30 and 1/3 of the remainder from the employed person's income.
 - Deduct the \$30 Disregard.
 - The employed person has received the 4 consecutive months of the \$30 and 1/3 disregard AND

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- Deduct the first \$30 from the employed persons income AND
- This disregard applies for 8 consecutive months AND
- Count all months including months that the person does not receive Medical Assistance or does not have earnings in determining the 8 consecutive months.
- Deduct the Dependent Care Allowance.
 - Deduct the monthly amount paid for the care of each dependent child or incapacitated adult up to the maximum defined if
 - Child or incapacitated adult is an eligible member of the assistance unit AND
 - Actual cost of child care is not reimbursed AND
 - The care is necessary for employment.

Apply the following disregard to the individual's remaining total income (any earned plus any unearned):

- Deduct Child Support/Alimony Payments.
 - Reduce Income by the verified amount paid for dependents not living in the home.

Add individual's total countable net income to other household member's countable net income after deductions to get the household's net countable income.

The households net countable income must be less than 185% of the Federal Poverty Level for the household size.

Chapter 29

Breast & Cervical Cancer Medical Assistance

29.1 Introduction

The BCC program provides full traditional medical assistance benefits to uninsured women under age 65 who are identified through CDC (Center for Disease Control) providers and are in need of treatment for breast or cervical cancer, pre cancerous conditions or early stage cancer.

29.2 Non Financial Requirements

See Non Financial Requirements in the Common Rules chapter.

29.3 BCC Eligibility

For an individual to be deemed eligible for "BCC only related services"

- The individual must be a woman AND
- The individual must be screened for breast and or cervical cancer under a Breast and Cervical Cancer Program and is found to be in need of treatment for breast and/or cervical cancer AND
- The individual must satisfy the Non Financial Test AND
- The individual must be under 65 years of age AND
- The individual must satisfy the No Creditable Insurance Test AND
- The individual must not be eligible for Medical Assistance under any of the categorically or medically programs AND
- The individual must not be in receipt of Medicare B
- The individual must not be sanctioned on a Medicaid program.

29.3.1 Creditable Insurance Coverage

The individual must not have creditable medical insurance coverage under any of the following:

- Group Health Insurance Plan OR
- Armed Forces Insurance OR
- Indian Health Services OR
- Native American Health Services OR
- Health Care for Peace Corps Volunteer

Exceptions to Creditable Insurance Coverage

- The individual's medical insurance consists of limited benefits OR
- The individual's insurance does not include coverage for treatment of breast or cervical cancer or pre cancerous conditions OR
- The individual's lifetime limit on all benefits under the plan or coverage has been exhausted.

29.3.2 Certification

- The certification period is based on the individual's course of treatment as established by a physician AND
- The certification period begins with the first day of the application month the individual is found to be eligible for BCC AND
- The certification period can not be longer than 12 months.

Chapter 30

Tuberculosis (TB) Medical Assistance

30.1 Introduction

TB Medical Assistance provides medical assistance to needy individuals who have been determined to need treatment for Tuberculosis, who are not eligible to receive benefits from any other Medical Assistance program.

30.2 Non Financial Requirements

See Non Financial Requirements in the Common Rules chapter.

30.3 TB Eligibility

Individuals are deemed eligible for "TB only related services" if:

- The individual provides TB certification AND
- The individual must not be eligible for Medical Assistance under any of the categorically or medically programs AND
- The individual satisfies the Non Financial Requirements AND
- The individual assigns third party rights AND
- The individual satisfies the Resource Test AND
- The individual satisfies the Income Test

30.3.1 Income & Resource Unit

The income and resource unit will consist of one of the following:

1. Eligible Individual with no Spouse

- The individual AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included.
 - SSI Recipients are not included
2. Eligible Child
- The individual AND
 - The parent(s) if the child is living with parent(s) AND
 - If the child is an alien, the income of the child's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included
 - SSI Recipients are not included
3. Eligible Couple
- The individual AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
 - The spouse who is living in the home AND
 - The spouse is also potentially eligible for Medical Assistance under the TB Program AND
 - If the spouse is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included
 - SSI Recipients are not included
4. Eligible Individual With Ineligible Spouse
- The individual AND
 - If the individual is an alien, the income of the alien's sponsor and the sponsor's spouse if the spouse lives with the sponsor is included AND
 - The spouse who is living in the home AND
 - The spouse is not eligible for Medical Assistance under the TB Program.
 - Do not include SSI recipients

30.3.2 Resource Household Size

The household size consists of the same individuals as listed in the Income/Resource Unit above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include a parent(s) living in the home in the household size OR
- Do not include SSI recipients in the household size

30.3.3 Income Household Size

The household size consists of the same individuals as listed in the Income/Resource Unit above with the following exceptions:

- Do not include the alien's sponsor and the sponsor's in-home spouse in the household size OR
- Do not include a parent(s) living in the home in the household size OR
- Do not include SSI recipients in the household size OR
- Do not include the ineligible spouse in the household size when there is no deemable income

30.4 Resource Rules

- Resource Limits
 - Resources must not exceed \$2000 for individual OR
 - Resources must not exceed \$3000 for a couple

30.4.1 Countable Liquid Resources

See Countable Liquid Resources - ADB Type Programs in the Common Rules chapter.

30.4.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - ABD Type Programs in the Common Rules chapter.

30.4.3 Excluded Resources

See Excluded Resources - ABD Type Programs in the Common Rules chapter.

30.5 Income Rules

- If income is less than or equal to the current SSI Income Limit then the individual has satisfied the income test.

30.5.1 Unearned Income

See Unearned Income - ABD Type Programs in the Common Rules chapter.

30.5.2 Earned Income

See Earned Income - ABD Type Programs in the Common Rules chapter.

30.5.3 Self Employment Income

See Self Employment Income - ABD Type Programs in the Common Rules chapter.

30.5.4 In-Kind Support and Maintenance (ISM)

See In-Kind Support and Maintenance (ISM) - ABD Type Programs in the Common Rules chapter.

Chapter 31

Tuberculosis (TB) Medical Assistance Calculations

31.1 Introduction

This chapter summarizes the calculations for TB Medical Assistance.

31.2 Resource Calculations

The following are the steps to be undertaken when determining the total countable resources for the TB Medical Assistance Program:

31.2.1 Resource Deeming

The individuals whose income shall be deemed is determined as part of the TB household determination rules. The following is a list of the deeming support in the TB program:

1. Spouse to Spouse Deeming
2. Parent to Child Deeming
3. Sponsor to Alien Deeming

Deeming Exceptions

Resources from the following individuals are not deemed for TB programs:

- Resources of the Supplemental Security Income (SSI) recipient

The following resources cannot be deemed during ABD Program resource deeming:

1. A pension fund is not counted as a resource in the deeming process if it is owned by:

- An ineligible spouse OR
 - An ineligible parent
2. This exclusion applies to pension funds administered by an employers or union OR
- Pension funds administered by an employers or union OR
 - Individual Retirement Accounts (IRA) OR
 - Keogh accounts

Spouse to Spouse Deeming

1. Calculate the total countable resources for the ineligible spouse AND
2. Deem the amount obtained to the eligible individual

Note: Countable and excluded resources are detailed in the TB Medical Assistance Rules chapter.

Parent to Child Deeming

- Calculate the total countable resources for the parent(s) AND
 - If only one parent is living in the household with the child, deem the parent's resources as follows:
 1. Subtract the individual resource limit appropriate from the parent's countable resources AND
 2. Determine the amount in excess of the Individual resource limit AND
 3. Determine the number of potential blind/disabled children in the household AND
 4. Divide the value of the resources among all blind/disabled children equally to the determine the amount to be deemed to the eligible child
 - If two parents are living in the household with the child, deem the parents resources as follows:
 1. Subtract the couple resource limit appropriate from the combined countable resources of both parents AND
 2. Determine the amount in excess of the Couple resource limit AND
 3. Determine the number of potential blind/disabled children in

the household AND

4. Divide the value of the resources among all blind/disabled children equally to determine the amount to be deemed to the eligible child

Note: Countable and excluded resources are detailed in the TB Medical Assistance Rules chapter.

Sponsor to Alien Deeming

The sponsor definition and sponsor deeming exception rules should be applied before executing the deeming resources process (See 2.1.4.1)

Carry out the following process if no Sponsorship Deeming exceptions apply:

1. For each sponsor, determine the resources to be deemed to the Alien as follows:
 - If the sponsor does not have a spouse living in the home:
 - a. Calculate countable resources for the sponsor AND
 - b. Compare the total countable resources to the resource limit for an individual AND
 - c. Calculate the amount of resources in excess of the resource limit AND
 - If the sponsor has a spouse living in the home:
 - a. Calculate countable resources for the sponsor and his/her spouse AND
 - b. Combine their countable resources and compare to the resource limit for a couple AND
 - c. Calculate the amount of resources in excess of the resource limit to determine the deemable amount
2. Total all deemable amounts to determine the amount to be deemed to the alien.

Note: Countable and excluded resources are detailed in the TB Medical Assistance Rules chapter.

Sponsor Definition

1. A person who signed an Affidavit of Support on behalf of an alien as a condition of the alien's entry or admission to the U.S. AND

2. The sponsor is not included in the assistance unit AND
3. The sponsor and/or the sponsor's spouse are financially responsible for the alien by deeming their income to the alien unless an exception is met AND
4. An alien may have more than one sponsor

Sponsorship Deeming Exceptions

The following aliens are not subject to the alien sponsor deeming rules and so do not deem the income/resources of a sponsor if the alien falls into any of the following categories:

1. The alien is a refugee OR
2. The alien is a parolee OR
3. The alien is an asylee OR
4. The alien is a Cuban entrant OR
5. The alien is a Haitian entrant OR
6. Lawful Permanent Residents (LPR) who adjusted from refugee or asylee status OR
7. Lawful Permanent Residents (LPR) who entered the country before December 19, 1997 OR
8. Lawful Permanent Residents (LPR) who applied for a visa or adjusted their status before December 19, 1997 OR
9. An alien whose Deportation is Withheld under INA Sections 243h or 241b3 of the Immigration and Nationality Act OR
10. An alien admitted as an Amerasian immigrant OR
11. An American Indian born in Canada who is at least 50% American Indian OR
12. Indigent Alien Exemption applies for 12 months from the month of determination OR
13. Alien is sponsored by an organization or group as opposed to an individual OR
14. The sponsored alien becomes a naturalized citizen OR
15. The sponsored alien has worked, or can be credited with, 40 qualifying quarters OR
16. The alien's sponsor dies OR
17. The sponsored alien leaves the U.S. permanently OR

18. Sponsor signed the INS Form I-134 Affidavit of Support or the INS Form I-361 Affidavit of Financial Support and Intent to Petition for Legal Custody for P.L. 97-459 Amerasian

31.2.2 Total Countable Resources

The following are the steps to be undertaken when determining the total countable resources for TB:

The resource unit will consist of one of the following:

1. Eligible Individual with no spouse
2. Eligible child
3. Eligible individual and ineligible spouse
4. Eligible couple

Eligible Individual with no spouse

1. Calculate individual's countable resources AND
2. If the individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources for the alien

Eligible Child

1. Calculate eligible child's countable resources AND
2. If the eligible child is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the eligible child's total countable resources AND
3. If parent(s) are living with the eligible child, carry out parent to child deeming and add total deemed resources from the parent(s), if any, to the individual's total countable resources to determine the total countable resources for the eligible child

Eligible individual and ineligible spouse

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Carry out spouse to spouse deeming and add total deemed resources, if any, to the individual's total countable resources to determine the total

countable resources for the individual

Eligible couple

1. Calculate eligible individual's countable resources AND
2. If the eligible individual is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the individual's total countable resources AND
3. Total eligible spouse's countable resources AND
4. If the eligible spouse is a sponsored alien, carry out sponsor to alien deeming and add total deemed resources, if any, to the spouse's total countable resources to determine the total countable resources for the alien spouse AND
5. Combine the countable resources for the eligible individual and the eligible spouse

31.3 Income Calculations

In order to be eligible for Medical Assistance and TB program, the total income of the household must be less than the SSI Federal Limit where applicable.

31.3.1 Deeming Income

Carry out the following steps in the deeming process

1. Deeming Exceptions AND
2. Sponsor to Alien Deeming OR
3. Spouse to Spouse Deeming OR
4. Parent to Child Deeming

Deeming Exceptions

Deeming Exceptions - Individuals

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by an ineligible spouse or parent is not deemed to the Medical Assistance individual

Sponsor to Alien Deeming

1. The sponsor definition and sponsor deeming exception rules should be applied before proceeding to the deeming process
2. Carry out the following process if no Sponsorship Deeming exceptions apply:
 - For each sponsor, determine the amount of money to be deemed to the alien:
 - Combine the total gross countable earned and unearned income of the alien sponsor and spouse, if any, living in the home with the sponsor AND
 - Exclude from the total income the maximum allocation for a sponsor AND
 - If the sponsor has a spouse and if the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is also a sponsor for the alien, exclude the maximum allocation for a sponsor for the spouse OR
 - If the spouse is not a sponsor and the spouse is not receiving payments from any of the following exclude from the total income the allocation for a spouse:
 - TANF
 - Veteran's Administration Pension

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- Veteran's Administration Compensation paid to the parent of a child
- Refugee Act of 1980
- Disaster Relief and Emergency Assistance Act Payments
- SSI
- General assistance programs of the Bureau of Indian Affairs AND

Exclude from the total income an allocation for each child living in their household AND

- The remaining amount, if any, is the deemable income

Spouse to Spouse Deeming

1. Exclude from the ineligible spouse's unearned income any ineligible child deductions they are entitled to AND
2. If the ineligible spouse does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible spouse's earned income AND
3. Compare the ineligible spouse's remaining income (i.e. total earned and unearned) to the living allowance for a spouse

Remaining Income greater than Living Allowance

1. If the remaining income (i.e. total earned and unearned) is greater than the living allowance, deeming is applicable AND
2. Deem the remaining unearned income to the eligible spouse as unearned income AND
3. Deem the remaining earned income to the eligible spouse as earned income

Remaining Income equal to or less than Living Allowance

- If the remaining income (i.e. total earned and unearned) is equal to or less than the living allowance, no income is deemed

Parent to Child Deeming

1. Combine the ineligible parent(s) countable unearned income AND

2. Combine the ineligible parent(s) countable earned income AND
3. Exclude from the ineligible parent(s) unearned income any ineligible child deductions they are entitled to AND
4. If the ineligible parent(s) does not have enough unearned income to cover these allocations, the balance is deducted from the ineligible parent(s) earned income AND
5. Apply unearned income deductions to the combined unearned income of the parent(s) AND
6. Apply earned income deductions to the combined earned income of the parent(s) AND
7. Total the net unearned and the net earned of the parent(s) income to determine the parent(s) total net income
8. Exclude from the ineligible parent(s) total net income the maximum allocation for a parent(s) AND
9. The remaining amount, if any, is the deemable income to the child

Ineligible Child Deductions

Additional deductions are applied to the deemed income amount when there are other children the household. This deduction is calculated as follows:

1. Subtract an allocation for each non-disabled child in the home if the following criteria are met:
 - a. The child is under age 18, or if age 18 to 19 is a full-time student AND
 - b. The child is living in the home AND
 - c. The child is not receiving payments from the following:
 - TANF AND
 - Veteran's Administration Pension AND
 - Veteran's Administration Compensation paid to the parent of a child AND
 - Refugee Act of 1980 AND
 - Disaster Relief and Emergency Assistance Act Payments AND
 - SSI AND
 - General assistance programs of the Bureau of Indian Affairs
2. Ineligible Child Allocation is calculated as follows:

- a. Determine child's countable income
- b. Subtract the child's countable income from the maximum allocation amount
- c. The remainder is the amount to be allocated for the child

31.3.2 Income Deductions

Deductions are applied for as long as there is available income. If there is no available income from which a deduction can be made all income is excluded.

Unearned Income Deductions

If dealing with an eligible couple whose income is combined, combine the unearned income before applying the Unearned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents unearned income before applying the Unearned Income Deductions.

Unearned Income Deductions are as follows:

\$20 General Income Disregard

The \$20 General Income Disregard is applied unless the type of Unearned Income is one where an exception applies:

1. Deduct a \$20 General Income Disregard from unearned income for the individual where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group OR
2. Deduct \$20 from the combined unearned income for a married couple where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group

Do not deduct \$20 General Disregard from the following types of Unearned Income:

1. Tribal General Assistance payments made by BIA
2. Income from payments resulting from the Refugee Act of 1980
3. Veteran's Administration Pension
4. Veteran's Administration Compensation paid to the parent of a child

Earned Income Deductions

If dealing with an eligible couple whose income is combined, combine the earned income before applying the Earned Income Deductions. Similarly, if

counting the income of parents of a child (for deeming purposes), combine the parents earned income before applying the Earned Income Deductions.

Earned Income Deductions are as follows:

\$20 General Income Disregard

- Deduct the balance of the \$20 general income disregard remaining, if any, after allowing this deduction from unearned income

Loss from a Self-Employment Business

1. Individual is self-employed AND
2. Individual's business is losing money AND
3. Determine the amount of the loss from the self-employment business AND
4. Only deduct the current loss (i.e. loss from the last 12 months) from earned income

\$65 deduction

- Deduct \$65 from the remaining earned income

Impairment-Related Work Expenses (IRWE)

1. Deduct monthly expenses the client pays for services and items related to the individual's disability when those expenses are necessary for the individual to work AND
2. These expenses are not covered by Medical Assistance or any third party

Examples of these work expenses:

1. Transportation for a disabled client who cannot use public transportation because of his impairment
2. Medications not covered by Medical Assistance or any third party
3. Wheelchairs
4. Respirators
5. Braces
6. Typing Aids
7. Telecommunications Devices for the Deaf

8. Dog Guide
9. Special visual aid equipment

1/2 deduction

- Deduct one half of the earned income that remains

31.3.3 Total Countable Income

The income unit will consist of one of the following groups:

1. Eligible Individual with no spouse
2. Eligible Child
3. Eligible Couple
4. Eligible Individual with Ineligible spouse

These are the steps to follow when determining the total net countable income for TB programs:

Eligible Individual with no spouse

Individual Not Sponsored Alien

1. Determine value of the individual's In-kind Support and Maintenance (See TB Medical Assistance Rules chapter)
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Total the individual's countable gross earned income from all sources (including self employment income) (Section 5 of TB Medical Assistance chapter)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is not a sponsored alien, this is the end of the income steps. Use total net countable income determined above

Individual Sponsored Alien

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1. Determine value of the individual's In-kind Support and Maintenance (See TB Medical Assistance Rules chapter)
2. Total the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Total the individual's countable gross earned income from all sources (including self employment income) (Section 5 of TB Medical Assistance chapter)
5. Apply earned income deductions to determine the net earned income
6. The total net countable income is determined by adding the countable net unearned income and the countable net earned income
7. If the individual is a sponsored alien, determine if they are eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income, use amount determined in Step 2 and proceed
9. Carry out the steps outlined in Sponsor's Deemed Income
10. Apply unearned income deductions to the alien's countable unearned income to determine the net unearned income
11. Using the gross earned income (determined in step 4), apply earned income deductions to determine the net earned income
12. Add the net countable unearned income (determined in Step 10) and the net countable earned income (determined in Step 11) to determine the total net countable income for the eligible alien

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Eligible Child

1. Determine value of the child's In-kind Support and Maintenance (See TB Medical Assistance Rules chapter)
2. Calculate the child's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the child is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income

4. Calculate the parent(s) countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
5. Calculate the parent(s) countable gross earned income from all sources (including self employment income)
6. Carry out the parent to child deeming process
7. Add the total deemable income, if any, of the parent(s) to the eligible child's countable gross unearned income
8. Apply unearned income deductions to the child's countable gross unearned income to determine the countable net unearned income
9. Calculate the child's countable gross earned income from all sources (including Self Employment income)
10. Apply earned income deductions to the child's countable gross earned income to determine the net earned income
11. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible child

Eligible Couple

1. Determine value of the couple's In-kind Support and Maintenance (See TB Medical Assistance Rules chapter)
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. If the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
4. Calculate the spouse's countable gross unearned income from all sources
5. If the spouse is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
6. Combine the countable gross unearned income of the couple
7. Apply unearned income deductions to the couple's income to determine the countable net unearned income
8. Calculate the individual's countable gross earned income from all sources (including self employment income)
9. Calculate the spouse's countable gross earned income from all sources
10. Combine the countable gross earned income of the couple
11. Apply earned income deductions to the couples income to determine

the net earned income

12. Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible couple

Eligible Individual with Ineligible spouse

1. Determine value of the individual's In-kind Support and Maintenance
2. Calculate the individual's countable gross unearned income from all other sources and add the value of any In-kind Support and Maintenance (determined above)
3. Apply unearned income deductions to determine the net unearned income
4. Calculate the individual's countable gross earned income from all sources (including self employment income)
5. Apply earned income deductions to determine the net earned income
6. Add the countable net unearned income and the countable net earned income to determine the total net countable income
7. Determine if the individual is eligible based on their own income by comparing the total net countable income determined above in Step 6 to the FBR limit for an individual
8. If the individual is eligible based on their own income and if the individual is a sponsored alien, carry out the steps outlined in Sponsor's Deemed Income
9. Total the ineligible spouse's countable gross unearned income from all sources with the exception of In-Kind Support and Maintenance
10. Calculate the ineligible spouse's countable gross earned income from all sources
11. Carry out the spouse to spouse deeming process
12. Add the total deemable unearned income, if any, of the ineligible spouse to the eligible spouse's unearned income
13. Apply unearned income deductions to the individual's unearned to determine the net unearned income
14. Add the total deemable earned income, if any, of the ineligible spouse to the eligible spouse's countable earned income
15. Apply earned income deductions to the individual's earned to determine the net countable earned income
16. Add the net countable unearned income and the net countable earned income to determine the total net countable income for the eligible in-

dividual with ineligible spouse

Note: If at point 8 above the individual is ineligible based on their own income, the process stops as the individual is not eligible for Medical Assistance.

Sponsor's Deemed Income

An eligible alien's income will consist of deemed income from a sponsor in addition to their own income. Follow these steps to determine how much should be deemed to the alien from a sponsor:

1. Determine value of the sponsor's and spouse's, if any, In-kind Support and Maintenance
2. Total the sponsor's and spouse's, if any, countable gross unearned income from all other sources add the value of any In-kind Support and Maintenance (determined above)
3. Total the sponsor's and spouse's, if any, countable gross earned income from all sources (including self employment income)
4. Carry out the deeming process for Sponsor to Alien deeming
5. Add the total deemable income, if any, of the sponsor(s) to the eligible alien's unearned income

The above steps are repeated for each of the alien's sponsors.

Chapter 32

Emergency Medical Assistance

32.1 Introduction

Emergency Medical Assistance is a short term program which provides coverage only for emergency services to individuals who meet all the requirements for a Medical Assistance program but are not U.S. citizens and do not meet the eligible qualified alien status requirements for full Medical Assistance coverage.

32.2 Emergency Medical Assistance Eligibility Determination

- Household members must meet EMA qualifying Conditions AND
- Household members must be eligible for medical assistance coverage under any of the following programs for all rules except citizenship and SSN.

Emergency Medical Assistance is available under the following programs:

1. ABD Medical Assistance Program
2. LIFC Medical Assistance Program
3. Categorically Needy Pregnant Woman
4. Categorically Needy New Born
5. Categorically Needy Children
6. Title IV-E Foster Care
7. Title IV-E Adoption

8. Medically Needy Pregnant Woman Program
9. Medically Needy Children Medical Assistance Program

Note: If a household member fails medically needy Pregnant Woman or Medically Needy Children then an individual(s) may apply for emergency coverage under these programs with spenddown.

When determining Emergency Medical Assistance eligibility for the programs listed above do not deem any income from an alien sponsor who is not a spouse or parent living with the alien.

Eligibility for Emergency Medical Assistance is NOT available under the following programs:

1. BCC
2. TB
3. QMB
4. SLMB
5. QI-1
6. CHIP
7. Long Term Care (LTC)
8. Waiver Programs

Emergency Medical Assistance is provided to the end of the emergency medical need.

32.2.1 EMA qualifying Conditions

- The individual is not a US citizen or does not have an alien status eligible for Medical Assistance AND
- The household member must meet residency rules AND
- The household member must have an Emergency Need AND
- The individual is not eligible for coverage under the Refugee Medical Assistance program AND
- These household members are covered for Emergency Medical Assistance coverage period.

Citizenship Requirements

In order to be eligible for Emergency Medical Assistance the individual must NOT pass any of the Citizenship Rules as documented in the Non Financial Requirements in the Common Rules chapter.

Residency

In order to be eligible for Emergency Medical Assistance the individual must pass the Residency Rules as documented here. The state residency rules are divided into two general sections which outline the factors in determining residency for children (under aged 21) and adults (aged 21 or over):

Individuals under age 21

Non-Institutionalized Individual

1. For a competent individual who is capable of stating intent and living independently from his or her parents or married, the state of residence is the state where the individual is living with the intention to remain there permanently or for an indefinite period OR
2. For a non-institutionalized individual whose Medical Assistance is based on blindness or disability, the state of residence is the state in which the individual is living OR
3. For any other non-institutionalized individual to whom 42 CFR 435.403(h) (1) or (2) above does not apply, the child is a resident of the State in which the caretaker is a resident.

Individuals age 21 and over

Non-institutionalized individual

1. For a non-institutionalized individual, the state of residence is the state where the individual is living with the intention to remain permanently for an indefinite period OR
2. For a non-institutionalized individual if incapable of stating intent, the state of residence is the state where the individual is living OR
3. For a non-institutionalized individual, the state of residence is the state where the individual is living and in which the individual entered with a job commitment or seeking employment (whether or not currently employed)

Incapability of indicating intent

1. An individual is considered incapable of stating intent if the individual has an I.Q. of 49 or less or has a mental age of 7 or less, based on test acceptable to the mental retardation agency in the State OR
2. An individual is considered incapable of stating intent if the individual is judged legally incompetent, OR

3. An individual is considered incapable of stating intent if the individual is found incapable of stating intent based on medical documentation obtained from a physician, psychologist, or other person licensed by the State in the field of mental retardation/mental health

Determine State of Residence in Special Situations

1. For an individual of any age who is receiving a state supplementary payment, the state of residence is the state paying the state supplementary payment OR
2. For individuals of any age who are receiving Federal payments for foster care or adoption assistance under Title IV-E of the Social Security Act, the state of residence is the state where the child lives

Change in residency

- A person cannot receive Medical Assistance coverage in more than one State

Emergency Medical Need

- “Emergency” shall mean a medical condition for which the absence of immediate medical attention could reasonably be expected to result in death or permanent disability and is approved as such by relevant authorities AND
- The care and services cannot be related to either an organ transplant procedure AND
- The care and services cannot be related to routine prenatal or postpartum care AND
- The application date must not be later than the last day of the third Month following the month in which the emergency need started.

Emergency Medical Assistance Coverage Period

- The date the household member first sought treatment is considered the first day of the coverage period AND
- The coverage period ends when the emergency treatment period ends

Chapter 33

Refugee Medical Assistance

33.1 Introduction

Refugee Medical Assistance provides medical assistance to needy individuals designated as refugees who are not eligible to receive benefits from any other Medical Assistance program.

33.2 Non Financial Conditions

This assistance unit consists of an individual that meets the Non Financial Conditions, Residency and Social Security Number. This program is open to only certain individuals with a specified alien status. So citizenship will be assessed as part of the refugee Medical Assistance qualifying conditions ruleset below.

33.2.1 Residency

In order to be eligible for Refugee Medical Assistance the individual must pass the Residency Rules as documented in the Non Financial Requirements in the Common Rules chapter.

33.2.2 Social Security Number

In order to be eligible for Refugee Medical Assistance the individual must pass the SSN Rules as documented in the Non Financial Requirements in the Common Rules chapter.

33.3 Determination of Refugee Assistance Unit

1. Individual Refugee AU

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- The assistance unit consists of an individual that meets the Adult RMA Non Financial Conditions AND
 - The individual does NOT have a Spouse that meets Adult Non Financial RMA Conditions AND
 - The individual or their Spouse's do NOT have dependent children that meet Child RMA Non Financial Conditions AND
 - The individual and Spouse do NOT have dependent children that meet US Born Child RMA Non Financial Conditions
2. Eligible Refugee Couple AU
- This assistance unit includes an individual that meets Adult RMA Non Financial Conditions AND
 - This assistance unit includes the individual's Spouse that meets RMA Non Financial Conditions AND
 - Both the individual and Spouse do not have any children that meets Child RMA Non Financial Conditions AND
 - Both the individual and Spouse do not have any children that meets US Born Child RMA Non Financial Conditions
3. Eligible Refugee with no Spouse with eligible Children AU
- This assistance unit includes an individual that meets Adult RMA Non Financial Conditions AND
 - The individual has no spouse living in the household AND
 - The assistance group includes one or more of the following eligible children and must include at least one:
 - The assistance unit includes the individual's Dependent children who meet the Child RMA Non Financial Conditions
 - The assistance unit includes the individual's Dependent children who meet the US Born Child RMA Non Financial Conditions
 - The assistance unit includes any minor child of the individual's Dependent children who meet the Child RMA Non Financial Conditions
 - The assistance unit includes any minor child of the individual's Dependent children who meet the US Born Child RMA Non Financial Conditions.
4. Eligible Refugee with ineligible Refugee Spouse with eligible Children AU
- This assistance unit includes an individual that meets Adult RMA

Non Financial Conditions AND

- The individual's spouse meets an Alien Status Eligible for RMA AND
 - The individual's spouse does NOT meet Adult RMA Non Financial Conditions AND
 - The assistance group includes all children that meet the following categories of eligible children but must include at least ONE eligible child;
 - The assistance unit includes any of the individual's and Spouse's Dependent children who meet the Child RMA Non Financial Conditions
 - The assistance unit includes any of the individual's and Spouse's Dependent children who meet the US Born Child RMA Non Financial Conditions
 - The assistance unit includes any minor child of the individual's or Spouse's Dependent children who meet the RMA Non Financial Conditions
 - This assistance unit includes any minor child of the individual's or Spouse's Dependent children who meet the US Born Child RMA Non Financial Conditions
5. Eligible Refugee with Non Refugee Spouse with eligible Children AU
- This assistance unit includes an individual that meets Adult RMA Non Financial Conditions AND
 - The individual has a spouse who does not have a Alien Status Eligible for RMA AND
 - This assistance group includes all children that meet the following categories of eligible children but must include at least ONE eligible child;
 - This assistance unit includes the individual's Dependent children who meets the Child RMA Non Financial Conditions
 - This assistance unit includes any minor child of the individual's or Spouse's Dependent children who meet the Child RMA Non Financial Conditions
6. Two Eligible Refugee with eligible Children AU
- This assistance unit consists of an individual that meets Adult RMA Non Financial Conditions AND
 - This assistance unit consists of the individual's Spouse who meets

RMA Non Financial Conditions AND

- This assistance group includes all children that meet the following categories of eligible children but must include at least ONE eligible child;
 - This assistance unit includes the individual's and spouse's dependent children who meet the Child RMA Non Financial Conditions
 - This assistance unit includes the individual's and the Spouse's dependent children who meet the US Born Child RMA Non Financial Conditions
 - This assistance unit includes any minor child of the individual's or Spouse's Dependent children who meet the Child RMA Non Financial Conditions

33.3.1 Adult RMA Non Financial Conditions

- The individual does NOT qualify for any other Medical Assistance or SCHIP program AND
- The individual meets RMA Adult rules AND
- The individual meets RMA Non Financial Conditions

Adult RMA Age

- The individual is aged 18 or older and less than or equal to 65 OR
- The individual is aged less than 18 and married

33.3.2 Child RMA Non Financial Conditions

- Child meets Dependent Child Rules with respect to a individual or individuals in a RMA assistance unit AND
- The child does NOT qualify for any other Medical Assistance or SCHIP program AND
- The child meets RMA Non Financial Conditions

33.3.3 US Born Child RMA Non Financial Conditions

- Child is born in the US AND
- Child meets Dependent Child Rules AND

- Child does NOT qualify for any other Medical Assistance or SCHIP program AND
- The child's parent or parents who live with the child have an alien status eligible for RMA AND
- Child is NOT a full-time student in an institution of higher learning or is exempt AND
- For children who are born in the U.S. the start of their eligibility period is the same as their refugee parent or parents. If the refugee parents have different eligibility period use that of the mother. AND
- The child is eligible on the first day of the month application is made on or after the start of their Eligibility Period

33.3.4 Dependent Child

Use the Dependent Child Rules in the Common Rules chapter, with the exception of deprivation, to determine that the child is a dependent child of a individual or individuals in a RMA assistance unit..

33.3.5 RMA Non Financial Conditions

- The individual has an alien immigration status eligible for RMA AND
- The individual has not been denied or terminated from Medical Assistance; AND
- Individual is NOT a full-time student in an institution of higher learning or is exempt AND
 - Individual is NOT a full-time student in an institution of higher learning OR
 - Individual is a full-time student in an institution of higher learning program but course is approved by the State as part of a Refugee re-settlement program
- Individual is within their eligibility period for Refugee Medical Assistance

Refugee Medical Assistance Coverage Period

The Refugee Medical Assistance Coverage Period time limit applies to each individual, not to each case.

- The start of the RMA Eligibility Period for a person who has a qualifying alien status on entry to US rules is on the first day of the month that a person enters the US OR

- The start of the RMA Eligibility Period for a person who receives a qualifying alien status after entry to US is on the first day of the month that the person receives this status OR

RMA Eligibility Period

The eligibility period continues for 8 full months (Use rate value) after this start date of the eligibility period as defined above to the last day of that month

Coverage

The individual is eligible on the first day of the month application is made on or after the Start of the RMA Eligibility Period until the end of the RMA Eligibility Period.

33.4 Alien Status

1. Qualifies On Entry to US
 - Individual is a Alien had an alien status Eligible for Refugee Medical Assistance on entry to US AND
 - Individual has an current alien status that is eligible for Refugee Medical Assistance
2. Qualifies After Entry to US
 - Individual does not have an alien status Eligible for Refugee Medical Assistance on entry to US AND
 - Individual has a current alien status that is eligible for Refugee Medical Assistance

33.4.1 Eligible Alien Status on US Entry

1. An alien who is admitted as a refugee under section 207 of the Immigration and Nationality Act OR
2. An alien who is granted asylum under section 208 of the Immigration and Nationality Act on entry to US OR
3. An alien whose deportation is being withheld under section 243(h) or 241(b) (3) of the Immigration and Nationality Act OR
4. An alien who is paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act on entry to US OR
5. An alien granted status as a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980 on

entry to US OR

6. An alien admitted as an Amerasian immigrant under the provision of Public Law 100-202 on entry to US OR
7. Victims of a severe form of trafficking, in accordance with section 107(b)(1) of the Trafficking Victims Protection Act of 2000, Public Law 106-386 assigned on entry to US

33.4.2 Current Eligible Alien Status

1. An alien who is assigned a status of refugee under section 207 of the Immigration and Nationality Act after entry into US OR
2. An alien who is granted asylum under section 208 of the Immigration and Nationality Act after entry to US OR
3. An alien who is paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act after entry to US OR
4. An alien whose deportation is being withheld under section 243(h) or 241(b) (3) of the Immigration and Nationality Act OR
5. An alien granted status as a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980 after entry to US OR
6. Victims of a severe form of trafficking, in accordance with section 107(b)(1) of the Trafficking Victims Protection Act of 2000, Public Law 106-386 assigned after entry to US OR
7. An alien admitted as an Amerasian immigrant under the provision of Public Law 100-202 after Entry to US OR
8. An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act and held one of the identified statuses previous to this.

33.5 Financial Eligibility Conditions

Financial Eligibility for Refugee Medical Assistance is determined based on the Household's resources and income on the date of application

1. Household must satisfy the Refugee Medical Assistance Resource Test AND
2. Household satisfy the Refugee Medical Assistance Income Test

33.5.1 Income/Resource Unit for Refugee

Include the income and resources of the following individuals in the Income

and Resource Unit:

- The refugee for whom assistance is being provided AND
- The spouse who is living in the home AND
- The Dependent children of the individual or spouse (Dependent Child rules must be satisfied with the exception of Deprivation) AND
- If a dependent child is a minor parent, then include the dependent child of the minor parent.

The following household members, who live in the home, are not eligible for Medical Assistance coverage, their income and resources are not counted and they are not included in the household size:

- SSI Recipients OR
- Children receiving Federal, State or Local government Foster Care payments OR
- Children receiving Federal, State or Local government Adoption Assistance payments

33.5.2 Resource

Resource Limit

The resource limit for medically needy children is based on the household size:

Household Size	Resource Limit (\$)
1	2000
2	3000
3	3025
4	3050
5	3075
6	3100
7	3125
8	3150
9	3175
10	3200
For each additional person (+10)	25

Table 33.1 Resource Levels for Medically Needy

Countable Liquid Resources

See Countable Liquid Resources - Family Programs in the Common Rules chapter.

Countable Non-liquid Resources

See Countable Non-Liquid Resources - Family Programs in the Common Rules chapter.

Excluded Resources

See Excluded Resources - Family Programs in the Common Rules chapter.

The following resources are also specifically excluded from resource calculations for Refugee Medical Assistance.

Refugee Resettlement Cash grant received from the Department of State or Department of Justice Reception and Placement programs

Any cash grant received from the Department of State or Department of Justice Reception and Placement programs

Reception and Placement (R&P) cash assistance from a voluntary resettlement agency.

Do not count Reception and Placement (R&P) cash assistance from a voluntary resettlement agency.

33.5.3 Income

The income test can vary across states:

- In States which apply the AFDC Income standards to their Refugee Medical Assistance Program use the AFDC Income limit
 - The household's gross countable income is equal or less than 185% of the monthly limit for the household size AND
 - The household's net countable income is equal to or less than the 100% of the monthly limit for the household size
- In States which apply the Medically Needy a limit that is equal to a financial eligibility standard established at up to 200% of the national poverty level
 - The household's net countable income is equal to or less than the 200% of the national poverty level or the household size OR
 - The household's net countable income is equal to or less than the State's Medically Needy income eligibility standards

Unearned Income

See **Unearned Income - Family Programs** in the **Common Rules** chapter.

The following **Unearned Incomes** are also excluded from income calculations for **Refugee Medical Assistance**.

Match Grant Payments

Do not count **Match Grant** payments as income.

Refugee Cash Assistance Payments

Do not count **Refugee Cash Assistance Payments**

Earned Income

See **Earned Income - Family Programs** in the **Common Rules** chapter.

Self Employment Income

See **Self Employment Income - Family Programs** in the **Common Rules** chapter.

Chapter 34

Refugee Medical Assistance Calculations

34.1 Introduction

This chapter summarizes the calculations for Refugee Medical Assistance.

34.2 Resource Calculations

Countable resources must be less than the resource limit appropriate to their household size:

Household Size	Resource Limit (\$)
1	2000
2	3000
3	3025
4	3050
5	3075
6	3100
7	3125
8	3150
9	3175
10	3200
For each additional person (+10)	25

Table 34.1 Resource Levels for Medically Needy

The following are the steps to be undertaken when determining the total countable resources for Refugee Medical Assistance Program:

34.2.1 Resource Deeming

If the individual is the spouse of an eligible Non Parent Caretaker Relative, carry out Spouse to Spouse Deeming:

Deeming Exceptions

Resources from the following individuals are not deemed for family programs:

- Resources of the Supplemental Security Income (SSI) recipient

Spouse to Spouse Deeming

1. Calculate countable resources for the ineligible spouse AND
2. Deem the ineligible spouse's total countable resources to the eligible individual

Note: Countable and excluded resources are detailed in the Refugee Medical Assistance Rules chapter.

34.2.2 Total Countable Resources

For every individual in the income/resource unit whose resources are counted, carry out the following steps:

1. Exclude any resources that remain in a refugee's country of origin and are not available to the refugee when calculating the countable resources AND
2. Calculate individual's countable resources AND
3. Add total deemed resources, if any, to the individual's total countable resources to determine the total countable resources AND
4. Add individual's countable resources to other household member's countable resources to determine household's total countable resources

34.3 Income Calculations

State may implement an AFDC income test or medically needy income test:

AFDC Income test:

1. The household's gross countable income is equal or less than 185% of the monthly limit for the household size AND
2. The household's net countable income is equal to or less than the 100% of the monthly limit for the household size

Non AFDC Income test:

1. The household's net countable income must be equal to or less than the State's Medically Needy income eligibility standards OR
2. The household's net countable income is equal to or less than the 200% of the monthly limit for the household size

Household Size	Income Limit (\$)
1	382
2	468
3	583
4	682
5	777
6	857
7	897
8	938
9	982
10	1023
11	1066
12	1108
13	1150
14	1192
15	1236
16	1277
For each additional person	42

Table 34.2 Income Levels for Medically Needy

The following are the steps to be undertaken when determining the total countable gross and net income for the Refugee Medical Assistance Program:

34.3.1 Gross Income Calculations

Using the income unit as previously determined for Refugee Medical Assistance Program carry out the following steps for the gross income test:

Deemable Income

For every individual in the income unit whose income is deemed carry out the following steps:

1. Total the deemor's countable gross unearned income from all sources
2. Total the deemor's countable gross earned income from all sources including income from self employment

3. If the individual is the spouse of an eligible Non Parent Caretaker Relative, carry out Spouse to Spouse Deeming

Deeming Exceptions

1. Income of the Supplemental Security Income (SSI) recipient is never deemed to any other individual. This applies to all income of the SSI recipient, not just the SSI amount.
2. Deeming does not apply in situations where a family does not have a residence.

Deeming Exceptions - Income Types

The following deeming exceptions are in addition to any income which is excluded under the general income rules.

1. Do not deem from an individual income from payments resulting from the Refugee Act of 1980
2. Tribal Payments from general assistance programs of the Bureau of Indian Affairs
3. Exclude any income used by an ineligible person to make child or spousal support payments under a court order
4. Veteran's Administration Pension
5. Veteran's Administration Compensation paid to the parent of a child
6. ISM received by a deemor is not deemed to the Medical Assistance individual

Spouse to Spouse Deeming

From the Spouse's gross countable earned Income:

1. Deduct up to \$90 Work Allowance per month from the employed persons earned income AND
2. Add the countable unearned income AND
3. Subtract an amount equal to 100% Standard of Need for the number of ineligible individuals, living in the home, not including the eligible spouse AND
4. Subtract any child support or alimony actually paid by the spouse to individuals not living in the home AND
5. The remaining amount, if any, is deemed as unearned income to the spouse

Note: Countable and excluded income are detailed in the Refugee Medical Assistance Rules chapter.

Gross Countable Income

For every individual in the income unit whose income is counted, carry out the following steps:

1. Calculate individual's countable gross unearned income from all sources
2. Add deemable income, if any, to the individual's unearned income
3. Add individual's countable gross unearned income to other household member's countable gross unearned income
4. Calculate the individual's countable gross earned income from all sources including income from self employment
5. Add individual's countable gross earned income to other household member's countable gross earned income
6. Combine the household's total gross unearned income and the total gross earned income to determine the household's total gross income

The household's gross countable income is equal or less than 185% of the monthly limit for the household size

34.3.2 Net Income Calculations

The Net Income Steps are carried out only If the household's countable gross income is less than or equal to the 185% of the monthly limit for the household size

Income Deductions

For every individual in the income unit whose income is counted, deductions may be applied. Apply disregards in the following order for each employed/self employed individual in the household

1. Deduct the \$90 Work Allowance
 - Deduct up to \$90 per month from the employed persons earned income
2. Deduct the \$30 and 1/3 Disregard
 - a. The employed person has not received the \$30 and 1/3 disregard in 4 consecutive months in the last 12 months AND
 - b. Deduct the first \$30 and 1/3 of the remainder from the employed person's income

3. Deduct the \$30 Disregard
 - a. The employed person has received the 4 consecutive months of the \$30 and 1/3 disregard AND
 - b. Deduct the first \$30 from the employed persons income AND
 - c. This disregard applies for 8 consecutive months AND
 - d. Count all months including months that the person does not receive Medical Assistance or does not have earnings in determining the 8 consecutive months
4. Deduct the Dependent Care Allowance
 - Deduct the monthly amount paid for the care of each dependent child or incapacitated adult up to the maximum defined in the Dependent Care Chart if:
 - Child or incapacitated adult is an eligible member of the assistance unit AND
 - Actual cost of child care is not reimbursed AND
 - The care is necessary for employment

Apply the following disregard to each individuals remaining total income (any earned plus any unearned):

- Deduct Child Support/Alimony Payments
 - Reduce Income by the verified amount paid for dependents not living in the home

Net Countable Income

- Add individual's total countable net income to other household member's countable net income after deductions to get the households total net income.

Chapter 35

SpendDown

35.1 Introduction

SpendDown is a Medical Assistance term used for persons whose income and assets are above the threshold for the state's designated medically needy criteria, but are below this threshold when medical expenses are factored in. An individual can meet the SpendDown amount by submitting allowed medical expenses to reduce/meet the SpendDown amount. Some states permit clients to pay cash to reduce/meet the SpendDown amount; this cash payment is called Pay-In. A combination of certain Expenses and Pay-In can be used to meet the SpendDown amount.

SpendDown is calculated on a period basis. Eligibility and the appropriate SpendDown amount must be re-determined each period. When the individual meets this SpendDown amount, they can receive Medical Assistance coverage from the date that SpendDown was met until the end of the specified SpendDown period.

35.2 SpendDown Coverage

Many states allow people to SpendDown their income to a state-established income level by paying or incurring medical and remedial expenses to offset income in excess of the state level. People covered through a SpendDown approach are known as the Medically Needy. If a state wants to cover any groups of people that are Medically Needy, it must also cover the following groups if they meet income and resource eligibility guidelines or SpendDown to the eligibility guidelines:

1. All pregnant women [42 CFR 435.301(b)(i)]
2. All individuals under 18 years of age [42 CFR 435.301 (b)(ii)]
3. Women who were medically needy during pregnancy must remain eligible for Medicaid services related to her pregnancy for 60-days beginning

ning on the date of her child's birth [42 CFR 435.301(b)(iv)]

The SpendDown implementation covers the federally mandated groups detailed in points 1-3 above.

35.3 Cúram SpendDown

The Cúram SpendDown implementation allows individuals to meet the SpendDown amount by applying allowed medical expenses and/or cash payments. Medical expenses include such items as charges for hospital care, prescription drugs, home care, transportation to medical appointments, Medicare premiums, and co-payments, etc. These medical expenses can be deducted from the household income within the SpendDown budget period.

35.3.1 Budget Period

Income of medically needy individuals is computed within time frames known as budget periods. The state computes how much the individual's total income over the budget period exceeds the eligibility standard. This excess income is the amount the individual must SpendDown to become eligible for Medical Assistance. Once the individual shows that he or she has incurred medical expenses equal to or greater than the SpendDown amount, s/he will receive Medical Assistance to cover any additional medical expenses for the remainder of the budget period. At the end of the budget period, people must again show how much their income exceeds the state's threshold and again document that they have paid or incurred medical and remedial expenses to meet the SpendDown.

States may set budget periods of any length up to six months. They may also use multiple budget periods, allowing, for example, an individual to choose between spending down over one month or over six months, or to obtain Medicaid during a retroactive period as well as a prospective period.

The Medical Assistance SpendDown implementation defaults the budget period to one month.

Retro Active Coverage

An individual may receive up to 3 months Retroactive coverage once determined eligible for a Medical Assistance program with SpendDown and once they have met the SpendDown amount for the budget period. The applicable Retroactive period is the 3-month period directly prior to the month of application. Coverage in the third month prior to application is only given up to and including the date of application. For example, if a client applies for SpendDown on April 7th, then the three-month Retroactive period is January 7th - March 31st.

Clients can also apply for Retroactive coverage when there has been a break in program coverage of 30 days or more and they have not received coverage under any other program (except Cost Sharing) during that period. Ret-

roactive coverage will only be given on a month by month basis during this period up to a maximum of 3 months. Each month within the Retroactive period is treated as a separate SpendDown period. Clients must meet both the program eligibility requirements and the SpendDown amounts in each individual month in order to receive Retroactive coverage for that month.

35.3.2 Deducting Medical Expenses

The Medical Assistance SpendDown implementation classifies valid expenses as deemed to be for medically necessary services, have an available amount for use towards SpendDown and are not on hold. Valid expenses include:

- Expenses which have occurred within valid time limits retrospectively from the SpendDown period start date (The time limit is a state defined variable which is stored in the system as a system variable/constant. The default value in the Cúram SpendDown implementation is 3 months.)
- Unpaid Expenses or Part Paid Expenses
- Expenses paid in a retroactive month or application month are only available for use until the end of the application month
- Expenses which have been incurred by a family member regardless of whether or not they reside with the Client - the family member must be one of the following:
 - Covered by Medical Assistance
 - Disqualified from Medical Assistance
 - Individual within the Medical Assistance unit from whom income is deemed
- State paid bills

A user may classify a SpendDown expense as either "Deductible" or "Incurred" when recording SpendDown expense details. If an expense is not classified at this time, the system will automatically classify the expense as either "Deductible" or "Incurred" using the following criteria:

- Incurred
 - Expense incurred is for a service which would be covered by Medical Assistance.
 - Is incurred by a person who was covered under a Medical Assistance Program at the time the person incurred the expense.
- Deductible
 - Is a Medically Necessary expense incurred by a family member who

was not eligible for Medical Assistance.

- Is an expense incurred for Medically Necessary services which is not payable by Medical Assistance.
- Is an expense incurred by a person for Medically Necessary services on a date when the person was not eligible for Medical Assistance coverage, and includes all dates in the retroactive period irrespective of actual date of application for Medical Assistance.

35.4 SpendDown Entities

The following are the additional entities required by the SpendDown implementation.

35.4.1 SpendDown

The SpendDown entity records the amount of SpendDown required in a particular budget period in order to receive medical assistance coverage. A new SpendDown record is created for each budget period thus enabling a user to view the SpendDown history on the case, e.g. whether SpendDown was met for certain budget periods, the date from which medical assistance coverage began, etc.

The SpendDown entity is linked to both the SpendDown Medical Expense evidence entity and the Pay-In evidence entity enabling the user to view the composition of the SpendDown amount, i.e. the medical expenses and/or pay-in used.

35.4.2 Evidence Entities

SpendDown Medical Expense

Product Reference: Medical Assistance

SpendDown Medical Expense Evidence captures SpendDown details for a Medical Expense Evidence record. The data captured on a SpendDown Medical Expense Evidence record is required for the processing of the Medical Assistance programs with SpendDown only.

Medical Expense Payment

Product Reference: Medical Assistance

Medical Expense Payments are recorded for a participant who has made a payment to a Medical Service Provider in respect of a medical expense for which the participant has payment responsibility. A medical expense may be applied to a SpendDown amount provided the expense is unpaid, part-paid or paid and within a specified time limit.

Pay-In

Product Reference: Medical Assistance

States can allow people to pay monthly premiums to the state equaling the difference between the family's income and the medically needy income levels to qualify for Medical Assistance. This option is known as Pay-In. Pay-In payments can be used on their own or in conjunction with certain types of expenses in order to meet the SpendDown.

Chapter 36

Long Term Care Medical Assistance

36.1 Introduction

Long Term Care Medical Assistance is a Medical Assistance program that provides coverage for individuals who require an institutional level of care over an extended period of time. Long-term care refers to the medical, social, personal care, and supportive services needed by people who have lost some capacity for self-care because of old age, a chronic illness or condition. This definition excludes medical care for acute conditions; however, post acute care, such as skilled nursing care and home health care, is often classified as long-term care.

36.2 Non Financial Requirements

Non financial requirements includes the rules for Citizenship, Residency and Social Security Numbers. See Non Financial Requirements in the Common Rules chapter.

36.3 Level of Care

The individual must meet one of the following levels of care:

- Intermediate or Skilled Nursing Care OR Intermediate Care for the Mentally Retarded OR Hospital Level of Care OR IMD AND
- Level of Care must be certified by a physician or recognized authority AND
- The LOC certification is valid

36.4 30-Consecutive Day Requirement

To qualify for Medicaid as an Institutionalized patient an individual must meet one of the following conditions for at least 30 consecutive days (except for Exceptions):

- Reside in a Title XIX certified nursing facility OR
- Be an inpatient in a hospital OR
- Participate in a Home and Community Based Services Waiver program OR
- A Combination of the previous 3

36.4.1 Exceptions to the 30-Consecutive Day Requirement

An individual is not required to satisfy the 30 consecutive day rule in either of the following conditions:

- The individual was in receipt of Medicaid when entering the institution or home and community based program OR
- The individual dies before the 30 days are met OR
- A disabled child is a resident of a medical institution if the stay is expected to exceed 30 days, even if it is temporary.

Disabled Child

- If a baby, meeting disability criteria, is born in a hospital and is subsequently a resident of that hospital throughout the remainder of that month, the baby is considered to be a resident of the hospital throughout the month of his/her birth. OR
- An infant who is born disabled, and who remains in the hospital for an extended time after birth is a resident of the medical institution from the date of birth.

36.4.2 Special Considerations for 30 day rule

The 30 consecutive day rules is still satisfied under the following conditions:

- If the individual is temporarily absent for not more than 14 full consecutive days providing the person remains under the jurisdiction of the institution OR
- If the individual moves from a Medical Facility to HCBS - once they enter the waiver within 10 days of discharge from the nursing home.

36.5 Categorically Eligible

- A person currently receiving any Medicaid program (apart from cost sharing programs) is categorically eligible OR
- A person currently eligible for any Medicaid program (apart from cost sharing programs) is categorically eligible OR
- A person who meets the criteria for one of the following categories of coverage Aged, Blind, Disabled OR
- A person who meets the criteria for one of the following Waivers: Brain Injury, MRDD, Physical Disability, Elderly

36.5.1 ABD Special Conditions

To qualify under the Medicaid Program in one of the ABD LTC related categories a person must qualify under one of the following conditions:

- To qualify under the Age Program an individual must be aged 65 or older OR
- To qualify under the Disabled or Blind Medicaid Program, a person must: meet the Social Security criteria for blindness or disability be certified as such either by the SSA or by the Disability Determination Services (DDS) or equivalent agency in the State OR
- To qualify as a Deemed SSI Recipient the individual's eligibility under the Protected SSI group allows them to qualify as disabled or blind.

36.6 Transfer of Assets

Under the transfer of resources provisions in §1917(c) of the Social Security Act (the Act), you must restrict Medicaid coverage to an otherwise eligible institutionalized individual if he/she or his/her spouse transfers resources for less than fair market value:

- If the transfer occurred during the prohibited period AND
- If the uncompensated value of the transferred resources exceeds the average monthly cost of nursing facility services in the State or community in which the individual is institutionalized.

36.6.1 Look Back Period

The asset transfer penalty applies to any transfer for less than fair market value made during a period preceding or following a request for long-term care services. The look-back period is determined as follows:

Asset Transferred On or after August 11, 1993 and before Feb 8 2006

There is no transfer of assets penalty (and therefore no look back period) for assets transferred before August 11 1993 or for assets transferred more than 5 years from when the client entered an institution. For assets transferred after August 11 1993

Assets transferred (except Trust)

For an individual in an institution or on a waiver the look back period is the 36-month period before a client first applies for nursing home Medicaid and is either residing in an institution or has made the application for waiver services(And anytime after)

Revocable Trust

When a portion of a revocable trust is treated as a transfer for less than FMV the look back period is 60 months before a client first applies for nursing home Medicaid and is residing in an institution or participates in a HCBS waiver.

Irrevocable trust (Funds available)

When a portion of a irrevocable trust is treated as a transfer for less than FMV the look back period is 36 months before a client first applies for nursing home Medicaid and is residing in an institution or participates in a HCBS waiver

Irrevocable trust (Funds unavailable)

- When payments from all or a portion of the trust cannot be made to or for the benefit of the Individual treat all or such portion as a transfer of assets for less than FMV AND
- When that portion of a trust which cannot be paid to an individual is treated as a transfer for less than FMV the look back period is 60 months before a client first applies for nursing home Medicaid and is residing in an institution or participates in a HCBS waiver

Transfer of any asset on or after Feb 8 2006

The look-back date for transfers made on or after February 8, 2006 is 60 months before the date the individual is institutionalized and applies for Medicaid

36.6.2 Transfer of Resource Penalty Exception

Do not impose penalty on individuals who transfer resources in one of the following cases:

Transfers on or after August 11, 1993

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- If the client can prove the asset was not transferred in order to become eligible for Medicaid. OR
- if the sanction would be an undue hardship OR
- If the individual intended fair market return or other valuable consideration OR
- If the individual was legally incompetent at the time the asset was transferred and no one who is included in the benefit group with the legally incompetent individual was the party who transferred the asset for less than FMV on the individual's behalf.

Medicaid not the Reason for Transfer

In order for a client to prove that Medicaid was not a reason for the transfer, the client must provide documentation establishing that there were unexpected circumstances that happened after the transfer occurred:

- The client suddenly, unexpectedly, became disabled AFTER the transfer OR
- The client learned that he or she had a disabling condition AFTER the transfer OR
- The transfer was court-ordered OR
- The assets were transferred to a religious order by a member of that order in accordance with a vow of poverty

Undue Hardship

- The client has exhausted all reasonable legal means to regain possession of the transferred asset AND
- Without Medicaid coverage for institutional or Home and Community-Based care, the client will not be able to get the medical care needed AND
- The client is at risk of death or permanent disability without that care

Incapacity of indicating intent

- An individual is considered incapable of stating intent if the individual has an I.Q. of 49 or less or has a mental age of 7 or less, based on test acceptable to the mental retardation agency in the State OR
- An individual is considered incapable of stating intent if the individual is judged legally incompetent, OR
- An individual is considered incapable of stating intent if the individual is found incapable of stating intent based on medical documentation ob-

tained from a physician, psychologist, or other person licensed by the State in the field of mental retardation/mental health

Allowable Transfer

The following transfers are allowed without penalty:

On or after 08/11/1993

- Transfer of a home or any other asset to the spouse, or to another for the sole benefit of the spouse. OR
- Transfer of any asset to a blind or disabled son or daughter or to another for the sole benefit of a blind or disabled son or daughter, OR
- Transfer of a home to a son or daughter under 21 years of age OR
- Transfer of a home to a sibling who has an equity interest in the home and who has lived in the home for at least 1 year immediately preceding the client's entry into a medical institution.
- Transfer of a home to a son or a daughter who has lived in the home and provided care to the client which permitted the individual remain at home rather than be institutionalized or be on a waiver and has done so for at least 2 years prior to the individual's entry into the medical institution.

Sole benefit means that no other individual can benefit from the transfer

36.6.3 Length of Penalty

After 08/11/1993 and Before 2/8/2006

- The sanction period will be the number of months computed by dividing the uncompensated, equity value of the transferred assets by the nursing home private-pay rate in effect at the time of the transfer. The client will be ineligible for the number of months computed. There is no maximum penalty period (SC).
- Drop any remainder from the computation and sanction for the number of full months only.

In figuring periods of ineligibility count full months only, regardless of the date in the month a transfer actually occurs. A full month is counted at the beginning of a period of restricted coverage. That is a period of restricted coverage begins with the first day of the month a transfer has occurred. If a calculation of a penalty period results in a partial month, round the days down to the end of the previous month.

- If the individual leaves the nursing facility or waiver, the penalty period nevertheless continues until the end of the calculated period.

On or After 02/08/2006

- The sanction period will be the number of months computed by dividing the uncompensated, equity value of the transferred assets by the nursing home private-pay rate in effect at the time of the transfer. The client will be ineligible for the number of months computed. There is no maximum penalty period (SC).
- Penalty Period equals the full months and any partial months calculated as follows:
 - Total the uncompensated amount of all transfers
 - Divide by the average private pay rate
 - Round down to 2 decimal places
 - To determine the number of days for the fractional amount transferred, multiply the decimal amount by 30. Drop any partial day.

Dividing Sanctions between Spouses

When both members of a married couple are applying for institutional or waiver services, the sanction period(s) must be divided between them. The total, divided sanction periods cannot be more than what the sanction periods would be for just one of them, although it may be less.

- When both apply at the same time, divide the sanction period(s) equally between them.

36.6.4 Ineligibility Period

Individuals who are sanctioned for transferring assets are not eligible for institutional care or Home and Community-Based Care.

For HCBS if the Medicaid eligibility is dependent on participating in the waiver the application is denied or canceled, but if they qualify under another category they are still eligible under that category.

Transfer Post 08/11/1993 and before 08/02/2006

- The ineligibility starts on the (first day of the month) month the asset was transferred OR
- If there is more than one transfer of assets for less than FMV the penalty periods are applied consecutively with the penalty starting the date the first asset was transferred.

Transfer Post 02/08/2006

- The penalty period begins on the date that the person is an institutionalized person, has applied for Medicaid, and would otherwise be eligible for Medicaid for nursing home or long-term care services except for the penalty period AND
- A penalty period cannot begin until a previous penalty period has expired.

36.7 Resources & Spousal Impoverishment

Spousal Impoverishment is a term used to refer to additional benefits provided to a couple when only one spouse resides in an institution and the other spouse is in the community, and when only one spouse is eligible for Home and Community Based Waiver services and the other is not. The purpose of the provision is to allow the community spouse to keep additional resources. The provision protects a person whose husband or wife goes into an institution or becomes eligible for waiver services from having to deplete all the couple's resources in order for the institutionalized or waiver spouse to qualify for Medicaid.

Initial eligibility is determined differently based on whether an individual is:

- Child who is blind or disabled OR
- Single Institutionalized Individual
- Married couple where both individuals institutionalized (or waiver) OR
- Married couple where one is institutionalized (or waiver) and other is community spouse

36.7.1 Blind/Disabled Children

- If an un emancipated blind or disabled individual under 18 years of age, lives with at least one parent and then enters an institution, the resources of the parent(s) are deemed to the child for the month of eligibility.
- If an un emancipated blind or disabled individual under 21 years of age and in school lives with at least one parent and then enters an institution, the resources of the parent(s) are deemed to the child for the month of eligibility. If emancipated use rules for single institutionalized individual
- If child is emancipated use rules for single institutionalized individual
- To determine the amount of resources deemed to the individual
 - Calculate institutionalized child's countable resources AND
 - If parent(s) are living with the institutionalized child, carry out parent to child deeming AND
 - Add total deemed resources from the parent(s), if any, to the indi-

vidual's total countable resources to determine the total countable resources for the eligible child

- The institutionalized child is resource eligible for institutional care Medicaid if countable resources do not exceed the asset limit (\$2,000).

Disabled Child Exception

- If a baby, meeting disability criteria, is born in a hospital and is subsequently a resident of that hospital throughout the remainder of that month, the baby is considered to be a resident of the hospital throughout the month of his/her birth and no parental resources are deemed OR
- An infant who is born disabled, and who remains in the hospital for an extended time after birth is a resident of the medical institution from the date of birth and no parental resource are deemed.

36.7.2 Single institutionalized Individual

- Count only the countable assets of the client to determine eligibility
- Calculate individual's countable resources AND
- Compare the assets to the asset limit, if it is equal to or less than the asset limit the client is eligible

36.7.3 Married couple both institutionalized (or on a waiver)

- Calculate eligible individual's countable resources AND
- Total eligible spouse's countable resources AND
- Combine the countable resources for the eligible individual and the eligible spouse AND
- Compare the assets to the asset limit for two people, if it is equal to or less than the asset limit both individual's are eligible

36.7.4 Married institutionalized individual with community spouse (Spousal Impoverishment)

Last Entry Pre 01/10/1989

- Count only the countable assets in the client's name to determine eligibility (this includes joint assets).
- Compare the assets to the asset limit, if it is equal to or less than the asset limit the client is eligible

Last entry on or post 01/10/1989

Providing the client was married to the current spouse and the client was institutionalized for a period of 30 days or more the asset tests is based on the combined assets of the couple. The steps to calculate are as follows:

1. Calculate the date of assessment.
2. Calculate institutionalized individual's countable resources as on the date of assessment AND
3. Total community spouse's countable resources as on the date of assessment AND
4. Combine the countable resources for the institutionalized individual and the community spouse AND
5. DIVIDE the total assets by 2 to give the Spousal Share AND
6. Compare the Spousal Share to the Minimum Spousal Amount AND
7. If the Spousal Share is less than the Minimum Spousal Amount
 - SUBTRACT the Minimum Spousal Amount from the Total Assets
 - The Institutionalized Individual's Spousal Share is the remainder of the step above AND
 - The Community Spousal Share is the Minimum Spousal Amount AND
8. If the Spousal Share is greater than the Minimum Spousal Amount
 - The Spousal Share is the total derived from step 5 above
9. Declare the Assessed Share of Assets (Spousal Share) for the Institutionalized Individual and Spouse.
10. Combine the Maximum Spousal Amount and the state defined asset limit AND
11. If either Spousal Share is greater than the total derived from step 10, the institutionalized individual is ineligible for Long Term Care Medical Assistance and no further processing should be completed OR
 - If each spousal share is less than or equal to the total derived from step 10
12. SUBTRACT the community spouse's assessed share of assets from the total assets from step 4 AND
13. COMPARE the remainder to the asset limit AND
14. If the remainder is LESS than the asset limit the client is eligible OR

15. If the remainder EXCEEDS the asset limit the client may be eligible if they agree to transfer assets to the spouse within a time frame OR
 - If the client's assets are NOT LESS than the asset limit, the client may receive Medicaid pending transfer of assets. The transfer to the community spouse can take place at any time but eligibility is not established until the resource share of the community spouse is equal to or below the spousal share after the transfer is made and the client's resources are at or below \$2000. The client may receive Medicaid only if he agrees to bring his assets below the asset limit by transferring them to his spouse. The client must provide a statement expressing an agreement to transfer the appropriate amount of assets by the due date of the next review.
16. If the remainder exceeds asset limit and the client does not agree to transfer assets, the client is ineligible UNLESS he proves Undue Hardship
 - Spousal impoverishment undue hardship may exist if :
 - Counting the spouse's assets as available to the institutionalized client causes the client to exceed the asset limit AND
 - The client's spouse refuses to make the assets available AND
 - Without Medicaid coverage for institutional care, the client will not be able to get the medical care needed AND
 - The client is at risk of death or permanent disability without institutional care.

Assessment of assets is a process of dividing the value of all countable (non exempt) assets that belong to the institutionalized or waiver client and the client's spouse.

36.8 Countable & Excluded Resources

36.8.1 Countable Liquid Resources

See Countable Liquid Resources - ADB Type Programs in the Common Rules chapter.

36.8.2 Countable Non-liquid Resources

See Countable Non-Liquid Resources - ABD Type Programs in the Common Rules chapter.

36.8.3 Excluded Resources

See Excluded Resources - ABD Type Programs in the Common Rules chapter.

36.9 Income

The income unit will consist of one of the following:

- Institutionalized Blind or Disabled Child OR
- Single Institutionalized Individual
- Married couple where both individuals institutionalized (or waiver) OR
- Married couple where one is institutionalized (or waiver) and other is community spouse

36.9.1 Gross Income Test

Institutionalized Blind or Disabled Child

- If an unemancipated blind or disabled individual under 18 years of age, lives with at least one parent and then enters an institution, the resources of the parent(s) are deemed to the child for the month of eligibility.
- If an unemancipated blind or disabled individual under 21 years of age and in school lives with at least one parent and then enters an institution, the income of the parent(s) are deemed to the child for the month of eligibility.
- Calculate the child's countable gross unearned income
- Calculate the parent(s) countable gross unearned income
- Calculate the parent(s) countable gross earned income from all sources (including self employment income)
- Carry out the parent to child deeming process
- Add the total deemable income, if any, of the parent(s) to the eligible child's countable gross unearned income
- Calculate the child's countable gross earned income from all sources (including self employment income)
- Add the countable gross unearned income and the countable gross earned income to determine the total gross countable income for the eligible child
- Compare gross amount to state maximum allowable monthly income standard.

Disabled Child Exception

In the following cases, the child should be treated as a single institutionalized individual:

- If a baby, meeting disability criteria, is born in a hospital and is subsequently a resident of that hospital throughout the remainder of that month, the baby is considered to be a resident of the hospital throughout the month of his/her birth and no parental resources are deemed OR
- An infant who is born disabled, and who remains in the hospital for an extended time after birth is a resident of the medical institution from the date of birth and no parental resource are deemed.
- An emancipated child

Married Couple where Both Individuals Institutionalized

If both spouses are institutionalized, apply the following rules:

- Calculate the individual's countable gross unearned income
- Calculate the spouse's countable gross unearned income
- Combine the countable gross unearned income of the couple
- Calculate the individual's countable gross earned income from all sources (including self employment income)
- Calculate the spouse's countable gross earned income from all sources (including self employment income)
- Combine the countable gross earned income of the couple
- Add the countable gross unearned income and the countable gross earned income to determine the total gross countable income for the eligible couple
- Compare gross amount to state maximum allowable monthly income standard.

Exception: If spouses are both institutionalized but ineligible when treated as a couple, treat each spouse as an single institutionalized individual

Single Institutionalized Individual

- Total the individual's countable gross unearned income
- Total the individual's countable gross earned income from all sources (including self employment income)
- Total the individual's countable gross earned and unearned income to give total gross income.
- Compare gross amount to state maximum allowable monthly income

standard.

Married Couple where One is Institutionalized and Other is Community Spouse

- Calculate the individual's countable gross unearned income
- Calculate individual's share of any shared countable gross unearned income.
- Calculate the individual's countable gross earned income from all sources (including self employment income)
- Calculate individual's share of any shared countable gross earned income.
- Add the countable gross unearned income and the countable gross earned income to determine the total gross countable income
- Compare gross amount to state maximum allowable monthly income standard.

36.9.2 Net Income Test

The LTC Net Income Test is only carried out if the income unit's gross income is above 300% SIL or other state defined limit.

Institutionalized Blind or Disabled Child

- If an un emancipated blind or disabled individual under 18 years of age, lives with at least one parent and then enters an institution, the resources of the parent(s) are deemed to the child for the month of eligibility.
- If an un emancipated blind or disabled individual under 21 years of age and in school lives with at least one parent and then enters an institution, the income of the parent(s) are deemed to the child for the month of eligibility.
- Calculate the child's countable gross unearned income
- Calculate the parent(s) countable gross unearned income
- Calculate the parent(s) countable gross earned income from all sources (including self employment income)
- Carry out the parent to child deeming process
- Add the total deemable income, if any, of the parent(s) to the eligible child's countable gross unearned income
- Apply unearned income deductions to the child's countable gross unearned income to determine the countable net unearned income

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- Calculate the child's countable gross earned income from all sources (including self employment income)
- Apply earned income deductions to the child's countable gross earned income to determine the net earned income:
- Add the countable net unearned income and the countable net earned income to determine the total net countable income for the eligible child
- Compare net countable income to the state defined Medically Needy Income Eligibility Standard.

Disabled Child Exception

In the following cases, the child should be treated as a single institutionalized individual:

- If a baby, meeting disability criteria, is born in a hospital and is subsequently a resident of that hospital throughout the remainder of that month, the baby is considered to be a resident of the hospital throughout the month of his/her birth and no parental resources are deemed OR
- An infant who is born disabled, and who remains in the hospital for an extended time after birth is a resident of the medical institution from the date of birth and no parental resource are deemed.
- An emancipated child

Married Couple where Both Individuals Institutionalized

If both spouses are institutionalized, apply the following rules:

- Calculate the individual's countable gross unearned income
- Calculate the spouse's countable gross unearned income
- Combine the countable gross unearned income of the couple
- Apply unearned income deductions to the couple's income to determine the countable net unearned income
- Calculate the individual's countable gross earned income from all sources (including self employment income)
- Calculate the spouse's countable gross earned income from all sources (including self employment income)
- Combine the countable gross earned income of the couple
- Apply earned income deductions to the couple's income to determine the countable net earned income
- Add the countable gross unearned income and the countable gross earned income to determine the total gross countable income for the eli-

gible couple

- Compare net countable income to the state defined Medically Needy Income Eligibility Standard.

Exception: If spouses are both institutionalized but ineligible when treated as a couple, treat each spouse as an single institutionalized individual

Single Institutionalized Individual

- Total the individual's countable gross unearned income
- Apply unearned income deductions to determine the net unearned income
- Total the individual's countable gross earned income from all sources (including self employment income)
- Apply earned income deductions to determine the net earned income
- Total the individual's countable net earned and unearned income to give total net income.
- Compare net countable income to the state defined Medically Needy Income Eligibility Standard.

Married Couple where One is Institutionalized and Other is Community Spouse

- Calculate the individual's countable gross unearned income
- Apply unearned income deductions to determine the net unearned income
- Calculate the individual's countable gross earned income from all sources (including self employment income)
- Apply earned income deductions to determine the net earned income
- Add the countable net unearned income and the countable net earned income to determine the total net countable income
- Compare net countable income to the state defined Medically Needy Income Eligibility Standard.(MNIES)

36.9.3 Income Deductions

Deductions are applied for as long as there is available income. If there is no available income from which a deduction can be made all income is excluded.

Unearned Income Deductions

If dealing with an eligible couple whose income is combined, combine the unearned income before applying the Unearned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents unearned income before applying the Unearned Income Deductions.

Unearned Income Deductions are as follows:

\$20 General Income Disregard

The \$20 General Income Disregard is applied unless the type of Unearned Income is one where an exception applies:

1. Deduct a \$20 General Income Disregard from unearned income for the individual where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group OR
2. Deduct \$20 from the combined unearned income for a married couple where the income type is not any of the types listed in the Exceptions to the \$20 Disregard sub rule group

Do not deduct \$20 General Disregard from the following types of Unearned Income:

1. Tribal General Assistance payments made by BIA
2. Income from payments resulting from the Refugee Act of 1980
3. Veteran's Administration Pension
4. Veteran's Administration Compensation paid to the parent of a child

Earned Income Deductions

If dealing with an eligible couple whose income is combined, combine the earned income before applying the Earned Income Deductions. Similarly, if counting the income of parents of a child (for deeming purposes), combine the parents earned income before applying the Earned Income Deductions.

Earned Income Deductions are as follows:

\$20 General Income Disregard

- Deduct the balance of the \$20 general income disregard remaining, if any, after allowing this deduction from unearned income

Loss from a Self-Employment Business

1. Individual is self-employed AND

2. Individual's business is losing money AND
3. Determine the amount of the loss from the self-employment business AND
4. Only deduct the current loss (i.e. loss from the last 12 months) from earned income

\$65 deduction

- Deduct \$65 from the remaining earned income

Impairment-Related Work Expenses (IRWE)

1. Deduct monthly expenses the client pays for services and items related to the individual's disability when those expenses are necessary for the individual to work AND
2. These expenses are not covered by Medical Assistance or any third party

Examples of these work expenses:

1. Transportation for a disabled client who cannot use public transportation because of his impairment
2. Medications not covered by Medical Assistance or any third party
3. Wheelchairs
4. Respirators
5. Braces
6. Typing Aids
7. Telecommunications Devices for the Deaf
8. Dog Guide
9. Special visual aid equipment

1/2 deduction

- Deduct one half of the earned income that remains

36.10 Income Rules

36.10.1 Unearned Income

See Unearned Income - ABD Type Programs in the Common Rules chapter.

36.10.2 Earned Income

See Earned Income - ABD Type Programs in the Common Rules chapter.

36.10.3 Self Employment Income

See Self Employment Income - ABD Type Programs in the Common Rules chapter.

36.11 Waivers

Applicant must meet the eligibility criteria for one of the waiver groups:

1. Brain Injury OR
2. MR/DD OR
3. Physical Disability OR
4. Elderly

36.11.1 Brain Injury

Applicants must meet all the following criteria:

- Age not less than the TBI minimum age requirement (18) AND
- Age less than TBI maximum age requirement (65) AND
- Certified as having a traumatic brain injury OR acquired brain injury AND
- NOT a TBI Exception AND
- Qualify for a Nursing Home Level of Care

36.11.2 MR/DD

Applicants must meet all the following criteria:

- Mental retardation must be evident before MR Age (18) OR
- Developmental Disability must be evident before DD Age (22) AND
- Qualify for ICF/MR Level of Care AND
- Be certified as Developmentally Disabled OR
- Be certified as Mentally Retarded AND

36.11.3 Physical Disability

Applicants must meet all the following criteria:

- Age not less than the Physical Disability Minimum age requirement (18) AND
- Qualify for Nursing Home Level of Care AND
- Have medically certified physical disability

36.11.4 Elderly

Applicants must meet all the following criteria:

- Be Aged not less than Elderly Age (65) AND
- Qualify for Nursing Home Level of Care

36.12 Post Eligibility Requirement

After being determined eligible for LTC Medicaid, some individuals who are residing in nursing homes, or who are receiving home and community-based (HCB) waiver services may be required to contribute a portion of their income toward the cost-of-care they receive. The post eligibility process involves determining the exact amount an individual is obligated to pay to the medical institution, nursing home, or HCB waiver services provider. The provider is responsible for collecting from the individual that individual's share of the cost-of-care. Medicaid reduces its payment to the provider by the amount of the individual's cost-of-care liability.

These are the steps to follow when determining the individual's contribution towards cost of care. The individual's contribution towards cost of care is calculated on a monthly basis.

- Determine the individual's gross unearned income AND
- Determine the individual's gross earned income AND
- If the individual's earned income is greater than zero, apply the Earned Income Deduction to earned income AND
- Total the individual's unearned income and earned income to give gross income for the individual.
- If the individual's gross income is greater than zero, apply the Personal Needs Allowance AND
- If the individual's remaining gross income is greater than zero, apply the Community Spouse Needs Allowance AND

- If the individual's remaining gross income is greater than zero, apply the Family Dependent Allowance AND
- If the individual's remaining gross income is greater than zero, apply the Medical Expense Deduction AND
- If the individual's remaining gross income is greater than zero, apply the Home Maintenance Allowance AND
- If the individual's remaining gross income is greater than zero, apply the Legal Guardian Expense Deduction.
- The remaining amount after the deductions/allowances are applied, is the individual's contribution towards cost of care for the month.

36.12.1 Earned Income Deduction

1. Subtract \$65.00 from the individual's earned income AND
2. Deduct one half of the earned income that remains from Step 1
3. Add \$65 to the result of Step 2.

36.12.2 Personal Needs Allowance

Nursing Facility

For individuals who reside in a nursing facility apply the following unless an exception applies:

- Deduct the Basic Personal Needs Allowance amount from the individual's remaining gross income

Exception

- The individual is a veteran or a surviving spouse of a veteran AND
- The individual is in receipt of a reduced Veterans Administration Pension AND
- Deduct the Reduced VA Pension Personal Needs Allowance amount (\$90) from the individual's remaining gross income.

Elderly Waiver

- The individual is on an Elderly /Disabled (E/D) waiver
- Deduct a personal needs allowance of 100% of the federal poverty rate from the individual's remaining gross income.

Mental Retardation or Developmental Disabled Waiver

- The individual is on a Mental Retardation or Developmental Disabled waiver
- Deduct a personal needs allowance of 100% of the federal poverty rate from the individual's remaining gross income.

Brain Injury Waiver

- The individual is on a Brain Injury waiver
- Deduct a personal needs allowance of 100% of the federal poverty rate from the individual's remaining gross income.

Physical Disabilities Waiver

- The individual is on a Physical Disabilities waiver
- Deduct personal needs allowance of 300% of the SSI rate from the individual's remaining gross income.

36.12.3 Community Spouse Needs Allowance

- The individual has a community spouse AND
- A court or fair hearing does not determine the amount an institutionalized individual must allocate to their community spouse OR
- A court or fair hearing determines the amount an institutionalized individual must allocate to their community spouse

Non Court Order/ Fair Hearing Determination of Community Spouse Needs

- The individual agrees to give the community spouse the allowance AND
- Determine the Community Spouse Needs Allowance as follows:
 1. Determine the community spouse's shelter costs for the month. Community spouse shelter costs can include the following:
 - Rent
 - Mortgage principal and interest
 - Taxes and insurance for principal place of residence. This includes renters insurance

- Maintenance fees
 - The standard utility allowance established under the Food Stamp program
2. Subtract the shelter limit from the community spouses shelter costs (as determined above)
 3. Determine the Community Spouse's Income Allocation
 4. If there are Excess Shelter Costs (from 2 above):
 - Add the Excess Shelter Costs to the Min Income Allocation. (This amount is called the Community Spouse's Income Allocation)
 5. If there are no Excess Shelter Costs (from 2 above)
 - The Community Spouse Income Allocation is assigned the value of the Max Income Allocation amount.
 6. Determine the community spouse's gross income (monthly).
 7. Subtract the community spouse's gross income from the Community Spouse Income Allocation giving the Community Spouse Needs Allowance
 8. If the community spouse's gross income is equal to or greater than the Community Spouse Needs Allowance , no Community Spouse Needs Allowance is deducted from the institutionalized spouse's income OR
 9. If the community spouse's gross income is less than the Community Spouse Needs Allowance (the Community Spouse Needs Allowance amount is deducted from the institutionalized spouse's remaining gross income.

Court Order/ Fair Hearing Determination of Community Spouse Needs

- A court order /fair hearing requires the individual to pay support to the spouse at home AND
- The court order amount is greater than the Community Spouse Needs Allowance.
- The Community Spouse Needs Allowance is assigned the value determined by the court order. Deduct the Community Spouse Needs Allowance from the individual's remaining gross income.

36.12.4 Family Dependent Allowance

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- The individual has dependent family members other than the community spouse AND
- The dependent family member meets the criteria for a family dependent AND
- The individual agrees to give the dependent family member(s) the allowance AND
- The dependent family member(s) live with the community spouse OR
- The dependent family member(s) do not live with the community spouse.

Dependent Family Member(s) Live with the Community Spouse

- If the individual's dependent family member(s) live with the individual's spouse, determine the Family Dependent's Allowance as follows:
 - For each family dependent, determine the family dependent's monthly countable gross income AND
 - If the family dependent's gross income is greater than the Minimum Spousal Standard, no family dependent allowance is deducted for that family dependent OR
 - If the family dependent's gross income is less than the Minimum Spousal Standard, subtract the family dependent's gross income from the Minimum Spousal Standard AND
 - Divide the result by three.

Add the results together from step 4 for each family dependent, to give the total Family Dependent Allowance.

Dependent Family Member(s) do not Live with the Community Spouse

- If the individual's dependent family member(s) do not live with the individual's spouse, determine the Family Dependent's Allowance as follows:
 - Add together the gross countable income (monthly) for all family dependents AND
 - Subtract the total dependent's income from the Medically Needy Income Eligibility Standard (MNIES) for the number of dependents
- This gives the total Family Dependents Allowance that is to be deducted from the individual's remaining gross income

36.12.5 Medical Expense Deduction

In order for a Medical Expense to be considered deductible it must meet all of the following criteria:

- The medical expense is allowable AND
- The medical expense was incurred by the individual AND
- The medical expense was not used already to meet spenddown AND
- The medical expense is not subject to third party payment AND
- The medical expense was not already paid by Medicaid

Deduct the medical expense paid by the individual. - If the individual pays the premium less often than monthly, (such as quarterly), prorate the amount paid by the number of months covered by the payment to obtain the monthly amount to deduct for this medical expense OR

If the medical expense is a combined family premium - Deduct the portion of the combined family premium that is paid for the individual.

36.12.6 Home Maintenance Allowance

- The individual is not living in their home AND
- A doctor certifies that the individual is expected to return home within 6 months AND
- The individual has no community spouse OR
- The individual has a community spouse and the community spouse is not living in the home AND
- Determine the shelter expenses for the individual's home.
- The shelter expenses are greater than the SSI Level for an individual, the Home Maintenance Allowance is assigned the value of the SSI Level for an individual.
- The shelter expenses are equal or less than the SSI Level for an individual, the Home Maintenance Allowance is assigned the value of the Shelter Expenses.

36.12.7 Legal Guardian Expense Deduction

- The individual has a guardian AND
- The guardianship fee is equal to or less than the guardianship fee limit
 - Deduct the guardianship fee.

- If the guardianship fee is greater than the guardianship fee limit The guardianship fee is assigned the value of the guardianship fee limit.
 - Deduct the guardianship fee.

Chapter 37

Retroactive Medical Assistance

37.1 Introduction

When an application is made for medical assistance, the applicant is automatically entitled to request retroactive medical assistance coverage, for all programs offering retroactive coverage, for a retroactive period prior to their initial application date. An applicant will request retroactive medical assistance coverage if an outstanding or pending medical expense, arising in the retroactive period, exists. Retroactive medical assistance may be requested with an initial medical assistance application or subsequently at a later point in time.

When retroactive eligibility is requested with the initial medical assistance application, it is not necessary for an applicant to have been determined eligible, in the month of application, for prospective medical assistance coverage in order to receive retroactive coverage. When retroactive medical assistance is requested at a date later than an initial application date, the applicant must have been determined eligible for, and have received medical assistance coverage following the initial application. Thus subsequent applications for retroactive eligibility can only be requested for the retroactive periods of existing product deliveries.

In Cúram Global Medical Assistance retroactive eligibility is assessed at the integrated case level, or the product delivery level, for an entire household. It is a prerequisite for retroactive medical assistance that all required evidence has been recorded for the requested retroactive period on the integrated case.

37.2 Retroactive Period

The retroactive period is the 3 month period immediately prior to the month in which the application for medical assistance was made. The retroactive period starts on a date in the 3rd month prior to the month in which the ap-

plication for medical assistance was made. The retroactive period ends on the last day of the month immediately prior to the medical assistance application month.

For example, if a medical assistance application is filed in July, the retroactive period will start in April and end on the last day of June.

Within the retroactive period, each monthly period is considered individually.

- The 1st retroactive month is the month immediately preceding the medical assistance application month.
- The 2nd retroactive month is the second month preceding the application month.
- The 3rd retroactive month is the third month preceding the application month.

For example, if a medical assistance application is filed in July, the retroactive period is April to June. June is the 1st retroactive month, May is the 2nd retroactive month and April is the 3rd retroactive month.

In the retroactive period:

- Eligibility is determined individually for each retroactive month.
- Medical Assistance coverage is available for one or more retroactive months.

For example, if a medical assistance application is filed in July, the retroactive period is April to June. An applicant is eligible to receive coverage in any or all of the months April, May and June in which they are found eligible.

37.2.1 Retroactive Period Start Date

The retroactive period start date in the 3rd retroactive month varies. In some states it is dependant on the date of application in the application month, and in others it starts from the 1st day in the 3rd retro month. A system variable is defined which when set defines which retro period start date option is used.

37.2.2 Check Retroactive Eligibility

The retroactive medical assistance check can be triggered from the Integrated Case home page, or from the Product Delivery home page. If requested from the integrated case, the user can view all the potential retroactive periods for which retroactive eligibility can be requested and select the required period. If requested from within a product delivery, retroactive eligibility can only be requested for the retroactive period of that product delivery.

The Check Retroactive Medical Assistance Eligibility page enables the user to specify the month or months for which retroactive eligibility is to be checked within the retroactive period selected, and then trigger the check eligibility. The system then checks retroactive eligibility for all household members, for all programs in each of the selected retroactive months. The system checks for eligibility for all programs with the exception of CHIP, QMB and SpendDown programs. Retroactive eligibility for SpendDown programs is checked using the Check Retroactive SpendDown eligibility process.

Chapter 38

Children's Health Insurance Program

38.1 Introduction

The Children's Health Insurance Program (CHIP) is a health insurance program to provide medical coverage for children under age 19 who are not otherwise insured and who are not eligible to receive benefits from any other medical assistance program.

The purpose of CHIP is to enable States to initiate and expand the provision of child health assistance to uninsured, low-income children. It gives grants to states to provide health insurance coverage to uninsured children. The agreement authorized \$40 billion over 10 years (\$20 billion in the first 5 years) for SCHIP. The minimum allocation to a state was \$2 million in any year. States are required to provide matching funds in order to receive their state allocations. The federal government will match states funds at 30% higher than the state's FMAP (Federal Medical Assistance Percentage), which determines the portion of Medical Assistance expenses the federal government contributes. However, the maximum federal match is 85%.

38.2 Non Financial Requirements

Non financial requirements includes the rules for Citizenship, Residency and Social Security Numbers. See Non Financial Requirements in the Common Rules chapter.

Note: Only the person who will get coverage (who would be part of benefit group) has to pass these rules - The parents/NPCR (or anyone in the household who is not 'applying' for CHIP) do not have to pass these rules in order for the child to be eligible.

38.3 Open Enrollment Requirements

The Department will not accept applications prior to the open enrollment start date except as provided in Open Enrollment Exceptions.

38.3.1 Open Enrollment Exceptions

The following are the exceptions to the open enrollment requirements:

- A family who has a child enrolled in CHIP, may enroll a new child born to or adopted by a household member without waiting for the next open enrollment period.
 - If the additional child is newborn or newly adopted and the family requests the coverage within 60 days of the child's birth or adoption, they can be added to the case outside of an open enrollment period without completing an application form AND
 - The effective date of coverage for the child is the date of birth or adoption if the family requests the coverage within 30 days of the birth or adoption OR
 - If the request is made more than 30 days after the birth or adoption, the effective date of coverage is the date they report the birth or adoption
- A family who has a child enrolled in CHIP, may enroll an additional child who loses Medical Assistance coverage and does not qualify for any other Medical Assistance program without paying a spenddown, without waiting for the next open enrollment period.
 - If the additional child has just lost Medical Assistance coverage, they can be added to the case outside of an open enrollment period without completing an application form AND
 - The effective date of coverage is the day after the Medical Assistance ends.
- A child who loses Medical Assistance coverage and does not qualify for any other Medical Assistance program without paying a spenddown, may enroll in CHIP without waiting for the next open enrollment period.
 - The child must not be eligible for Medical Assistance under any categorically needy eligibility group AND
 - The child must not be eligible for Medical Assistance as medically needy

38.4 Eligibility Requirements

- The child must satisfy the age requirements AND

- The child must satisfy all common eligibility requirements AND
- The child must be ineligible for Medical Assistance AND
 - The child must not be eligible for Medical Assistance under any categorically needy eligibility group AND
 - The child must not be eligible for Medical Assistance as medically needy
- The child must not have other comprehensive health insurance coverage AND
- The child must be uninsured for at least 90 days unless they meet one of the Good Cause for Loss of Health Insurance reasons AND
- The child must not involuntarily reside in a public, non-medical institution AND
- The child must not be in an inpatient psychiatric facility AND
- The child has not been disenrolled from CHIP for failure to pay premiums within the last 3 calendar months unless the child has been on Medical Assistance in the interim AND
- If the child has been disenrolled from CHIP for failure to pay premiums within the last 12 calendar months all past due premiums must be paid before coverage can begin again AND
- The household must pass the income test

38.4.1 Age Requirements

- The Child must be under age 19 OR
- If currently in receipt of CHIP, the child is eligible up to the last day of the month in which the child's 19th birthday occurs.

38.4.2 Comprehensive Medical Insurance Coverage

- Specialty insurance coverage is not considered comprehensive health insurance and doesn't affect CHIP eligibility.
- Comprehensive coverage is defined by the Health Insurance Portability and Accountability Act (HIPAA) of 1996 as coverage under any of the following:
 1. Group health insurance plans
 2. Medicare Part A or Part B
 3. Civilian Health and Medical Program of the Uniformed Services

(CHAMPUS)

4. Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA)
5. Public Health Plan
6. Health Care for Peace Corps Volunteers
7. Insurance policies (private)
8. Employer based plans
9. Health insurance coverage on the basis of a family member's active permanent employment by a state, county, or city government agency
10. Entitlement to coverage under employer/group plan
 - When a child is 'entitled' to coverage under an employer based plan or a group health insurance plan and the cost would be less than 10% of the household's gross income, the child is seen as having comprehensive medical insurance unless a waiting period applies
 - If the child has to wait for a period of time before they can enroll in the employer based plan, they are eligible for CHIP until they are allowed to enroll in the insurance

Speciality Medical Insurance

Coverage under the following programs is not considered Comprehensive Medical Insurance and therefore does not prohibit eligibility under CHIP:

- Coverage through the Children's Special Health Care Services (CSHCS) program OR
- Coverage through the Native American Health Services OR
- Coverage through the Indian health Service (HIS) OR
- The child is covered under the insurance of a non-custodial parent but the insurance services can only be accessible in another state OR
- The child is covered under a hospital indemnity or other fixed indemnity insurance, (for example, plans which pay a fixed daily rate to the individual for inpatient stays.)
- A child may be enrolled in or have coverage under a limited coverage plan

Limited Coverage

- A plan which provides a limited scope of services such as dental, vision or catastrophic-only benefits.
- Benefits for long-term care, nursing home care, home health care or community-based care
- Coverage only for a specified disease or illness such as cancer.
- Workers' compensation or similar insurance.
- Coverage only for accident or disability income insurance
- Coverage for on-site medical clinics.
- Liability insurance, including general liability insurance, and homeowners or automobile liability/medical insurance.
- Other similar insurance coverage under which benefits for medical care are secondary or incidental to other insurance benefits.
- Credit-only insurance, which pays a loan payment during a period of incapacity of disability.

38.4.3 Good Cause for Loss of Health Insurance

No waiting period will be imposed if health insurance was discontinued for any of the following reasons:

- Insurance was lost because the individual providing coverage died
- Insurance was lost because the family member who carried insurance changed jobs or stopped employment due to a layoff, reduction-in-force, or the closure of a business
- The employer stopped contributing to the cost of family coverage
- The child's coverage was discontinued by an insurance company for reasons of un insurability
- Insurance was discontinued by a family member who was paying the full cost of the insurance premium under a Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) policy
- Voluntary termination of coverage by a non custodial parent.
- The previous health insurance coverage exceeds 10% of the family's gross monthly income, or exceeds 10% of the family's gross monthly income at the time the insurance was dropped

38.4.4 Income Unit

The following household members are included in the income unit:

- The child who meets the CHIP program eligibility rules
- The child's siblings, half-siblings, adopted-siblings and step-siblings if they are under <19>
- Parents and step-parents of any child counted in the income unit.
- Children of any children counted in the income unit
- The spouse of any child who is included in the income unit
- Unborn children of anyone included in the income unit
- Any individual mentioned above who is temporarily absent solely by reason of employment, school, training, military service, or medical treatment, or who will return home to live within 30 days from the date of application, is part of the household
- SSI recipients are NOT included

38.4.5 Assistance Unit

The following household members are included in the assistance unit if they satisfy the CHIP eligibility rules:

- Child who satisfies the CHIP eligibility rules AND
- Child's siblings, half, adopted and step who also satisfy the CHIP eligibility rules AND
- Parents and stepparents of any child, if the parents and stepparents satisfy the CHIP eligibility rules AND
- Children of any child if the children satisfy the CHIP eligibility rules AND
- The spouse of any child if the spouse satisfies the CHIP eligibility rules

38.5 Income Rules

- The Family's adjusted gross countable income must be at or below 200% of FPL
- Plan Coverage level is determined based on the family's income as a % of the Federal Poverty Level
 - 3 Plans are provided by the product's CHIP implementation. Plan A (100 - 150%) Plan B (150 - 175%) Plan C (175 - 200%)

38.5.1 Unearned Income

See Unearned Income - Family Programs in the Common Rules chapter.

38.5.2 Earned Income

See Earned Income - Family Programs in the Common Rules chapter.

38.5.3 Self Employment Income

See Self Employment Income - Family Programs in the Common Rules chapter.

38.5.4 Income Deductions

Earned Income Deductions

Apply disregards in the following order for the employed/self employed individual:

1. Deduct up to \$90 per month from the employed persons earned income
2. Deduct the monthly amount paid for the care of each dependent up to the maximum defined in the Dependent Care Chart if:
 - Actual cost of care is not reimbursed AND
 - The care is necessary for employment

Other Income Deductions

Apply disregards in the following order to the remaining total income:

- Deduct any court-ordered child support paid for a child who does not live in the household

38.6 Processing Rules

The following steps are carried out once eligibility has been determined and are only carried out based on the children who opt for coverage:

38.6.1 Premium Rules

To receive CHIP coverage, families with eligible children are required to pay quarterly premiums unless exempt

Premium Exemptions:

- The following children are exempt from the requirement to pay a premium for coverage:

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- American Indian or Alaska Native children

Premium Payment Amount

- The premium payable is based on the family size, family income and the number of children applying for CHIP AND
- Premiums may be paid in advance

Premium Processing

The premium processing rules depend on when the effective date of coverage is, the effective date will be one of the following:

1. The effective date of coverage is the date when the first month's premium has been received OR
2. The effective date of coverage is the first of the month following payment of the initial premium OR
3. The effective date of coverage is the first day of the month following an eligibility decision OR
4. The effective date of coverage is the date of application

The effective date of coverage is the date when the first month's premium has been received

- The initial monthly premium must be paid by 'Initial Premium Due Date Period'
- After the initial month of coverage, premiums are due by the 20th day of each month for the next month's coverage.
- Coverage is canceled on the last day of the 'second consecutive month' for which premiums have not been paid
- Once coverage has been canceled there is a waiting period of 3 calendar months before the child can re-enroll in CHIP
 - The waiting period begins the day after coverage ended
 - The waiting period ends on the last day of the third full month of non-coverage.
- When the child re-enrolls within 12 months of the date on which the coverage was canceled all past due premiums must be paid
 - When it has been more than 12 months since the closure, the children can enroll without paying the past due premiums.

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- A monthly premium notice is sent to the family on the 1st of the month advising the premium amount, the due date and where to send the payment
 - If in arrears, the monthly premium notice will indicate the total amount owed
- Cancellation notice is sent 10 days before the last day of the second consecutive month for which premiums have not been paid.

The effective date of coverage is the first of the month following payment of the initial premium

- The initial monthly premium must be paid within 10 days of the applicant being notified that the applicant is eligible to enroll in the CHIP program.
- After the initial month of coverage, premiums are due by the 20th day of each month for the next month's coverage.
- Coverage is canceled on the last day of the second consecutive month for which premiums have not been paid
- Once coverage has been canceled there is a waiting period of 3 calendar months before the child can re-enroll in CHIP
 - The waiting period begins the day after coverage ended
 - The waiting period ends on the last day of the third full month of non-coverage.
- When the child re-enrolls within 12 months of the date on which the coverage was canceled all past due premiums must be paid
 - When it has been more than 12 months since the closure, the children can enroll without paying the past due premiums.
- A monthly premium notice is sent to the family on the 1st of the month advising the premium amount, the due date and where to send the payment
 - If in arrears, the monthly premium notice will indicate the total amount owed
- Cancellation notice is sent 10 days before the last day of the second consecutive month for which premiums have not been paid.

The effective date of coverage is the first day of the month following an eligibility decision

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- The initial monthly premium must be paid by the 20th day of the first month of coverage
- After the initial month of coverage, premiums are due by the 20th day of each month for the next month's coverage.
- Coverage is canceled on the last day of the second consecutive month for which premiums have not been paid
- Once coverage has been canceled there is a waiting period of 3 calendar months before the child can re-enroll in CHIP
 - The waiting period begins the day after coverage ended
 - The waiting period ends on the last day of the third full month of non-coverage.
- When the child re-enrolls within 12 months of the date on which the coverage was canceled all past due premiums must be paid
 - When it has been more than 12 months since the closure, the children can enroll without paying the past due premiums.
- A monthly premium notice is sent to the family on the 1st of the month advising the premium amount, the due date and where to send the payment
 - If in arrears, the monthly premium notice will indicate the total amount owed
- Cancellation notice is sent 10 days before the last day of the second consecutive month for which premiums have not been paid.

The effective date of coverage is the date of application

For this option the premium is due quarterly

- Premiums do not start until the second quarter an enrollee is on CHIP
- CHIP mails quarterly premium invoices the first week of February, May, August and November. Premiums are due about one month later, on the premium due date.
- A CHIP family who does not pay their quarterly premium by the premium due date will be closed by the CHIP Administrative Staff.
 - If the family pays the delinquent premium by the last day of the month immediately following the closure month, they can be reinstated without a lapse in coverage.
 - Once coverage has been canceled there is a waiting period before the child can re-enroll in CHIP

- When the child re-enrolls within 12 months of the date on which the coverage was canceled all past due premiums must be paid
 - When it has been more than 12 months since the closure, the children can enroll without paying the past due premiums.
- CHIP mails quarterly premium invoices the first week of February, May, August and November. Premiums are due about one month later.
- Families who do not pay by the due date receive a final notice invoice. If payment is not made by the due date of the final notice, the account will be closed for non-payment.

38.6.2 Co-Payments

Enrollees in CHIP are required to pay co-payments for services received unless exempt:

Co-Payment Exemptions:

- The following individuals are exempt from paying co-payments:
 - American Indian or Alaska Native children

Co-Payment Maximum Limit

When the total co-payments paid for the family are equal to the maximum co-payment limit:

- The member's parent or guardian will not be required to pay any co-payments for the remainder of the 12 month period
- The monthly premium is still payable
- Any excess co-payments paid are refunded

To determine the maximum co-payment limit:

1. Calculate 5% of the family's gross annual countable income
2. Subtract the premiums applicable to the family during the eligibility period.
3. The remaining figure is the maximum amount the family will have to pay in co-payments for the eligibility period.

Notifications

- The co-payment maximum limit is printed on the approval letter and renewal notice each year.
- Letter to Health Plan notifying them that 5% limit has been reached and

no further co-payments are due for the eligibility period.

- Letter to family advising them that 5% limit has been reached and no further co-payments are due for the eligibility period.

38.6.3 Eligibility Period

- CHIP provides twelve months of continuous coverage unless there is a change of circumstance which makes the child ineligible AND
- The start date of the continuous period of coverage depends on the effective date of coverage

An eligibility decision must be made within 10 days of the date of the application

Effective Date Of Coverage

The effective date of coverage is one of the following:

1. The effective date of coverage is the date when the first month's premium has been received OR
2. The effective date of coverage is the first of the month following payment of the initial premium OR
3. The effective date of coverage is the first day of the month following an eligibility decision OR
4. The effective date of coverage is the date of application

The effective date of coverage is the date when the first month's premium has been received

CHIP provides twelve months of continuous coverage beginning the month of the effective date of CHIP coverage unless there is a change of circumstance which makes the child ineligible.

- The effective date of coverage is the date when the first month's premium has been received

The effective date of coverage is the first of the month following payment of the initial premium

CHIP provides twelve months of continuous coverage from the effective date of CHIP coverage unless there is a change of circumstance which makes the child ineligible.

- The effective date of coverage is the first of the month following payment of the initial premium OR

- Coverage for children who are determined eligible for CHIP on the basis of a referral from Medical Assistance shall be effective the first day of the month after Medical Assistance eligibility is lost, regardless of the date of the referral, in order to ensure that there is no break in coverage.

The effective date of coverage is the first day of the month following an eligibility decision

CHIP provides twelve months of continuous coverage unless there is a change of circumstance which makes the child ineligible.

- The effective date of coverage is the first day of the month following an eligibility decision OR
- Coverage for children who are determined eligible for CHIP on the basis of a referral from Medical Assistance shall be effective the first day of the month after Medical Assistance eligibility is lost, regardless of the date of the referral, in order to ensure that there is no break in coverage.

The effective date of coverage is the date of application

CHIP provides twelve months of continuous coverage until the last day of the twelfth month unless there is a change of circumstance which makes the child ineligible

- The effective date of coverage is the date the application is received by the organization OR
- When an emergency or some other circumstance beyond the control of the applicant prevents them from filing a CHIP application, a grace enrollment period beginning no earlier than four days prior to the date an applicant submits a completed and signed application is allowed OR
- Coverage for children who are determined eligible for CHIP on the basis of a referral from Medical Assistance shall be effective the first day of the month after Medical Assistance eligibility is lost, regardless of the date of the referral, in order to ensure that there is no break in coverage.

38.6.4 Benefit Delivery System

A benefit delivery system must be selected for each CHIP child in the household. A benefit delivery system must include a health plan or a Fee for Service system and a dental plan. It can also include a primary care provider. A dental can be part of a health plan or it can be a separate plan.

- A health plan and dental plan must be chosen for all children in the household during the application process AND
- The family can select a primary care provider AND

- If the applicant has not selected a health plan, dental plan or primary care provider, defaults will be selected for the applicant AND
- Enrollees have the first 365 calendar days from the effective date of enrollment to change health plans and dental plans, otherwise they are 'locked into' the health plan and dental plan for the duration of their eligibility period AND
- The health plan will send a medical insurance card to the enrollee

If there is no health plan available in an area children can receive their health care through a fee-for-service system

- Children can go to any doctor who takes CHIP AND
- The state issues a medical insurance card to enable the enrollee to get services

38.6.5 Change of Circumstance Rules

- The enrollee, the enrollee's parent, or the responsible adult acting on behalf of the enrollee, is responsible to report changes in circumstances by telephone, by mail, by fax, in person, or by placing it in a designated drop box within 10 working days of the day the change becomes known AND
- Any change received by the agency must be evaluated and verified, if necessary, to determine if it could affect the enrollee's eligibility within 10 days of the date the information is received

Income Changes

CHIP enrollees are not required to report changes in income during the eligibility period. However, if the enrollee does report an income change, or the report is received from another source, it must be acted upon.

Increased Income

- If there has been an increase in income but it does not adversely affect eligibility or the premium and copayment level, treat the income change as a renewal and renew eligibility for another 12 months;
- If the new income adversely affects eligibility or the premium and copayment level, do not act on the change until the next renewal.

Decreased Income

- If the family does not request Medical Assistance for any member of their household, but the reported income change makes an enrollee eli-

gible for Medical Assistance without a spenddown, act on the change at the next renewal.

- When the reported decrease would reduce their premium and out of pocket expense limit, and they would also qualify for Medical Assistance, if they do not want to switch to Medical Assistance, do not change their premium and out of pocket expense limit. Make sure to act on the change at the next renewal.
- If the reported change does not make any child eligible for Medical Assistance, but does reduce their premium and out of pocket expense limit, re determine income eligibility and authorize a new 12 month eligibility period.
- If a family requests Medical Assistance coverage for any household member, any child who is Medical Assistance eligible without a spend-down, must be removed from CHIP and opened for Medical Assistance. If other children remain eligible for CHIP, treat the income change as a renewal and renew for another 12 months

Addition of a child

- An additional child can be added to CHIP only during an open enrollment period unless they meet an exception AND
- The additional child must meet all eligibility requirements AND
 - If the income has increased and as a result increases the family's premium and out of pocket expense limit, the child is added and the income is left as it is until the end of the current certification OR
 - If the income has decreased, and as result reduces the family's premium and out of pocket expense limit, the child is added, and a new 12 month eligibility period is authorized with the reduced premium and out of pocket expense limit

If the income has increased and the current income makes the household ineligible, deny coverage for the additional child. Leave the income as it is and continue coverage for the other children until the end of the current certification.

Exceptions to open enrollment

An additional child can be added to CHIP outside of open enrollment if they are one of the following:

- Newborn or Newly adopted
 - If the additional child is newborn or newly adopted and the family requests the coverage within 60 days of the child's birth or adoption, they can be added to the case outside of an open enrollment period

without completing an application form AND

- The effective date of coverage for the child is the date of birth or adoption if the family requests the coverage within 30 days of the birth or adoption OR
 - If the request is made more than 30 days after the birth or adoption, the effective date of coverage is the date they report the birth or adoption AND
- A child who has lost Medical Assistance coverage
 - If the additional child has just lost Medical Assistance coverage, they can be added to the case outside of an open enrollment period without completing an application form AND
 - The effective date of coverage is the day after the Medical Assistance ends.

Loss of coverage

The child will lose coverage of CHIP when:

- The child has died OR
- The family has requested, in writing, that the CHIP coverage be stopped OR
- The child does not continue to meet the eligibility requirements unless they meet an exception

Loss of coverage Exceptions

- The child becomes eligible for Medical Assistance because of a decrease in income but has not requested Medical Assistance OR
- The family failed the CHIP income test due to an increase in income

Effective Date of loss of coverage

- The effective date of disenrollment is the date the child died OR
- If any other change occurred which caused ineligibility, the effective date of disenrollment is the last day of the month in which the change occurred

38.7 Eligibility Renewal

- A renewal must be completed every 12 months AND
- The child must meet all the eligibility requirements

38.7.1 Renewal Process

- A preprinted renewal form is automatically mailed to the household in the month immediately preceding the renewal month
- This form details the eligibility and enrollment-related information on the account, including employer(s), income, children enrolled, and premiums required.
- If no changes have occurred, the beneficiary signs and returns the redetermination form within 10 calendar days from the date of the redetermination notice, indicating no changes have occurred.
- If changes have occurred, the beneficiary must return the redetermination form with changes noted and required documentation, if any, within 10 calendar days from the date of the redetermination notice.
- If the redetermination form is returned indicating a change of information but is incomplete, the family will be notified of the required documentation (verification) needed and are allowed 10 days to provide the verification

When an enrollee turns in a completed renewal forms and provides any requested verifications by the deadline, the effective date of enrollment for a renewal is the first day of the month after the renewal month

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