

Medicaid Eligibility Procedure Letter No. 104A

Effective Date: January 8, 2016
OAC Rules: 5160:1-3-03.5
To: All Medicaid Eligibility Manual Holders
From: John B. McCarthy, Director
Subject: Medicare Premium Assistance Programs (MPAP)

Reason for Change: In response to the September 1, 2015, court decision in *Wheaton v. McCarthy*, Ohio Department of Medicaid (ODM) is changing its policy and will now include, as part of the family size for determining MPAP eligibility, all persons included in the family.

“Family,” for the purposes of MPAP, means the following persons living in the same household as the individual for whom Medicare premium assistance is sought or received:

- a. The individual;
- b. If the individual is a minor, the biological, adoptive, step parents, legal guardians, or legal custodians of the individual;
- c. The spouse of the individual and of any persons described in b;
- d. Minor dependent children of the individual and of any persons described in b and c.

Prior Policy: If only one member of a married couple was categorically eligible for MPAP, countable income was compared to either the individual need standard or the couple need standard, in accordance with the deeming provisions set forth in rule 5160:1-3-03.9 of the Administrative Code. Also, no persons except the individual and the individual’s spouse (if any) were considered at any point in the MPAP eligibility-determination process.

New Policy: Effective immediately, the countable income for MPAP eligibility is determined by combining the income of the individual with the income of the individual’s spouse (if any) when the couple live in the same home. The income of both the individual and the individual’s spouse (if any) must be determined by considering all income as defined in rule 5160:1-3-03.1 of the Administrative Code and applying all exclusions listed in rule 5160:1-3-03.11 of the Administrative Code, except that the twenty-dollar general income and first sixty-five-dollars of earned income exclusions shall be applied only once to a married couple for the MPAP eligibility determination.

The countable income is then compared to the applicable MPAP need standard for the number of persons in the individual's family.

Deeming provisions no longer apply to MPAP.

Action Required: Effective immediately, workers must calculate the income of the individual by combining the income of both the individual and the individual's spouse (if any) when the couple live in the same home. Workers must then compare the countable income to the applicable MPAP need standard for the size of the family involved.

Workers will process these cases in CRIS-E with a fiat. The new Ohio Benefits system will be programmed to calculate the correct family size for MPAP purposes.

Please contact ODM Eligibility Technical Assistance at Medicaid_Eligibility_TA@Medicaid.Ohio.gov for further assistance or clarification regarding processing specific cases. If additional assistance is needed in processing fiats for cases involving a spend down or patient liability, please contact the CRIS-e Help Desk at CRISE_HELPDESK@jfs.ohio.gov.

A CRIS-E View Flash Bulletin (CLVB) will be issued with this information.

This information is also available on the Internet and may be accessed at: www.medicaid.ohio.gov.