

Appendix 8-13

Medicaid And Public Entitlement Tables

Current as of January, 2003

A. SSI (and Categorically Needy Medicaid) Resource and Income Limitations

	Married	Single
Resources ¹	\$3,000	\$2,000
Income (Monthly) ²	\$796	\$530
Income: 300% SSI ³	\$552	\$1,656
Income: 80% FPL ⁴	\$796	\$591

B. Medicaid Resource and Income Limitations - Both Spouses in Community⁵

	Married	Single
Resources	\$3,000	\$2,000
Income (Monthly) Group I	\$293	\$230.08
Income (Monthly) Group II	\$326.95	\$265.47
Income (Monthly) Group III	\$416.12	\$345.12

¹ There are different resource limits for "partial" Medicaid programs that pay for limited benefits. See Virginia Medicaid Manual § M 1110.003.

² Virginia Medicaid Manual § M 0810.002.

³ As noted in the text, for several categories of Medicaid eligibility (e.g., DMHRSAS patients receiving care in a state mental facility), there is an income cap of three hundred percent (300%) of the SSI monthly income payment.

⁴⁴ "FPL" means federal poverty level, for purposes of qualification without spend-down and with enhanced protection for home property (Virginia Medicaid Manual § M 1130.100 A 2). Limit derived from Virginia Medicaid Manual § M 0810.002 A 5. Guidelines for this category of eligibility are found at Virginia Medicaid Manual § M 0320.210

⁵ Virginia Medicaid Manual § M 0810.002.

C. Community Spouse Resource And Income Allowance

Community Spouse Resource Allowance ⁶	Minimum Spousal Resource Standard \$18,132	Maximum Spousal Resource Standard ⁷ \$90,660
MMNA ⁸	\$1,492.50	\$2,266.50 ⁹
Dependent Allowance ¹⁰		\$ 497.53 ¹¹
Utility Allowance ¹²	\$194 (1-3 person household)	\$240 (4 + person household)

D. Exempt Transfers Of Assets For Less Than Value

<u>Asset Description</u>	<u>Medicaid Ineligibility Not Imposed When Transferred To:</u>
Transfer of any asset (including the home of the applicant or recipient) to any of the following persons will not cause period of ineligibility at any time; there is no “waiting” or “look-back” period for these transfers ¹³	<ul style="list-style-type: none"> • Spouse; • Child under age of 21, • Trust for sole benefit of spouse, • Trust for sole benefit of disabled child, • Trust for sole benefit of any person under age of 65 and disabled
Home of Transferor	Child residing with Transferor and providing care which maintained the transferor in the home for the 2 years immediately preceding date of institutionalization. ¹⁴
	Sibling of transferor (a) with home equity interest and (b) who resided in the home

⁶ Virginia Medicaid Manual § M1480.210.

⁷ Virginia Medicaid Manual § M 1480.231.

⁸ Virginia Medicaid Manual § M 1480.410.

⁹ Includes maximum amount of Excess Shelter Allowance, Virginia Medicaid Manual § M 1480.410 (amount); .430 D 6 (example).

¹⁰ Virginia Medicaid Manual § M 1480.420 C (policy); .430 E (example). The dependent allowance is one third of the monthly maintenance needs allowance minus the income of the dependent. **Dependents are defined at Virginia Medicaid Manual § M 1480.010 B 6 and include a parent, child under 21, sibling or half sibling of either spouse who may be claimed as a dependent under the IRC.**

¹¹ Virginia Medicaid Manual § M 1480.430 E 5 (example, with revisions effective July 1, 2001).

¹² Virginia Medicaid Manual § M 1480.410 E.

¹³ 42 U.S.C. § 1396p; 12 VAC 30-40-300 (E); Virginia Medicaid Manual § M 1450.502.

¹⁴ Virginia Medicaid Manual § M 1450.502

Home of Transferor

for the one year period before the applicant became an institutionalized individual.

Various Special Assets (household furnishings, business equipment, special use motor vehicles, any motor vehicle, up to \$4,500, etc.) ¹⁵	Any person. Note that certain restrictions may apply (e.g., handicapped use motor vehicle).
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E. Transfer Penalty Period Monthly Calculator¹⁶

Disclosure Period	Sixty months preceding date of application
Lookback – Transferee other than trust	36 months preceding date of application
Lookback – Transferee to trust (or similar legal instrument)	60 months preceding date of application
Transfers Within Lookback ¹⁷	
Calculation Equation: Value / Average Monthly Cost of Nursing Facility Cost = Number Months Ineligibility, Rounded Down	
Transfer Value	Disqualification Period ¹⁸
Less than (“<”) \$3,517(or \$4,684 NOVA)	No period of ineligibility
> \$3,517/4,684 but < \$7,034/9,368	One month ineligibility
More than \$7,034.99, single transfer within applicable look-back period, use equation: <ul style="list-style-type: none"> • Value of gift(s) made in month divided by average monthly cost of nursing home care • Round down quotient • Commence ineligibility from month in which transfer is made for applicant, or month following transfer for recipient¹⁹ 	Example: Gift of \$10,000 in January, 2003 in Richmond . 10,000/3,517= 2.84 2 months ineligibility Applicant: ineligible from January through February, 2003. Recipient: ineligible from February through March, 2003. Caveat: in NOVA the monthly private nursing home rate is \$4,684; please adjust example accordingly.

¹⁵ For complete listing of property interests which for administrative convenience Virginia does not consider assets for purposes of the transfer of assets rule, see Virginia Medicaid Manual § M 1450.501.

¹⁶ 42 U.S.C. § 1396p; 12 VAC 30-40-300 (E); Virginia Medicaid Manual § M 1450.700 *et seq.*

¹⁷ Made within 36 / 60 months (see above).

¹⁸ The disqualification period commences from the date of transfer month for Medicaid applicant, and month following transfer for Medicaid recipient. Virginia Medicaid Manual § M 1450.702 B.

¹⁹ *Id.*

<p>More than \$7,034.99, multiple transfers within applicable look-back period, when subsequent transfer is made during extant period of ineligibility:</p> <ul style="list-style-type: none"> • Add the value of all transferred assets • Divide as above • A single period of ineligibility is established, commencing with month in which transfer is made for applicant, or month following transfer for recipient²⁰ 	<p>Example: Applicant makes gift in Richmond of \$10,000 in December, 2002, and gift of \$10,000 in January, 2003. Because the penalties would overlap, add the gift values together (\$20,000) then divide by \$3,517, and impose disqualification (5 months) from date of transfer (December), to end in April, 2003.²¹ Caveat: in NOVA the monthly private nursing home rate is \$4,684; please adjust example accordingly.</p>
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²⁰ *Id.*

²¹ Medicaid Manual §M 1450.702 G 2 (example).