

RESOURCES

MEDICAID RESOURCE LEVEL

Policy:

A/Rs may retain resources up to the appropriate medically needy level, when the A/ Rs are:

- SSI-related;
- children between the ages of one and 21 who do not qualify for Medicaid in the LIF category or under the expanded poverty levels;
- ADC-related parent(s) or eligible relative (See **CATEGORICAL FACTORS ADC-RELATED**); or
- parent(s) in two-parent households who are financially ineligible for LIF and who are not categorically eligible for ADC. See **CATEGORICAL FACTORS** for a further description of categorical requirements
- LIF A/Rs
- S/CC A/Rs
- FHPlus (with or without children)
- Medicaid Buy-In for Working People with Disabilities (MBI-WPD)

The medically needy resource levels, according to family size, change effective January each year. (See **REFERENCE MEDICAID RESOURCE LEVELS**.)

NOTE: In determining eligibility, resources are never considered for pregnant women and infants under one year of age. Resources are also not considered for children over age one but under age 19 if income is **at or** below the appropriate poverty level. If a child over age one has income in excess of the appropriate poverty level, resources are considered. Children age 1 – 18 whose household income exceeds the applicable federal poverty level can only achieve Medicaid eligibility by spending down the household income/resources to the Medically Needy Income/Resources levels.

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In addition, there is no resource test for applicants for the Family Planning Benefit Program, Medicaid Cancer Treatment Program, the Medicare Savings Programs including the Qualified Individual Program (QI1), Qualified Medicare Beneficiaries (QMB) and Special Low Income Medicare Beneficiaries (SLIMB), AIDS Health Insurance Program (AHIP) and policy holders who have utilized the minimum required benefits under a total asset Partnership for Long-Term Care insurance policy (See **RESOURCES NEW YORK STATE PARTNERSHIP FOR LONG-TERM CARE**).

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Dept. Reg.	360-4.4 360-4.7(a)(4) 360-4.8(b)
ADMs	06 OMM/ADM-4 05 OMM/ADM-4 05 OMM/ADM-2 04 OMM/ADM-2 98 OMM/ADM-6 90 ADM-42
GIS	08 MA/013 06 MA/029 05 MA/047

Interpretation:

Persons who are ADC-related, SSI-related, under age 21, pregnant, stepparents, and/or fathers of unborns with no children of their own in the household, are LIF and S/CC A/Rs, Family Health Plus (with or without children) A/Rs, and A/Rs of the MBI-WPD Program may keep a certain amount of resources in reserve and still receive Medicaid. These A/Rs are entitled to resources as set forth in **REFERENCE MEDICAID RESOURCE LEVELS**.

When countable resources are equal to or less than the resource level for the household such individuals are eligible for Medicaid, provided all other eligibility requirements are met.

Countable resources in excess of the appropriate resource level are considered available to meet the cost of medical care and services. An SSI-related, under age 21, or ADC-related A/R may be eligible for Medicaid when s/he incurs medical bills equal to or greater than his/her excess. When a person under the age of 19, or a pregnant woman has income at or below the appropriate federal poverty levels, there is no resource test.

RESOURCES

ADC-RELATED RESOURCE DISREGARDS

Policy:

Not all of the resources available to an A/R are counted when determining his/her financial eligibility for Medicaid. Certain types and amounts of resources are disregarded. After these resources are disregarded, what remain are the A/R's countable resources. All countable resources are compared to the appropriate resource level. (See **REFERENCE MEDICAID RESOURCE LEVEL**)

The following is a list of disregarded resources:

AUTOMOBILE – One automobile of any value is exempt as long as it is being used by the household. A second vehicle may be exempt if there is a medical need for it or it is being used for employment related activities.

BLOOD PLASMA SETTLEMENTS – Payments received as a result of a federal class action settlement with four manufacturers of blood plasma products on behalf of hemophilia patients who are infected with human immunodeficiency virus (HIV).

BONA FIDE LOAN – A bona fide loan received by the A/R from an institution or person not legally liable for the support of the A/R. The loan must be a written agreement, signed by the A/R and the lender. The written agreement must indicate: the A/R's intent to repay the loan within a specific time; and how the loan is to be repaid, by specific real or personal property held as collateral, or from future income. The loan remains an exempt resource as long as it retains the characteristics of a bona fide loan. Any interest accrued is considered unearned income in the month received.

BURIAL SPACES – Items customarily and traditionally used for the remains of deceased persons (See **RESOURCES BURIAL SPACES**). Burial space items included in the A/R's irrevocable pre-need funeral agreement are exempt. Certain