

0366

SSI-RELATED DEEMING OF INCOME

0366.05

DEEMING DEFINED

REV:06/1994

The term "deeming" is used to identify the process of considering another person's income to be the income of the Medical Assistance applicant/recipient. When the deeming rules apply, it does not matter whether the income of the other person (deemor) is actually available; the deeming rules are applied anyway.

There are two categories of individuals whose income may be deemed to a Medical Assistance applicant/recipient: Ineligible Spouse and Ineligible Parent.

INCOME IS DEEMED FROM THE "INELIGIBLE" TO THE "ELIGIBLE." The terms "eligible" and "ineligible" in this context refer to the individual's position in the deeming process. "Ineligible" refers to the spouse or parent WHOSE INCOME will be considered as belonging to the "eligible" spouse or child. The deemed income is then considered to be income of the Medical Assistance applicant/recipient and is used in determining the individual's financial eligibility for Medical Assistance. Final eligibility for Medical Assistance is contingent upon all financial and non- financial criteria of the program being met.

0366.10

DEEM FROM INELIG TO ELIG SPOUS

REV:06/1994

When both members of a couple (spousal relationship and living together in the community) apply and both members of the couple have an SSI-related coverage group, the incomes of the couple are combined and tested against the Medical Assistance income standard for two. Each member's Medical Assistance eligibility is determined under his/her own particular coverage provision.

SPOUSE-TO-SPOUSE DEEMING OF INCOME IS INVOLVED IN THE ELIGIBILITY DETERMINATION WHEN ONLY ONE MEMBER OF A COUPLE APPLIES OR WHEN ONLY ONE MEMBER OF THE COUPLE IS POTENTIALLY ELIGIBLE FOR MEDICAL ASSISTANCE UNDER AN SSI-RELATED COVERAGE GROUP.

The applicant/recipient member of the couple is termed the "ELIGIBLE INDIVIDUAL". The "INELIGIBLE SPOUSE" means someone who lives with the eligible individual as that person's husband or wife, either through a ceremonial marriage or through a common-law marriage, and who is not eligible for Medical Assistance.

0366.10.05

Income Deeming Spous

REV:06/1994

When an ineligible spouse lives in the same household as the eligible individual, these deeming rules are applied in the following order:

- FIRST: Determine the amount of the ineligible spouse's earned and unearned income, applying the appropriate income exclusions, in the computation month.
- SECOND: Deduct an allocation for each ineligible child who lives in the household. "Ineligible child" means the ineligible individual's natural or adopted child who is under the age of 21, lives in the same household, and is not eligible for Medical Assistance. EXCEPTION: No allocation is given for any children who are receiving cash assistance (AFDC, SSI, GPA):
- o The allocation for each ineligible child is the difference between the Federal Benefit Rate (FBR) for an eligible couple and the FBR for an eligible individual;
 - o Each ineligible child's allocation is reduced by the amount of his or her own income (appropriate income exclusions applied); and,
 - o The allocations for ineligible children are first deducted from the ineligible spouse's unearned income. If the ineligible spouse does not have enough unearned income to cover the allocations, the balance is deducted from the ineligible spouse's earned income.
- THIRD: If the remaining income (both earned and unearned) of the ineligible spouse is EQUAL TO OR LESS THAN the difference between the FBR for an eligible couple and the FBR for an eligible individual, there is no income to deem to the eligible individual. IN THIS SITUATION, THE ELIGIBLE INDIVIDUAL'S OWN COUNTABLE INCOME IS SUBTRACTED FROM THE MA STANDARD FOR ONE TO DETERMINE ELIGIBILITY.
- FOURTH: If the remaining income (both earned and unearned income) of the ineligible spouse is MORE THAN the difference between the FBR for an eligible couple and the FBR for an eligible individual, THE ELIGIBLE INDIVIDUAL AND THE INELIGIBLE SPOUSE ARE TREATED AS AN ELIGIBLE COUPLE:
- o The eligible individual and the ineligible spouse are treated as an eligible couple by combining the remainder (after allowable allocations) of the ineligible spouse's unearned income with the eligible individual's own unearned income, and the remainder of the ineligible spouse's earned income with the individual's earned income;

- o Apply all appropriate income exclusions, including the first \$20 of unearned income (if less than \$20 of unearned income in a month, any remaining portion of the \$20 exclusion is applied to any earned income in the month), \$65 of any earned income in the month, and one-half of remaining earned income in the month;
- o Subtract the couple's countable income from the MA STANDARD FOR TWO.

FIFTH: If the couple's countable income is EQUAL TO OR LESS THAN the MA STANDARD FOR TWO in the computation month, the INDIVIDUAL IS ELIGIBLE FOR MA UNDER THE DEEMING RULES.

0366.10.10 Spouse to Spouse Deeming Examples

REV:01/1995

EXAMPLE 1: Jim, an aged individual, lives with his ineligible spouse, Anna, and their ineligible daughter, Stephanie. Jim receives \$439 unearned income per month. Anna receives \$302 unearned income per month. She has no earned income and Stephanie has no income at all. From Anna's income, \$229 is allocated to Stephanie (the difference between the FBR for an couple and the FBR for an individual). The \$229 allocation is subtracted from Anna's unearned income, leaving \$73. Since Anna's \$73 remaining income is not more than \$229, which is the difference between the FBR for a couple and the FBR for an individual, none of the income is deemed to Jim. Instead, Jim's own countable income of \$419 (\$439 minus the \$20 general income exclusion) is compared to the Medical Assistance standard for one, \$522.35. Jim is eligible for Medical Assistance.

EXAMPLE 2: Max, a disabled individual, lives with his ineligible spouse, Mimi, and their ineligible son, Matt. Max and Matt have no income. Mimi has earned income of \$426 per month and unearned income of \$278 per month. First, \$229 is allocated to Matt from Mimi's \$278 unearned income, leaving \$49 in unearned income. Since Mimi's total remaining income of \$475 (\$49 unearned plus \$426 earned) is more than \$229, which is the difference between the FBR for a couple and the FBR for an individual, her income is deemed to be available to both members of the couple. Therefore, their combined countable income is computed as for a couple. The \$20 general income exclusion is applied to Mimi's unearned income further reducing it to \$29. The \$65 plus one-half the balance earned income

exclusion is applied to her earned income reducing it to \$180.50. The \$29 countable unearned income is added to the \$180.50 countable earned income for a total countable income of \$209.50, and compared to the Medical Assistance standard for a couple, \$807.50. Max is eligible for Medical Assistance based on deeming.

EXAMPLE 3: Mr. Peirot, a disabled individual, lives with his ineligible spouse, Mrs. Peirot, who earns \$260 per month. Mr. Peirot receives a pension (unearned income) of \$150 per month. Since Mrs. Peirot's income is greater than \$229, which is the difference between the FBR for a couple and the FBR for an individual, all of her income is deemed to be available to both Mr. and Mrs. Peirot. Compute the combined countable income for the couple as follows. Apply the \$20 general income exclusion to Mr. Peirot's \$150 unearned income, leaving \$130. Apply the \$65 and one-half the balance earned income exclusion to Mrs. Peirot's \$260 earned income, leaving \$97.50. This gives the couple total countable income of \$227.50. This is less than \$807.50, the Medical Assistance standard for a couple, so Mr. Peirot is eligible for Medical Assistance based on deeming.

0366.15 DEEM INELIG PARENT TO ELIG CHILD

REV:06/1994

"Ineligible parent" means a natural or adoptive parent, who lives in the same household and who is not eligible for Medical Assistance. The income of the ineligible parent is deemed to a natural or adopted Medical Assistance eligible child through the month in which the SSI-related eligible child reaches age 18.

Step-parent deeming is prohibited in Medical Assistance.

0366.15.05 Income Deeming Process

REV:01/2002

When an ineligible parent(s) live(s) in the same household as the eligible child, these deeming rules are applied in the following order:

FIRST: Determine the amount of each ineligible parent's earned and unearned income, applying the appropriate income exclusions, in the computation month.

SECOND: Deduct an allocation for each ineligible child who lives in the household. "Ineligible child" means the INELIGIBLE INDIVIDUAL'S NATURAL OR ADOPTED CHILD who is under the age of 21, lives in the same household, and is not eligible for SSI-related Medical Assistance. EXCEPTION: No allocation is given for any children who are receiving cash assistance (FIP, SSI, GPA):

- o The allocation for each ineligible child is the difference between the Federal Benefit Rate (FBR) for an eligible couple and the FBR for an eligible individual;
- o Each ineligible child's allocation is reduced by the amount of his or her own income (appropriate income exclusions applied);
- o The allocations for ineligible children are first deducted from the ineligible parent's unearned income. If the ineligible parent does not have enough unearned income to cover the allocations, the balance is deducted from the ineligible parent's earned income.

THIRD: Deduct an allocation for each ineligible parent. This allocation varies depending on the type of income the ineligible parent has.

- o IF ALL PARENTAL INCOME IS EARNED, allocate \$85 (the sum of the \$20 general income exclusion and the \$65 earned income exclusion) plus
 - double the Federal Benefit Rate (FBR) for a month for a COUPLE if both parents live in the household; or,
 - double the FBR for a month for an INDIVIDUAL if only one parent lives in the household.
- o IF ALL PARENTAL INCOME IS UNEARNED, allocate \$20 (the amount of the general income exclusion) plus
 - the FBR for a month for a COUPLE if both parents live in the household; or,
 - the FBR for the month for an INDIVIDUAL if only one parent lives in the household.
- o IF PARENTAL INCOME IS BOTH EARNED AND UNEARNED, allocate \$20 from their combined unearned income. If there is less than \$20 in unearned income, subtract the balance of the \$20 from their combined earned income. Next subtract \$65 plus one-half the balance of their earned income. Total the remaining earned and unearned income, and subtract:
 - the FBR for a month for a COUPLE if both parents live in the household; or,
 - the FBR for a month for an INDIVIDUAL if only one parent lives in the household.

FOURTH: Deem any remaining parental income to the eligible child(ren):

- IF THERE IS ONLY ONE ELIGIBLE CHILD IN THE HOUSEHOLD, deem any parental income that remains to the eligible child as unearned income. Combine it with the eligible child's own unearned income, apply appropriate exclusions, i.e., a \$20 general income exclusion, to determine the countable unearned income in the month. Add this amount to any COUNTABLE earned income the eligible child may have. (Note: application of the earned income disregard of \$65 and one-half the balance to the child's OWN EARNED INCOME, if any, results in child's countable earned income.) Subtract the total from the Medical Assistance standard for an individual to determine eligibility for Medical Assistance.

- IF THERE IS MORE THAN ONE ELIGIBLE CHILD IN THE HOUSEHOLD (under age 18), divide the parental income to be deemed equally among the eligible children. Combine it with the eligible child's own unearned income, apply appropriate exclusions, i.e., a \$20 general income exclusion, to determine the countable unearned income in the month. Add this amount to any COUNTABLE earned income the eligible child may have. (Note: application of the earned income disregard of \$65 and one-half the balance to the child's OWN EARNED INCOME, if any, results in child's countable earned income.) Subtract the total from the Medical Assistance standard for an individual to determine eligibility for Medical Assistance.

0366.15.10

Parent to Child Deeming Examples

REV:01/1995

EXAMPLE 1: Mrs. Lind is the ineligible parent of Jennie, a disabled child. Jennie has no income; Mrs. Lind has earned income of \$1,250 per month. Reduce her income by an allocation of \$85 (the sum of the \$20 general income exclusion and the \$65 earned income exclusion) plus \$916 (double the FBR for an individual). This is a total allocation of \$1001 for her needs. The balance of \$249 (\$1,250 minus \$1001) is deemed to Jennie. Jennie now has unearned income of \$249 from which the \$20 general income exclusion is deducted leaving countable income of \$229. Since this is less than \$522.35, the Medical Assistance standard for an individual, Jennie is eligible for Medical Assistance.

EXAMPLE 2: Hank, a disabled child, lives with his mother and father and a 12-year-old ineligible brother. His mother receives a pension (unearned income) of \$335 per month, and his father earns \$1,755 per month. Hank and his brother have no income. First, \$229

is allocated to Hank's brother from the unearned income. This leaves \$106 in unearned income. Since the remaining parental income is both earned and unearned, the unearned income is further reduced by \$20, general income exclusion, leaving \$86. The \$1,755 earned income is reduced by \$65 plus one-half the balance, leaving \$845. The countable unearned and countable earned income is totaled, \$931. The FBR for a couple, \$687, is deducted as the allocation for the parents, leaving \$244 to be deemed as Hank's unearned income. Hank's \$244 deemed income is reduced by the \$20 general income exclusion, which leaves Hank with countable income of \$224. Since this is less than \$522.35, the Medical Assistance standard for an individual, Hank is eligible for Medical Assistance.

EXAMPLE 3: Jesse and Frank are disabled children who live with their mother. The children have no income but their mother receives \$616 in unearned income. Since all the mother's income is unearned, \$478 is allocated for her needs (the FBR for an individual, plus the \$20 general income exclusion). After subtracting this allocation from her \$616, divide the remaining \$138 equally between the two children (\$69 each) as unearned income. Deduct the \$20 general income exclusion from each child's unearned income leaving each child with \$49 countable income. The \$49 is less than \$522.35, the Medical Assistance standard for an individual (one) so each child is eligible for Medical Assistance.

EXAMPLE 4: Mrs. Parker is the ineligible parent of two disabled children, Bonnie and Lori. Bonnie and Lori have no income; Mrs. Parker has unearned income of \$1,250 per month. Reduce her income by an allocation of \$478 for her needs. The amount of her allocation is the \$20 general income exclusion plus \$458, the FBR for an individual. The balance of \$772 (\$1,250 minus \$478) to be deemed is divided equally between Bonnie and Lori. Each now has unearned income of \$386 from which the \$20 general income exclusion is deducted leaving countable income of \$366 for each child. Since this is less than \$522.35, the Medical Assistance standard for an individual, the girls are eligible for Medical Assistance.

NOTE: If an eligible child later becomes ineligible, only that amount of income is deemed to the child which, when combined with the child's own income if any, causes the child's countable income to exceed the Medical Assistance standard (i.e., deem only an amount which causes the child to become ineligible). Equally divide that amount of the ineligible child's deemed income which exceeds the standard and redistribute it to the remaining eligible

child(ren) in the household.

0366.20 INELIG SPOUS TO ELIG SPOUS, CHI

REV:06/1994

When an eligible spouse and an eligible natural or adopted child live in the same household as an ineligible individual, who is both a spouse and a natural/adoptive parent, the ineligible spouse/parent's income is deemed first to the eligible spouse with any remainder income then deemed to the eligible child.

Step-parent deeming is prohibited in SSI-related Medical Assistance.

0366.20.05 Income Deeming Process

REV:01/2002

To deem income from an ineligible spouse to an eligible spouse and eligible child, these deeming rules are applied in the following order:

- FIRST: Determine the amount of the ineligible spouse/parent's earned and unearned income, applying the appropriate income exclusions, in the computation month.
- SECOND: Deduct an allocation for each ineligible child who lives in the household. "Ineligible child" means the INELIGIBLE INDIVIDUAL'S NATURAL OR ADOPTED CHILD who is under the age of 21, lives in the same household, and is not eligible for SSI-related Medical Assistance. EXCEPTION: No allocation is given for any children who are receiving cash assistance (FIP, SSI, GPA):
- o The allocation for each ineligible child is the difference between the Federal Benefit Rate (FBR) for an eligible couple and the FBR for an eligible individual;
 - o Each ineligible child's allocation is reduced by the amount of his or her own income (appropriate income exclusions applied); and,
 - o The allocations for ineligible children are first deducted from the ineligible parent's unearned income. If the ineligible parent does not have enough unearned income to cover the allocations, the balance is deducted from the ineligible parent's earned income.
- THIRD: If the remaining income (both earned and unearned) of the ineligible spouse is EQUAL TO OR LESS THAN the difference between the FBR for an eligible couple and the FBR for an eligible individual, there is no income to deem to the eligible individual. IN THIS SITUATION, THE ELIGIBLE INDIVIDUAL'S OWN COUNTABLE INCOME IS SUBTRACTED FROM THE MA STANDARD FOR ONE TO DETERMINE ELIGIBILITY.

FOURTH: IF THERE IS NO INCOME DEEMED TO THE SPOUSE AS IN THE PREVIOUS STEP, NO INCOME IS DEEMED TO THE CHILD.

FIFTH: However, if the remaining income (both earned and unearned income) of the ineligible spouse is MORE THAN the difference between the FBR for an eligible couple and the FBR for an eligible individual, THE ELIGIBLE INDIVIDUAL AND THE INELIGIBLE SPOUSE ARE TREATED AS AN ELIGIBLE COUPLE:

- o The eligible individual and the ineligible spouse are treated as an eligible couple by combining the remainder (after allowable allocations) of the ineligible spouse's unearned income with the eligible individual's own unearned income, and the remainder of the ineligible spouse's earned income with the individual's earned income;
- o Apply all appropriate income exclusions, including the first \$20 of unearned income (if less than \$20 of unearned income in a month, any remaining portion of the \$20 exclusion is applied to any earned income in the month), \$65 of any earned income in the month, and one-half of remaining earned income in the month;
- o Subtract the couple's countable income from the MA STANDARD FOR TWO.

SIXTH: If the couple's countable income is EQUAL TO OR LESS THAN the MA STANDARD FOR TWO in the computation month, the INDIVIDUAL IS ELIGIBLE FOR MA UNDER THE DEEMING RULES.

SEVENTH: IF THE SPOUSE IS ELIGIBLE for Medical Assistance after income has been deemed from the ineligible spouse/parent, NO INCOME IS DEEMED TO THE CHILD.

- o To determine the child's eligibility, subtract the CHILD'S OWN COUNTABLE INCOME WITHOUT DEEMING from the Medical Assistance standard for one.

EIGHTH: IF THE SPOUSE IS NOT ELIGIBLE for Medical Assistance after the ineligible spouse/parent's income has been deemed, INCOME IS DEEMED TO THE CHILD in the following manner.

- o Deem to the eligible child any of the spouse-to-spouse deemed income which EXCEEDS THE MEDICAL ASSISTANCE STANDARD FOR TWO (the MA standard used to determine eligibility for the spouse).

0366.20.10 Spouse to Spouse and Child Deeming

REV:01/1995

EXAMPLE 1: Mary, a blind individual, lives with her husband, John, and their disabled child, Peter. Mary and Peter have no income, but John is employed and earns \$1,450 per month. Mary's eligibility is determined first. Since John's income is more than \$229, which is the difference between the FBR for an eligible couple and the FBR for an eligible individual, the entire \$1,450 is treated as earned income available to John and Mary as a couple. Because they have no unearned income, the \$1,450 is reduced by the \$20 general income exclusion, and then by the earned income exclusion of \$65 plus one-half the remainder. This leaves John and Mary with \$682.50 in countable income. The \$682.50 countable income is less than the Medical Assistance Standard for a couple (\$807.50), so Mary is eligible for Medical Assistance; therefore no income is deemed to Peter. Peter's eligibility is determined based on his own income. Since he has no income of his own, Peter is eligible for Medical Assistance.

EXAMPLE 2: Al, a disabled individual, resides with his ineligible spouse, Dora, and their disabled son, Jeff. Al and Jeff have no income, but Dora is employed and earns \$2,450 per month. Since Dora's income is more than \$229, which is the difference between the FBR for an eligible couple and the FBR for an eligible individual, the entire \$2,450 is treated as earned income available to Al and Dora as a couple. The \$2,450 is reduced by the \$20 general income exclusion and then by the \$65 plus one-half the remainder earned income exclusion, leaving \$1,182.50 in countable income. Al is ineligible for Medical Assistance because \$1,182.50 in countable income exceeds \$807.50, the Medical Assistance standard for a couple. Since Al is ineligible, \$375 is deemed to Jeff. This is the amount of income over and above the amount which caused Al to be ineligible (the countable income minus the Medical Assistance standard for a couple). The \$375 deemed to Jeff is unearned income. After the \$20 general income exclusion is deducted, Jeff's countable income is \$355. It is below \$522.35, the Medical Assistance Standard for one. Jeff is eligible for Medical Assistance.

0366.25 TEMPORARY ABSENCES AND DEEM

REV:06/1994

TEMPORARY ABSENCE

FOR THE PURPOSE OF DEEMING, a temporary absence such as for visiting or for another reason, occurs when the Medical Assistance applicant/recipient, the ineligible spouse or ineligible parent or an

ineligible child leaves the household but intends to, and does, return in the same month or the month immediately following. If the absence is temporary, the person is considered to be a member of the household.

CHILD AWAY AT SCHOOL

An eligible child who is away at school, but who comes home on some weekends or lengthy holidays and who is subject to the control of his/her parent(s), is considered to be temporarily absent from the household and income deeming rules apply. However, if the child is not subject to parental control, the absence is not considered to be temporary and the deeming rules do not apply. Being subject to parental control affects deeming only if the child is away at school.

0366.30 INC EXCL, INELIG SPOUS/PAREN

REV:06/1994

Income is anything received in cash or in-kind that can be used to meet the needs for food, clothing, or shelter. In-kind income is not cash, but is actually food, clothing or shelter, or something that can be used to get one of these. SOME TYPES OF INCOME ARE EXCLUDED FROM THE DEEMING PROCESS. When determining how much income to deem, do not include the following types of income when deeming FROM an INELIGIBLE SPOUSE OR PARENT:

- o Income excluded by Federal laws other than the Social Security Act;
- o Any public income-maintenance payments received by the ineligible spouse or parent, and any income which was counted or excluded in figuring the amount of that payment;
- o Any income of the ineligible spouse or parent used by a public income-maintenance program to determine the amount of that program's benefit to someone else;
- o Any portion of a grant, scholarship, or fellowship used to pay tuition or fees;
- o Money received for providing foster care to an ineligible child;
- o The value of SNAP benefits and the value of Department of Agriculture donated foods;
- o Food raised by the ineligible spouse or parent and consumed by members of the household in which you live;
- o Tax refunds on income, real property, food purchased by the family;
- o Income used to fulfill an approved plan for achieving

self-support;

- o Income used to comply with the terms of court-ordered support, or support payments enforced under title IV-D of the Social Security Act;
- o The value of in-kind support and maintenance;
- o Periodic payments made by a State under a program established before July 1, 1973, and based solely on duration of residence and attainment of age 65;
- o Disaster assistance as described under the Disaster Relief Act of 1974 and other Federal statutes enacted to provide relief to victims of major disasters (payments received to repair or replace lost, stolen, or damaged resources as a result of a catastrophe which the President declares to be a major disaster);
- o Income received infrequently or irregularly;
- o Work expense if the ineligible spouse or ineligible parent is blind;
- o Income of the ineligible spouse or ineligible parent which was paid under a Federal, State, or local government program to provide the Medical Assistance applicant/recipient with chore, attendant or homemaker services;
- o Certain support and maintenance assistance, i.e., home energy assistance related to meeting the costs of heating or cooling a home through payments for utility service or bulk fuels, or items which help to reduce the costs of heating or cooling such as conservation or weatherization materials and services.

0366.30.05 Spous/Paren to Inelig Spous

REV:06/1994

The allocation to an INELIGIBLE CHILD is reduced if the ineligible child has income. While considered to be income, in the deeming process do not include any of the following types of income, as the child's income, when allocating FROM an INELIGIBLE SPOUSE OR PARENT TO AN INELIGIBLE CHILD:

- o All the types of income listed in 0366.30;
- o If the ineligible child is a student, exclude any of the child's earned income up to \$400 a month but not more than \$1,620 per year;

0366.35 CHANGE IN DEEM STATUS-COUPLES

REV:06/1994

There are several events which can change deeming status. All such changes affect deeming the month after the month the change occurs, unless otherwise noted. Examples of a change in status are:

- o Ineligible Spouse Becomes Eligible;
- o Spouses Separate or Divorce;
- o Eligible Spouse Begins Living With An Ineligible Spouse;
- o Ineligible Spouse Dies;
- o Eligible Individual Becomes Institutionalized.

0366.35.05 Ineligible Spouse becomes Elig

REV:06/1994

If an ineligible spouse becomes eligible, the individual and spouse are treated as an eligible couple effective with the month the spouse becomes eligible. MA eligibility and payment amount are based on the couple's income for that month.

0366.35.10 Spouses Separate or Divorce

REV:06/1994

If an ineligible spouse and eligible spouse separate, or their marriage ends in divorce, the ineligible spouse's income is no longer deemed effective with the month following the month of separation or divorce.

0366.35.15 Elig Ind and Inelig Spouse

REV:06/1994

If an eligible individual begins living with an ineligible spouse, deeming of the ineligible spouse's income begins effective with the month after the month they begin living together.

0366.35.20 Ineligible Spouse Dies

REV:06/1994

If an ineligible spouse dies, deeming stops for purposes of determining eligibility with the month following the month of death.

0366.35.25 Elig Ind Becomes Institut

REV:06/1994

If an eligible individual moves into a medical facility, deeming stops for purposes of determining MA eligibility effective with the month following the month of separation.

0366.40 CHANGE IN DEEM STAT-PAREN/CHIL

REV:06/1994

Deeming of an ineligible parent's income to an eligible child can begin or end when there has been a change in the family's situation. Except where noted, all changes in status are effective in the month following the month the change occurs.

Changes in status may include:

- o Ineligible Parent Becomes Eligible;
- o Eligible Parent becomes Ineligible;
- o Ineligible Parent Dies;
- o Ineligible Parent and Eligible Child No Longer Living In Same Household;
- o Ineligible Parent and Eligible Child Begin Living In Same Household;
- o Eligible Child Moves Into Medical Care Facility;
- o Child Attains Age 18.

0366.40.05 Inelig Parent Becomes Elig

REV:06/1994

If an ineligible parent becomes eligible for MA, deeming from that parent to an eligible child to determine the child's eligibility for MA stops beginning with the month the parent becomes eligible.

0366.40.10 Eligible Parent Becomes Inelig

REV:06/1994

If an eligible parent becomes ineligible, deeming of the parent's income begins with the first month of the parent's ineligibility.

0366.40.15 Ineligible Parent Dies

REV:06/1994

If an ineligible parent dies, deeming stops from that parent for purposes of determining the child's eligibility for MA beginning with the month following the month of death.

If the child lives with two ineligible parents, and one dies, deeming continues from the surviving parent to determine the child's MA eligibility.

0366.40.20 Paren, Chil Not In Same Househo

REV:06/1994

If an ineligible parent and eligible child no longer live in the same household, deeming of that parent's income stops effective the month after the month the parent (or child) leaves the household for purposes of determining eligibility.

0366.40.25 Parent/Child in Same Household

REV:06/1994

If an ineligible parent and an eligible child begin living in the same household, the parent's income is deemed to the child for purposes of determining MA eligibility beginning the month after the month they begin living together.

0366.40.30 Elig Child in Med Care Fac

REV:06/1994

If an eligible child becomes institutionalized, then the deeming stops for purposes of determining MA eligibility in the month following the month of institutionalization.

0366.40.35 Child Attains Age 18

REV:06/1994

Deeming stops effective the month following the month the individual turns 18.

0366.45 Sponsor Deeming

REV:01/2007

Sponsorship deeming will be implemented effective July 1, 2007.

Under deeming provisions, the income and resources of the sponsor(s) are counted as available and received, even if not in fact received, by

the applicant. Income and resources of the sponsor(s) and of the sponsor's spouse (when living together) are counted when determining the income and resources of the non-citizen applicant.

Deeming applies ONLY to Lawful permanent residents (LPR) who:

- 0 Entered the U.S. or were granted LPR status on or after 12/19/97; and
- 0 Were sponsored by an individual or individuals (family-based immigrants and some employment based immigrants whose employer is a family owned business); and
- 0 Whose sponsors signed new, legally binding affidavits of support (USCIS Form I-864).

Deeming continues until the individual:

- a) Attains U.S.citizenship; or
- b) Can be credited with forty (40) quarters of work as defined under Title II of the Social Security Act, provided that no credit is given for any quarter after 12/31/96 in which any federal means tested benefit was received.

Deeming provisions may be waived in some circumstances. See Section 0304.05.90.

If the applicant is unable to supply a copy of the USCIS Sponsorship Affidavit, or if further verification or information is needed from USCIS, the agency representative shall offer to assist the applicant in obtaining this information directly from USCIS. USCIS Form G-639 may be sent directly to USCIS with the applicant's written permission. It is the responsibility of the applicant to provide information and documentation of the sponsor's income and resources.

Resources belonging to the sponsor(s) and/or the sponsor's spouse, if living together, which would be countable under MA program provisions are deemed available to the immigrant and are a countable resource in determining MA eligibility.

The amount of income deemed to the applicant is calculated as follows:

1. Add the total of the sponsor's unearned and earned income, after applying applicable MA income exclusions. If there are two (2) sponsors and they are married and living together, combine their incomes and perform a single computation. If they are not married, perform separate deeming computations.
2. From this total, subtract:
 - a) An allocation for the sponsor equal to the monthly FBR for an individual (See Section 0362.05 for FBR amount); plus

- b) An allocation for the sponsor's spouse, if living together, equal to one-half the FBR for an individual; OR an allocation for the sponsor's spouse who is also a co-sponsor of the applicant, equal to the FBR for an individual; plus
- c) An allocation equal to one-half the FBR for an individual for each dependent of the sponsor. If the married couple are both sponsors of the applicant, only one allocation is given for each dependent, even if the person is a dependent of both spouses.

A dependent's income is not subtracted from the sponsor's dependent's allocation.

3. The difference between the total income (1) and the total allocations (2) is deemed as unearned income to the applicant. This deemed income is added to the applicant's own income to determine MA eligibility.

When both members of an MA eligible couple have the same sponsor, deem the sponsor's income to each member. Do not divide the sponsor's income among the immigrants. The couple's countable income includes the sum of their deemed income amounts.

When both members of a couple have different sponsors, each sponsor's income is deemed to the appropriate member. The couple's countable income includes the sum of their deemed income amounts.

If it is determined that one member of a couple is ineligible, the eligible one is subject to spouse-to-spouse deeming from the ineligible spouse and sponsor deeming from his sponsor. However, income is not deemed from the sponsor of the ineligible spouse to the eligible individual.

When the sponsor is also the applicant's spouse, spouse-to-spouse deeming provisions supersede sponsor deeming provisions.