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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 95 ADM-18

TO: Commissioners of
 Social Services

DIVISION: Health and
 Long Term Care

DATE: October 12, 1995

SUBJECT: Increased Medical Assistance Income and Resource Standards
 and Federal Poverty Lines for January 1, 1995 and
 July 1, 1995

SUGGESTED DISTRIBUTION:	Medical Assistance Staff Income Maintenance Staff Fair Hearing Staff Staff Development Coordinators
CONTACT PERSON:	Priscilla Smith at 1-800-343-8859, extension 3-5532; New York City Representative (212) 383-2512 (USER ID AW3060)
ATTACHMENTS:	Medical Assistance Only Income and Resource Standards and Federal Poverty Lines: Attachment I- Effective January 1, 1995 Attachment II- Effective July 1, 1995 (Both attachments are available on-line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
91 ADM-54	94 ADM-2	360-1.4(r)	101	MARG pp	GIS 95MA016
91 ADM-53		360-3.7(d)	101-a	110, 111.1	GIS 94MA023
91 ADM-50		360-4.1(b)	366	111.2, 285	GIS 94MA029
90 ADM-48		360-4.3(f)	P.L. 92-603	8.4, 8.6,	GIS 94MA030
90 ADM-42		360-4.7(b)	P.L. 94-48	146	MBL Trans
90 ADM-9		360-4.8	P.L. 94-566		mittal 95-
90 ADM-6		(a)&(c)			MBL Trans
89 ADM-38		360-7.7 (g)			mittal 94-1
89 ADM-7		(h)&(i)			MBL Trans
87 ADM-50		360-7.8(a)			mittal 94-2
87 ADM-27					
85 ADM-35					
85 ADM-3					

I. PURPOSE

This Administrative Directive advises social services districts of:

- A. Increases in the Medical Assistance (MA) Income and Resource Standards.
- B. The annual update of the federal income official poverty line (federal poverty line).
 - 1. The estimated federal poverty line effective January 1, 1995 through June 30, 1995.
 - 2. The actual federal poverty line published in February 1995 and effective July 1, 1995.

II. BACKGROUND

A. MA INCOME AND RESOURCE STANDARDS

The Social Security Administration (SSA) establishes the cost-of-living-adjustment (COLA) to the Supplemental Security Income (SSI) income standard. SSA announced that effective January 1, 1995 the COLA is 2.8 percent. The medically needy income standards for one, two, and three person households must be adjusted to reflect this increase and maintain a one hundred dollar differential between household sizes.

The resource standards for medically needy A/Rs are equal to one-half of the appropriate annual MA income standards. Because the MA income standards increased for one- to three-person households, the MA resource standards must be increased accordingly.

B. FEDERAL POVERTY LINE

The federal Office of Management and Budget (OMB) establishes the federal poverty line. The OMB usually announces the federal poverty line in late February, but it is effective retroactively to January 1. The retroactive nature of the federal poverty line traditionally caused eligibility problems. When the COLA went into effect on January 1, the increased income caused some individuals to become ineligible for benefits only to become eligible again a few months later when the new line was implemented. The Department received permission from the federal Health Care Financing Administration to estimate the federal poverty line. Now, the Department is able to implement the COLA and the estimated federal poverty line on January 1, which results in more stable eligibility periods.

The federal poverty line announced in February in 1995 is slightly lower than the estimated poverty line the Department implemented on January 1, 1995. As a result, the poverty line used to determine MA eligibility will be revised effective July 1, 1995. Analysis suggests that only a small number of cases are affected.

III. PROGRAM IMPLICATIONS

A. MA INCOME AND RESOURCE STANDARDS

As a result of the January 1, 1995 2.8 percent COLA increase in SSI benefits, the MA income standards used to determine MA eligibility for federally participating A/Rs will increase for one- to three-person households. Increased income standards of assistance will result in increases in MA resource standards for one- to three-person households. The new MA income and resource standards will also be applied to federally non-participating parents living with their dependent child(ren) under the age of 21, who are financially ineligible for MA under the Public Assistance (PA) income and resource standards.

The new MA standards are specified on the attached chart.

B. FEDERAL POVERTY LINE

The estimated federal poverty line was updated effective January 1, 1995; the actual federal poverty line announced in February is effective July 1, 1995. The updated federal poverty line is the basis for the MA income eligibility standards which are applied to the following groups of A/Rs:

1. Presumptive Eligibility for Pregnant Women - Qualified providers determine presumptive eligibility for pregnant women by comparing their household incomes to 100 percent and 185 percent of the applicable federal poverty line (90 ADM-9). There is no resource test for pregnant women.
2. Pregnant Women and Infants - MA eligibility for pregnant women and infants under age one, who are not otherwise eligible, is determined by comparing their household incomes to 100 percent or 185 percent of the applicable federal poverty line (90 ADM-9). There is no resource test for pregnant women and infants under age one.
3. Children Ages One Through Five - MA eligibility for children who are at least one year of age but younger than six years of age and are not otherwise eligible for MA, is determined by comparing their household incomes to 133 percent of the applicable federal poverty line (90 ADM-42). There is no resource test if eligibility is determined under the poverty based program.
4. Children born after September 30, 1983 - MA eligibility for children born after September 30, 1983 who are at least six years of age but younger than 19 years of age and are not otherwise eligible for MA, is determined by comparing their household incomes to 100 percent of the applicable federal poverty line (91 ADM-50). There is no resource test if eligibility is determined under the poverty based program.

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5. Qualified COBRA Continuation Beneficiaries (CCBs) - Eligibility for the COBRA Continuation Coverage Program for qualified CCBs is determined by comparing their household incomes to 100 percent of the federal poverty line for a one- or two-person household (91 ADM-53). The resource limit is twice the SSI resource level.
 6. Qualified Medicare Beneficiaries (QMBs) - Eligibility for the Buy-In Program for QMBs is determined by comparing their household incomes to 100 percent of the federal poverty line for a one- or two-person household. QMBs are eligible for MA payment of Medicare Part A and B premiums, deductibles, and co-insurance (89 ADM-7 and 90 ADM-6). The resource level is twice the SSI resource level.
 7. Persons with AIDS or HIV-Related Illness - Financial eligibility for the Health Insurance Continuation Program (AIDS Health Insurance Program) for persons with AIDS or HIV-related illness is determined by comparing their household incomes to 185 percent of the federal poverty line for a one- or two-person household (91 ADM-54). There is no resource test.
 8. Qualified Disabled and Working Individuals (QDWIs) - Eligibility for MA payment of Medicare Part A premiums for QDWIs is determined by comparing their household incomes to 200 percent of the poverty line for a one- or two-person household (90 ADM-48). The resource limit is twice the SSI resource level.
 9. Specified Low Income Medicare Beneficiaries (SLIMBs) Eligibility for MA payment of Medicare Part B premiums for SLIMBs is determined by comparing their household incomes to 100 and 120 percent of the federal poverty line (93 ADM-30). The resource limit is twice the SSI resource level.

The updated federal poverty lines for January 1, 1995 and July 1, 1995 are specified on the attached charts.

The new higher MA standards and federal poverty lines will result in small increases in MA-Only caseloads and expenditures.

IV. REQUIRED ACTION

A. MA INCOME AND RESOURCE STANDARDS

1. For all MA-Only federally participating A/Rs whose eligibility is determined or redetermined for the month of January, 1995, or later, the January 1, 1995 income and resource standards must be used.

2. These revised standards must also be applied in determining eligibility effective January 1, 1995, for federally non-participating parents living with their children under age 21, but only if they are ineligible for MA when their income and resources are compared to the PA income and resource standards. (See 89 ADM-38)
3. All excess income and/or resource cases (inpatient and outpatient) active on or after January 1, 1995 must have their liability recomputed under these revised standards. Cases in which the six-month excess income period extends into the month of January, 1995 or later must be reevaluated using the new standards.

B. FEDERAL POVERTY LINE

Effective January 1, 1995 through June 30, 1995, for all new applications and recertifications, social services districts must use the updated estimated federal poverty line when determining eligibility for: children born after September 30, 1983 and pregnant women; COBRA Continuation Coverage for CCBs; the AIDS Health Insurance program for persons with AIDS or HIV-related illness; the Buy-In program including QMBs, SLIMBs, and QDWIs.

Effective July 1, 1995 for all new applications and recertifications, social services districts must use the revised federal poverty line published in the Federal Register in February 1995 for the above mentioned groups.

There are no resource standards for pregnant women, infants, or persons with AIDS or HIV-related illness who are applying for benefits under the AIDS Health Insurance Program. The resource standards for QMBs, QDWIs and qualified CCBs remain at \$4,000 for a one-person household and \$6,000 for a two-person household.

Pregnant women and infants receiving the one year extension, who are determined eligible under the poverty line in effect between January 1, 1995 and June 30, 1995, are guaranteed eligibility through the end of the month in which the 60th postpartum day occurs or age one, respectively. Eligibility must be continued until the end of the period for which eligibility is guaranteed for pregnant women and infants with extensions.

At next client contact districts must rebudget cases using the revised federal poverty line effective July 1, 1995.

V. ADDITIONAL INFORMATION

A. NOTICE REQUIREMENTS

When rebudgeting under the new income standards results in a change in MA spenddown liability, the social services district

must notify the recipient of the change in accordance with 89 ADM-21. Social services districts are reminded that in instances in which there is a decrease in the monthly spenddown liability, recipients must be notified in writing of such increase in coverage. Notices of change in coverage due to increased Social Security benefits are included with 94 ADM-19, "Federal Cost of Living Adjustment in Social Security and Supplemental Security Income (SSI) Benefits and Impact on Department Programs".

In accordance with 91 ADM-53, social services districts should make the "Notice to Potential Qualifying COBRA Continuation Beneficiaries" available to any individual requesting information concerning the COBRA Continuation Program, and to any individual who has health insurance coverage as the spouse or dependent child of a covered employee. Social services districts must update the federal poverty lines for one and two person households on page two of the notice to reflect the January 1, 1995 increase and the revised federal poverty lines effective July 1, 1995.

B. 249E AND 503 CASES

As specified in 87 ADM-50, social services districts are reminded that for applicants eligible under the provisions of Section 249E of Public Law 92-603 as amended by Public Law 94-48, the amount of the October 1972 COLA increase in Social Security Retirement, Survivors and Disability Insurance (RSDI) benefits must be disregarded in determining MA eligibility. Budgeting procedures as described in 85 ADM-3 should be followed using the new conversion figures of .256 to determine what the A/R's RSDI income would have been in August, 1972 and .949 to allow for the disregard of the 20 percent increase of October, 1972.

In addition, applicants eligible under Section 503 of Public Law 94-566 ("Pickle" individuals) who became ineligible for SSI on or after April, 1977 must have a determination of MA eligibility based on the Social Security benefit at the time they became ineligible for SSI. Budgeting procedures as described in 85 ADM-35 and 87 ADM-27 should be followed.

NOTE: The SSI resource level for one person remains \$2,000 and for two persons remains \$3,000 on and after January 1, 1995.

C. ALLOCATION

When allocating income to a non SSI-related child, use the new allocation amount of \$242. This is the difference between the new MA income standards for two- and one-person households.

VI. SYSTEMS IMPLICATIONS

A. MBL UPSTATE

On the weekend of November 26 - November 27, 1994, MBL supported action on the new MA income and resource standards with an

automated mass rebudgeting and principal provider update process. MBL Transmittal 94-1 and MBL Transmittal 94-2 provide details related to system support. The estimated federal poverty line effective January 1, 1995 through June 30, 1995 was available on MBL December 19, 1994. A list of affected cases was provided to districts along with instructions on how to process these cases.

As of November 28, 1994, budgets with an Effective From Date of January 1, 1995 or later are calculated using the new MA income and resource levels. As of December 19, 1994, budgets with Effective From Dates of January 1, 1995 through June 30, 1995 are calculated using the estimated federal poverty line.

As of May 22, 1995, budgets with an Effective from Date of July 1, 1995 or later are calculated using the revised federal poverty line.

B. MBL NYC

On the weekend of December 3 - December 4, 1994, MBL supported action on the new MA income and resource standards with an automated mass rebudgeting and principal provider update process. The federal poverty line was available on MBL December 19, 1994. A list of affected cases was provided to districts along with instructions on how to process these cases.

As of December 5, 1994, budgets with an Effective From Date of January 1, 1995 or later are calculated using the new MA income and resource levels. As of December 19, 1994 budgets with Effective From Dates of January 1, 1995 through June 30, 1995 are calculated using the estimated federal poverty line.

As of May 22, 1995, budgets with Effective from Dates of July 1, 1995 or later are budgeted using the revised federal poverty line.

VII. EFFECTIVE DATE

The provisions of this Administrative Directive are effective November 1, retroactive to January 1, 1995.

Richard T. Cody
Deputy Commissioner
Division of Health and Long Term Care