



Ohio Administrative Code

Rule 5160:1-3-03.3 Medicaid: deeming of income.

Effective: April 1, 2019

(A) This rule describes the process for calculating the amount of income to deem from an ineligible spouse, ineligible parent, or sponsor when determining eligibility for medical assistance for an eligible spouse, eligible child, or sponsored alien.

(1) When an eligible spouse resides in the same household with his or her ineligible spouse, or an eligible child under age eighteen resides in the same household with his or her ineligible parent(s), a portion of the income and resources of such spouse or parent are included in determining the eligible spouse's or eligible child's financial eligibility for medical assistance for the aged, blind, or disabled. For spouse-to-spouse deeming to apply, the eligible spouse must be eligible based on his or her own income.

(2) If a sponsored alien is sponsored by his or her ineligible spouse or ineligible parent(s), apply spouse-to-spouse or parent-to-child deeming calculations.

(3) If a sponsored alien has a sponsor and also has an ineligible spouse or ineligible parent(s) who is not his or her sponsor, apply both sponsor-to-alien and spouse-to-spouse (or parent-to-child) deeming calculations.

(B) Definitions:

(1) "Allocation," for the purpose of this rule, means an amount deducted from income subject to deeming, which is considered to be set aside for the support of certain individuals other than the eligible individual.

(2) "Child," for deeming purposes, means an individual under age eighteen who lives in a household with one or both parents and who is neither married nor head of household. The deeming of parental income applies through the month in which the child becomes eighteen years old. An eligible or ineligible child's income and/or resources are never deemed to parent(s) or sibling(s).



(3) "Deemed income" means income attributed to another person whether or not the income is actually available to the person to whom it is deemed.

(4) "Eligible child" means a child in the household who has applied for medical assistance for the blind or disabled, and who meets all the applicable non-financial eligibility criteria for medical assistance.

(5) "Eligible parent" means a parent in the household who has applied for medical assistance for the aged, blind, or disabled, and who meets all the applicable non-financial eligibility criteria for medical assistance.

(6) "Eligible spouse" means the member of the married couple who has applied for medical assistance for the aged, blind, or disabled, and who meets all the applicable non-financial eligibility criteria for medical assistance.

(7) "Household" means the eligible spouse, the ineligible spouse, and any of the couple's children or the children of either member of the couple; or the eligible child, the eligible child's parent(s), and other children of the parent(s).

(a) A household does not exist if an individual or a group of individuals does not have a residence. In such a case, only the eligible individual's income is used to determine eligibility for medical assistance.

(b) If a child is born in an institution (e.g., a hospital), the child is a member of the household at the time of birth unless the parents have completed the required paperwork to give the child up for adoption or the child has been placed in the temporary custody of a public children's services agency.

(c) An eligible individual or an ineligible spouse or ineligible parent who is temporarily absent, as defined in rule 5160:1-1-01 of the Administrative Code, is still considered to be a member of the household for deeming purposes.

(8) "Ineligible child" means a child in the household who has not applied for medical assistance for



the blind or disabled.

(9) "Ineligible parent" means an eligible child's parent who has not applied for medical assistance for the aged, blind, or disabled.

(10) "Ineligible spouse" means an eligible spouse's husband or wife who has not applied for medical assistance for the aged, blind, or disabled.

(11) "Parent" means a natural or adoptive father or mother living in the same household as the eligible child. The income of a step-parent who lives with the eligible child is deemed to the child only when the natural or adoptive parent also lives in the household with the step-parent and the child. If the natural or adoptive parent divorces a step-parent and the child is living with the step-parent, the step-parent is not a parent or spouse for deeming purposes.

(12) "Sponsor" means an individual who signs an affidavit of support agreeing to support an alien as a condition of the alien's admission for permanent residence in the U.S. A sponsored alien may have more than one sponsor. For deeming purposes, a sponsor does not include an organization such as the congregation of a church or a service club, or an employer who only guarantees employment for an alien upon entry but does not sign an affidavit of support.

(13) "Sponsored alien," for purposes of this rule, means an individual lawfully admitted for permanent residence in the U.S. who is supported by a sponsor(s). Such an individual has applied for medical assistance for the aged, blind, or disabled, and meets all the applicable non-financial eligibility criteria for medical assistance.

(14) "Spouse" means a person who is legally married to another under Ohio law.

(C) In accordance with 20 C.F.R. 416.1161 (as in effect on October 1, 2018), when determining the income of an ineligible spouse, ineligible parent, or sponsor of an alien, or of an ineligible child in the household, the following items shall not be considered income:

(1) Income excluded by federal laws other than the Social Security Act as described in paragraph (D)(1) of rule 5160:1-3-03.2 of the Administrative Code;



- (2) Items not considered income as described in paragraph (E) of rule 5160:1-3-03.1 of the Administrative Code;
- (3) Any public income-maintenance (PIM) payments, as defined in 20 C.F.R. 416.1142(a) (as in effect on October 1, 2018), received by the ineligible spouse, ineligible parent(s), or ineligible child in the household, and any income which was counted or excluded in figuring the amount of that payment;
- (4) Any of the income of the ineligible spouse or ineligible parent that is used to determine the amount of a PIM payment to someone else;
- (5) Any portion of a grant, scholarship, fellowship, or gift used or set aside to pay tuition, fees, or other necessary educational expenses;
- (6) Money received for providing foster care to an ineligible child;
- (7) The value of food assistance and the value of foods donated by the department of agriculture;
- (8) Food raised and consumed by members of the household;
- (9) Tax refunds on income, real property, or food purchased by the family;
- (10) Income used to fulfill an approved plan to achieve self-support (PASS), as defined in 20 C.F.R. 416.1181 (as in effect on October 1, 2018);
- (11) The amount of court-ordered child support payments paid by a household member for a child outside the home;
- (12) The value of in-kind support and maintenance;
- (13) Alaska longevity bonus payments made to an individual who is a resident of Alaska and who, prior to October 1, 1985, met the twenty-five-year residency requirement for receipt of such



payments in effect prior to January 1, 1983, and was eligible for supplemental security income (SSI);

(14) Disaster assistance as described in 20 C.F.R. 416.1150 and 416.1151 (as in effect on October 1, 2018);

(15) Income received infrequently or irregularly, as defined in 20 C.F.R. 416.1112(c)(2) and 416.1124(c)(6) (as in effect on October 1, 2018);

(16) Blind work expenses, as defined in rule 5160:1-3-03.2 of the Administrative Code, of the ineligible spouse or parent;

(17) Income of the ineligible spouse or ineligible parent which was paid under a federal, state, or local government program to provide the eligible individual with chore, attendant, or homemaker services;

(18) Certain support and maintenance assistance as described in 20 C.F.R. 416.1157(c) (as in effect on October 1, 2018);

(19) The value of a commercial transportation ticket as described in 20 C.F.R. 416.1124(c)(16) (as in effect on October 1, 2018); however, if such a ticket is converted to cash, the cash is income in the month the ineligible spouse or ineligible parent receives the cash;

(20) Refunds of federal income taxes and advances made by an employer relating to an earned income tax credit, as described in 20 C.F.R. 416.1112(c) (as in effect on October 1, 2018);

(21) Payments from a fund established by a state to aid victims of crime, as described in 20 C.F.R. 416.1124(c)(17) (as in effect on October 1, 2018);

(22) Combat pay received from one of the uniformed services pursuant to 37 U.S.C. 310 (as in effect on October 1, 2018);

(23) Impairment-related work expenses, as described in 20 C.F.R. 404.1576 (as in effect on October 1, 2018), incurred and paid by an ineligible spouse or ineligible parent, if the ineligible spouse or



ineligible parent receives disability benefits under title II of the act;

(24) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which are left to accumulate and become part of separate burial funds, and interest accrued on and left to accumulate as part of the value of agreements representing the purchase of excluded burial spaces, as described in 20 C.F.R. 416.1124(c)(9) and (15) (as in effect on October 1, 2018);

(25) Interest and dividend income from a countable resource or from a resource excluded under a federal statute other than section 1613(a) of the Social Security Act, in accordance with 20 C.F.R. 416.1124(c)(22) (as in effect on October 1, 2018);

(26) Earned income of a student as described in 20 C.F.R. 416.1112(c)(3) (as in effect on October 1, 2018);

(27) Any additional increment in pay, other than any increase in basic pay, received while serving as a member of the uniformed services if:

(a) The ineligible spouse or ineligible parent received the pay as a result of deployment to or service in a combat zone; and

(b) The ineligible spouse or ineligible parent was not receiving additional pay immediately prior to deployment to or service in a combat zone.

(D) If the eligible spouse or eligible parent(s) is/are receiving Ohio works first (OWF) or SSI payments, then the payments themselves and any of the OWF- or SSI-eligible individual's own income that was used to compute eligibility for such payments are not considered available for deeming.

(E) When an eligible spouse is living in the same household with an ineligible spouse who has income, perform the following steps to calculate the amount of income to deem to the eligible spouse:



- (1) Determine the ineligible spouse's income, applying any appropriate exclusions listed in paragraph (C) of this rule;
- (2) Deduct the appropriate allocation for each ineligible child in the household:
 - (a) There is no allocation for an ineligible child receiving PIM payments as described in paragraph (C)(3) of this rule.
 - (b) The allocation amount is the current SSI federal benefit rate (FBR), as published annually in the Federal Register, for a couple minus the current SSI FBR for an individual.
 - (c) The allocation for each ineligible child in the household is reduced by the amount of that ineligible child's income, minus any appropriate exclusions listed in paragraph (C) of this rule.
 - (d) The ineligible child allocation(s) must first be taken from the ineligible spouse's unearned income; any remaining allocation amount will be subtracted from the ineligible spouse's earned income.
- (3) If the ineligible spouse's remaining income after subtracting the ineligible child allocation(s) is less than or equal to the current SSI FBR for a couple minus the current SSI FBR for an individual:
 - (a) Do not deem any income to the eligible spouse.
 - (b) Combine the eligible spouse's unearned and earned income, applying the appropriate exclusions listed in rule 5160:1-3-03.2 of the Administrative Code.
 - (c) If the eligible spouse's countable income is less than or equal to the current income standard for an individual, the eligible spouse is financially eligible for medical assistance.
- (4) If the ineligible spouse's remaining income after subtracting the ineligible child allocation(s) is greater than the current SSI FBR for a couple minus the current SSI FBR for an individual, treat the spouses as if they were an eligible couple:
 - (a) Combine both the ineligible spouse's post-allocation unearned and earned income and the eligible



spouse's unearned and earned income, applying any appropriate exclusions listed in rule 5160:1-3-03.2 of the Administrative Code;

(b) Subtract the twenty-dollar general exclusion from the couple's combined unearned income; if there is less than twenty dollars of unearned income, subtract the remainder of the exclusion from the couple's combined earned income;

(c) Subtract sixty-five dollars from the couple's combined earned income, then subtract one-half of the remaining earned income.

(d) If the couple's countable income is less than or equal to the current income standard for a couple, the eligible spouse is financially eligible for medical assistance.

(F) When an eligible child(ren) reside(s) with an ineligible parent(s), perform the following steps to calculate the amount of income to deem to the eligible child(ren):

(1) Determine the income of each ineligible parent, applying any appropriate exclusions listed in paragraph (C) of this rule;

(2) Deduct the appropriate allocation for each ineligible child in the household:

(a) There is no allocation for an ineligible child receiving PIM payments as described in paragraph (C)(3) of this rule.

(b) The allocation amount is the current SSI federal benefit rate (FBR), as published annually in the Federal Register, for a couple minus the current SSI FBR for an individual.

(c) The allocation for each ineligible child in the household is reduced by the amount of that ineligible child's income, minus any appropriate exclusions listed in paragraph (C) of this rule.

(d) The ineligible child allocation(s) must first be taken from the ineligible parent(s) combined unearned income; any remaining allocation amount will be subtracted from the ineligible parent(s)'s combined earned income.



- (3) Subtract the twenty-dollar general exclusion from the combined unearned income of the ineligible parent(s); if there is less than twenty dollars of unearned income, subtract the remainder of the exclusion from the combined earned income of the ineligible parent(s);
- (4) Subtract sixty-five dollars from the combined earned income of the ineligible parent(s), then subtract one-half of the remaining earned income;
- (5) Combine the ineligible parent(s)' remaining earned and unearned income;
- (6) Subtract the appropriate parental living allowance for each ineligible parent;
 - (a) There is no parental living allowance deducted for an ineligible parent who receives PIM payments as described in paragraph (C)(3) of this rule.
 - (b) If one ineligible parent resides in the household with the child(ren), subtract the current SSI FBR for an individual.
 - (c) If two ineligible parents (or one ineligible parent and an ineligible step-parent) reside in the household with the child(ren), subtract the current SSI FBR for a couple.
 - (d) If both ineligible natural or adoptive parents and an ineligible step-parent reside in the household with the child(ren), subtract both the current SSI FBR for a couple and the current SSI FBR for an individual.
- (7) Divide the remaining income by the number of eligible children in the household, and the resulting amount (rounded to the second decimal place) is deemed to each eligible child.
- (8) Any income deemed to an eligible child from an ineligible parent is added to the eligible child's own unearned income.
- (9) Combine the eligible child's unearned and earned income, applying any appropriate exclusions listed in rule 5160:1-3-03.2 of the Administrative Code.



(10) If the eligible child's resulting countable income is less than or equal to the current income standard for an individual, the eligible child is financially eligible for medical assistance.

(G) When a household is comprised of an ineligible spouse, an eligible spouse, and one or more eligible children, the ineligible spouse's income is deemed first to the eligible spouse and the remainder deemed to the eligible child(ren).

(1) Determine the income of the ineligible spouse, applying any appropriate exclusions listed in paragraph (C) of this rule;

(2) Deduct the appropriate allocation for each ineligible child in the household, as described in paragraph (E)(2) of this rule.

(3) If the ineligible spouse's remaining income after subtracting the ineligible child allocation(s) is less than or equal to the current SSI FBR for a couple minus the current SSI FBR for an individual:

(a) Do not deem any income to the eligible spouse or eligible child(ren); and

(b) Compare the eligible spouse's and each eligible child(ren)'s own countable income, applying any appropriate exclusions listed in rule 5160:1-3-03.2 of the Administrative Code, to the current income standard for an individual.

(c) If the eligible spouse's and/or each eligible child(ren)'s own income is less than or equal to the current income standard for an individual, the eligible spouse and/or each eligible child(ren) is financially eligible for medical assistance.

(4) If the ineligible spouse's remaining income after subtracting the ineligible child allocation(s) is greater than the current SSI FBR for a couple minus the current SSI FBR for an individual:

(a) Combine both the ineligible spouse's post-allocation unearned and earned income and the eligible spouse's unearned and earned income, applying any appropriate exclusions listed in rule 5160:1-3-03.2 of the Administrative Code;



- (b) Subtract the twenty-dollar general exclusion from the couple's combined unearned income; if there is less than twenty dollars of unearned income, then subtract the remainder of the exclusion from the couple's combined earned income;
- (c) Subtract sixty-five dollars from the couple's combined earned income, then subtract one-half of the remaining earned income.
- (d) If the couple's countable income is less than or equal to the current income standard for a couple, the eligible spouse is financially eligible for medical assistance and no income is deemed to the eligible child(ren).
- (e) If the couple's countable income is greater than the current income standard for a couple, the eligible spouse is not financially eligible for medical assistance.
- (f) The amount of the couple's income in excess of the need standard for a couple is divided by the number of eligible children in the household and the resulting amount (rounded to the second decimal place) is deemed to each eligible child.
- (5) Any income deemed to an eligible child under paragraph (G)(4)(f) of this rule is added to the eligible child's own unearned income.
- (6) Combine each eligible child's unearned and earned income, applying any appropriate exclusions listed in rule 5160:1-3-03.2 of the Administrative Code.
- (7) If each eligible child's resulting countable income is less than or equal to the current income standard for an individual, the eligible child is financially eligible for medical assistance.
- (H) Sponsor-to-alien deeming shall apply regardless of whether the sponsor and the sponsored alien live in the same household or whether the sponsor actually provides the sponsored alien any support.
- (1) Determine the income of the sponsor and the sponsor's spouse (if applicable), applying unearned



income excluded by federal laws other than the Social Security Act, in accordance with 20 C.F.R. 416 Subpart K appendix (as in effect on October 1, 2018), unless otherwise noted;

(2) Deduct the appropriate allocation for each sponsor, each sponsor's spouse, and child of each sponsor.

(a) The allocation amount for each sponsor is the current SSI FBR for an individual.

(b) The allocation amount for each sponsor's spouse and child of each sponsor is one-half of the current SSI FBR for an individual.

(3) The remaining amount is deemed to the sponsored alien as unearned income.

(4) If there are multiple sponsored aliens who are sponsored by the same sponsor, the deemed amount is applied in full to each sponsored alien.

(5) Combine the sponsored alien's unearned and earned income, applying any appropriate exclusions listed in rule 5160:1-3-03.2 of the Administrative Code.

(6) If the sponsored alien's resulting countable income is less than or equal to the current income standard for an individual, the sponsored alien is financially eligible for medical assistance.