



Ohio Administrative Code

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

Effective: February 15, 2026

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

(1) When an eligible spouse resides in the same household with an ineligible spouse, or an eligible child under age eighteen resides in the same household with an 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.

(2) For spouse-to-spouse deeming to apply, the eligible spouse must be eligible based on his or her own income.

(B) Definitions. For the purposes of this rule:

(1) "Allocation" means an amount deducted from income subject to deeming, which is considered to be set aside for the support of another individual.

(2) "Child" means an individual under age eighteen who lives in a household with one or both parents and who is neither married nor the head of household. The deeming of parental income applies through the month in which the child attains eighteen years of age. An eligible or ineligible child's income is 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 when 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) When 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 (PCSA) or private child placing agency (PCPA).

(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 the member of the married couple 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 stepparent 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 stepparent and the eligible child. When the natural or adoptive parent divorces a stepparent and the child is living with the stepparent, the stepparent is not considered a parent or spouse for deeming purposes.

(12) "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 October 1, 2024), when determining the income of an ineligible spouse, an ineligible parent, 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 rule 5160:1-3-03.2 of the Administrative Code;
- (2) Items not considered income as described in 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 October 1, 2024), received by the ineligible spouse, ineligible parent(s), or ineligible child in the household, and any income which was counted or excluded in calculating 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 supplemental nutrition assistance program (SNAP), formerly known as food stamps



or food assistance, and the value of foods donated by the United States department of agriculture commodity supplemental food program;

(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 October 1, 2024);

(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 October 1, 2024);

(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 October 1, 2024);

(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



October 1, 2024);

(19) Housing assistance in accordance with 20 C.F.R 416.1124(c)(14) (as in effect October 1, 2024);

(20) The value of a commercial transportation ticket as described in 20 C.F.R. 416.1124(c)(16) (as in effect October 1, 2024); however, when such a ticket is converted to cash, the cash is income in the month the ineligible spouse or ineligible parent receives the cash;

(21) 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 October 1, 2024);

(22) 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 October 1, 2024);

(23) Relocation assistance in accordance with 20 C.F.R 416.1124(c)(18) (as in effect October 1, 2024);

(24) Combat pay received from one of the uniformed services pursuant to 37 U.S.C. 310 (as in effect October 1, 2024);

(25) Impairment-related work expenses, as described in 20 C.F.R. 404.1576 (as in effect October 1, 2024), incurred and paid by an ineligible spouse or ineligible parent, when the ineligible spouse or ineligible parent receives disability benefits under title II of the Social Security Act;

(26) 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 October 1, 2024);

(27) 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 October 1, 2024);



(28) Earned income of a student as described in 20 C.F.R. 416.1112(c)(3) (as in effect October 1, 2024); and

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

(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) When 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 in accordance with 20 C.F.R. 416.1163 (as in effect October 1, 2024):

(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) When 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) When 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) When 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; when 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) When 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); when 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 remaining earned and unearned income of the ineligible parent(s).



(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) When one ineligible parent resides in the household with the child(ren), subtract the current SSI FBR for an individual.

(c) When two ineligible parents (or one ineligible parent and one ineligible stepparent) reside in the household with the child(ren), subtract the current SSI FBR for a couple.

(d) When both ineligible natural or adoptive parents and one ineligible stepparent 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) When 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) When 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) When the eligible spouse's and each eligible child(ren)'s own income is less than or equal to the current income standard for an individual, the eligible spouse and each eligible child(ren) is financially eligible for medical assistance.

(4) When 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; when 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) When 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) When 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) When 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.