



Ohio Administrative Code

Rule 5160:1-3-05.1 Medicaid: resource requirement.

Effective: September 1, 2017

(A) This rule describes how resources are treated for purposes of determining eligibility for medical assistance.

(B) Definitions.

(1) "Countable resources" mean those resources remaining after all exclusions have been applied.

(2) An "encumbrance" means a claim, lien, charge, or liability attached to and binding on an identified piece of real or personal property.

(3) "Equity value" means the fair market value of a resource minus any encumbrance on it.

(4) "Fair market value" of a resource means the going price, for which real or personal property can reasonably be expected to sell on the open market, in the particular geographic area involved.

(5) "Personal property" means any property that is not real property. The term includes, but is not limited to, such things as cash, jewelry, household goods, tools, life insurance policies, automobiles, promissory notes, etc.

(6) "Real property" means land, including buildings or immovable objects, attached permanently to the land.

(7) "Resources" is defined in rule 5160:1-1-01 of the Administrative Code.

(8) "Resource limit" means the maximum combined value of all resources an individual can have an ownership interest in and still qualify for medical assistance.

(a) For an individual, the resource limit is two thousand dollars.



(b) For a married couple, whether both are eligible or one is ineligible, the resource limit is three thousand dollars.

(c) A child living with a parent is considered to be an individual and has a resource limit of two thousand dollars.

(9) "Trust" is defined in rule 5160:1-3-05.2 of the Administrative Code.

(C) Treatment of non-excluded resources and determination of resource availability.

(1) The administrative agency shall evaluate and calculate the value of all resources held by an individual and the individual's spouse. An individual is ineligible for medical assistance if he or she has an ownership interest in resources with an aggregate or total countable value greater than the resource limit. The following provisions govern that process.

(a) Receipt and retention of cash or in-kind items.

(i) An individual or the individual's spouse may receive cash or in-kind items during a calendar month (the "month of receipt"). The administrative agency must treat the cash or in-kind items as a possible source of countable income for the month of receipt under the rules governing income.

(ii) If the individual or the individual's spouse retains the cash or in-kind items beyond the month of receipt, the administrative agency shall determine the availability of the cash or in-kind items as a possible countable resource under the rules governing resources.

(iii) Receipt of cash or in-kind items from the sale or exchange of timber, minerals, or other like items that are part of the land must be governed by this provision.

(b) If the individual or the individual's spouse receives cash or in-kind items as the result of an exchange, sale, replacement, or conversion of a resource, the administrative agency must consider the availability of the cash or in-kind items under the rules governing the treatment of resources, even in the first calendar month.



(2) Changes in the value of resources.

(a) The administrative agency shall review any change (increase or decrease), in the total value of an individual's resources, if the change may affect the individual's eligibility for medical assistance.

(b) The review may be initiated by the administrative agency based upon information derived from any reliable source indicating the value of an individual's available resources has increased or decreased.

(c) The administrative agency shall conduct the review of any changes as soon as possible.

(3) Discovery of previously unknown ownership interests.

(a) Any individual alleging lack of knowledge of an ownership interest in a resource must provide a signed statement attesting to the lack of knowledge and explaining the circumstances resulting in its discovery.

(b) The individual shall obtain supporting documentation, which may include signed statements from other individuals who are familiar with the individual's situation, that confirms the individual's claim.

(c) If the administrative agency obtains both the signed statement and adequate supporting documentation from the individual, the administrative agency will not count an individual's ownership interest as an available resource during any period in which the individual was unaware of the ownership interest.

(d) The administrative agency shall evaluate the value of previously unknown ownership interests, including any monies (interest, dividends, or other earnings) that have accumulated on it, under income-counting rules for that item.

(e) If either the signed statement or the supporting documentation is not provided, the administrative agency shall count an individual's ownership interest as an available resource during any period in which the individual claimed to be unaware of the ownership interest. When appropriate, the



administrative agency may refer the case to the administrative agency's benefit recovery unit.

(4) Shared ownership.

(a) If the individual shares ownership with another person (co-owner) and the individual is unable to make the resource available because one of the owners cannot be located, the cost of a legal action is prohibitive, or the individual was unsuccessful in a legal action, the resource is not counted.

Availability of the resource is reexamined at each eligibility review.

(b) If the co-owner is the individual's spouse, parent (if the individual is under age eighteen), or child under age eighteen, the ability to use or dispose of the resource is assumed to exist unless the individual can provide documentation of the contrary.

(5) Continuing verification.

(a) The administrative agency shall verify the value of real and personal property with each application or renewal and any time information is provided that indicates that a change in the individual's resources may have occurred.

(b) The administrative agency shall record the verification and place all supporting documents in the case record.

(D) Resources of family members, households, and aliens.

(1) The resources of spouses residing together are addressed in accordance with the deeming of resources in rule 5160:1-3-05.20 of the Administrative Code.

(2) The administrative agency shall apply the resource limitation for an individual effective with the month following the month a married couple separates or divorces or one member dies.

(3) The resources of a child under the age of eighteen are addressed in accordance with the deeming of resources in rule 5160:1-3-05.20 of the Administrative Code.



(4) The resources of an alien and sponsor(s) are addressed in accordance with the sponsor-to-alien deeming requirements in Chapter 5101:1-2 of the Administrative Code.

(E) Resources determined excluded from the applicable resource limit for medical assistance remain excluded at the time of the individual's death. Excluded resources are part of the deceased individual's estate and are subject to the estate recovery provisions in accordance with section 5162.21 of the Revised Code.

(F) For purposes of determining or renewing eligibility for medical assistance on or after February 8, 2006, the entrance fee for individuals residing in a continuing care retirement community or a life care community must be considered an available resource in accordance with rule 5160:1-6-01.8 of the Administrative Code.