



## Ohio Administrative Code

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

Effective: April 1, 2022

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(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) "Geographic area" means the area covered by radio, television, newspaper, and other media serving the area where the individual lives and where the property is located.

(6) "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.

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

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

(9) "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.

(10) "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. 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 when 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.

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

(a) 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 potential source of countable income for the month of receipt under the rules governing income.

(b) When 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 potential countable resource under the rules governing resources.

(c) 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.

(d) When 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 effective the month following the month of receipt under the rules governing the treatment of resources.

(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 when the change may affect the individual's eligibility for medical assistance.

(b) The review shall 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 in the value of resources upon discovery of the changes.

(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, confirming the individual's claim.

(c) When the administrative agency obtains both the signed statement and adequate supporting documentation from the individual, the administrative agency shall 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) When 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 shall evaluate the individual for overpayment or potential fraud in accordance with rule 5160:1-2-04 of the Administrative Code.

(4) Shared ownership.

(a) When 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 countable. Availability of the resource shall be reexamined at each eligibility review.

(b) When the co-owner is the individual's spouse, parent (when the individual is under age eighteen), or child under age eighteen, the ability to use or dispose of the resource exists for the individual unless he or she provides documentation to 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 indicating 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.

(6) Property that has not been sold.

(a) This provision governs real and personal property that has not been sold. When an individual owns property affecting his or her eligibility for medical assistance and the property has not been sold, it will not be counted as an available resource as long as the individual continues to list the property for sale at an amount equal to the fair market value determined by the county auditor, where available, or any other knowledgeable source.



(b) Real property that was the principal place of residence must first be considered in accordance with rule 5160:1-3-05.13 of the Administrative Code before the provisions of this paragraph are applied.

(c) The inability to sell property may result from legal technicalities, general economic conditions in the community, or the inability to find a buyer. In order for property to be excluded as a countable resource, the individual has the burden of producing reliable documentation establishing one of the following:

(i) The individual may produce documentation from two different types of knowledgeable sources in the geographic area who agree that although the property is listed for sale, the property has not been sold due to an attribute of the property or the market or both.

(A) In the case of real property, knowledgeable sources are limited to the following entities who have experience in the sale or valuation of the type of real property in question: county auditors, real estate brokers, real estate agents, real estate appraisers, United States department of agriculture (USDA) rural development service center offices, USDA farm service agency service center offices, banks, savings and loan associations, mortgage companies and similar lending institutions, and the county extension service offices.

(B) In the case of personal property, knowledgeable sources are limited to the following: any professional, business owner or operator, or expert who has experience in the sale, trade, restoration, or valuation of the type of personal property in question.

(ii) The individual may produce documentation showing an actual but unsuccessful sale attempt has been made.

(A) In the case of real property, the documentation must show that the property has been, and is currently, listed for sale in a newspaper or with a for sale by owner website, real estate agent, real estate broker, or real estate firm in the geographic area. The documentation may include a listing agreement with a real estate agent, broker, or firm, or a written statement signed by a real estate agent, broker, or firm confirming that the real property has an active status with the multiple listing



service (MLS). The property is a countable resource until it is listed for sale.

(B) The property must be listed for sale at an amount equal to the fair market value determined by the county auditor, where available, or any other knowledgeable source.

(C) The real estate agent, broker, or firm must verify that no reasonable offer to purchase the property has been declined. An offer is reasonable when it is not less than ninety per cent of the fair market value established by the county auditor, where available, or any other knowledgeable source.

(D) When the individual receives an offer for the property that is less than ninety per cent of the fair market value established by the county auditor, where available, or any other knowledgeable source, the low offer may be an indication that the value is incorrect.

(E) When it appears that the stated market value is incorrect, either the individual or the administrative agency may obtain an appraisal from a second source to set a more accurate value. A second appraisal is not necessary when the purchase offer is so low that it is obviously unreasonable.

(F) The individual has the right to rebut the value of the property by obtaining an appraisal of the property.

(iii) The individual may produce documentation showing good cause.

(A) A good cause exception may be requested by the individual or the individual's authorized representative.

(B) Good cause exists when the individual was prevented by circumstances beyond his or her control from listing the property for sale.

(D) Resources of family members, households, and non-citizens.

(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 limit for an individual effective 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 a non-citizen and sponsor(s) are addressed in accordance with the sponsor-to-non-citizen deeming requirements in accordance with rule 5160:1-3-05.20 of the Administrative Code.

(E) Resources that are determined to be 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) 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 5160:1-6-02.3 of the Administrative Code.