



## Ohio Administrative Code

### Rule 5160:1-3-05.20 Medicaid: deeming of resources.

Effective: June 1, 2021

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(A) This rule describes the deeming of resources from an ineligible spouse to an eligible spouse or from parent(s) to an eligible child who are living in the same household when determining eligibility for medical assistance.

(B) Definitions.

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

(2) "Deemed resources" means resources attributed to another person whether or not the resource is actually available to the person to whom they are deemed.

(3) "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 and income eligibility criteria for medical assistance.

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

(5) "Household" means the eligible spouse, ineligible spouse, and any of the couple's children or the children of either member of the couple; or the eligible child, and 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 resources are used to determine eligibility for medical



assistance.

(b) If a child is born in an institution (e.g., hospital), the child is a member of the household at the time of birth unless the parents have completed the required paperwork to surrender the child 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.

(6) "Ineligible child" means a child in the household who has not applied for medical assistance for the blind or disabled.

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

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

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

(10) "Sponsor" means an individual who signs an affidavit of support agreeing to support a non-citizen as a condition of the non-citizen's admission for permanent residence in the U.S. A sponsored non-citizen 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 that only guarantees employment for a non-citizen upon entry but does not sign an affidavit of support.

(11) "Sponsored non-citizen", for the purpose 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.

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

(C) In deeming resources from an ineligible spouse to an eligible spouse, only the resources of those two individuals are considered. In deeming resources from a parent(s) to an eligible child, only the resources of the parent(s) are considered.

(D) Retirement funds, described in rule 5160:1-3-03.10 of the Administrative Code, owned by an ineligible spouse, parent(s), or sponsor are excluded from resources for deeming purposes.

(E) Spouse to spouse deeming.

(1) When an eligible spouse and his or her ineligible spouse live together, all resources are combined and the couple is permitted resources in the amount described in rule 5160:1-3-05.1 of the Administrative Code in addition to what is excluded as described in rule 5160:1-3-05.14 of the Administrative Code.

(2) The couple's resource limitation is not affected by whether the spouse of the eligible individual is eligible or ineligible for medical assistance.

(3) If the couple's countable resources are less than or equal to the resource limit for a couple described in rule 5160:1-3-05.1 of the Administrative Code, the eligible spouse is resource eligible for medical assistance.

(4) When spouses are no longer living together, each person is considered as an individual living alone beginning the month after separation. The individual resource limit, as described in rule 5160:1-3-05.1 of the Administrative Code, is then applicable.

(a) For the month of separation, the spouses are treated as an eligible couple or as an eligible spouse and ineligible spouse living together in the same household with a resource limit for a couple



described in rule 5160:1-3-05.1 of the Administrative Code.

(b) In the month after the month of separation, resources are computed separately because each person is considered to be an individual without a spouse.

(F) Parent to child deeming.

(1) The resource limit for a child is described in rule 5160:1-3-05.1 of the Administrative Code in addition to what is excluded as described in rule 5160:1-3-05.14 of the Administrative Code.

(2) The resources of an eligible child consist of whatever resources the eligible child has in his or her own right plus whatever resources are deemed to the eligible child from his or her parent(s).

(3) In determining the amount of resources to be deemed to an eligible child, the resources of the eligible child and of the parent(s) are computed separately and both the eligible child and the parent(s) are each allowed all of the resource exclusions they would normally be eligible for in their own right. Only one home and one automobile are excluded.

(a) After the exclusions are applied, only the countable resources over the resource limit of the parent(s) living in the household are deemed to the eligible child when there is only one eligible child.

(i) If there is one parent in the household the parental resource limit is two thousand dollars.

(ii) If both parents are in the household the parental resource limit is three thousand dollars.

(iii) If both natural or adoptive parents and a step-parent are in the household the parental resource limit is two thousand dollars for one natural or adoptive parent plus three thousand dollars for the other natural or adoptive parent with the step-parent.

(b) When there is more than one eligible child, the resources available for deeming are shared equally among the eligible child(ren).



(c) None of the parents' resources are deemed to any ineligible children.

(4) An eligible child is not eligible for medical assistance if his or her own countable resources plus the value of the parent(s)'s resources deemed to the eligible child exceed the resource limit for a child described in rule 5160:1-3-05.1 of the Administrative Code.

(G) Sponsor to non-citizen deeming.

(1) Sponsor to non-citizen deeming is to apply:

(a) Regardless of whether the sponsor and the sponsored non-citizen live in the same household or whether the sponsor actually provides the sponsored non-citizen any support; and

(b) For a period of three years following a sponsored non-citizen's lawful admission to the U.S. as a permanent resident or the sponsored non-citizen's status is adjusted to permanent resident.

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

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

(4) In determining the amount of resources to be deemed to a sponsored non-citizen, combine the resources of the sponsor (and sponsor's spouse, if applicable) and apply any appropriate exclusions described in rule 5160:1-3-05.14 of the Administrative Code.

(a) After the exclusions are applied, only the countable resources over the resource limit of the sponsor are deemed to the sponsored non-citizen.

(i) If the sponsor does not live with a spouse, the resource limit is two thousand dollars.

(ii) If the sponsor lives with a spouse and the spouse is not the non-citizen's sponsor, the resource



limit is three thousand dollars.

(iii) If the sponsor lives with a spouse and the spouse is also a sponsor of the non-citizen, the resource limit is four thousand dollars.

(b) A sponsored non-citizen is not eligible for medical assistance if his or her countable resources plus the value of the sponsor's resources deemed to the sponsored non-citizen exceed the resource limit for an individual described in rule 5160:1-3-05.1 of the Administrative Code.