



## Ohio Administrative Code

### Rule 5160:1-6-02.1 Medicaid: home equity limit for individuals requesting or receiving medicaid payment for long-term care (LTC) services.

Effective: September 1, 2017

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(A) This rule describes the treatment of the home equity limit for individuals requesting or receiving medicaid payment for long-term care (LTC) services.

(B) Definition. "Home equity limit" means the maximum amount of equity which an individual could have in his or her home and become or remain eligible for LTC services. The home equity limit of five hundred sixty thousand dollars will increase annually by the percentage increase in the consumer price index for all urban consumers (CPI-U) in accordance with section 5163.32 of the Revised Code.

(C) An individual shall not be eligible for LTC services if the individual's equity interest in his or her home, as defined in rule 5160:1-3-05.13 of the Administrative Code, exceeds the home equity limit.

(D) The home equity limit does not apply to an individual if any of the following persons are lawfully residing in the individual's home:

(1) The individual's spouse; or

(2) The individual's child who is under the age twenty-one; or

(3) The individual's child who is age twenty-one or over and is blind or disabled as defined in Chapter 5160:1-3 of the Administrative Code.

(E) The home equity limit is applicable even when an individual is a recipient of qualified long-term care partnership (QLTCP) benefits, as described in rule 5160:1-6-02.2 of the Administrative Code. A QLTCP exclusion cannot offset or reduce home equity for the purposes of this rule.

(F) An individual who has been in receipt of LTC services since before January 1, 2006, without a break in eligibility for such services, is not subject to the home equity limit.



(G) The individual will not be subject to a denial or termination of LTC services because of the home equity if the individual demonstrates that the denial or termination will result in an undue hardship.

(1) An undue hardship exists when denial or termination of LTC services would deprive the individual of:

(a) Medical care such that the individual's health or life would be endangered; or

(b) Food, clothing, shelter, or other necessities of life.

(2) The individual must first document an attempt was made to reduce the home equity value below the home equity limit.

(3) An undue hardship exemption may be requested by the individual or, with the consent of the individual or the individual's authorized representative, by the nursing facility on behalf of the individual.

(4) Undue hardship does not exist when the individual has taken action to restrict access to the excess home equity.

(H) Nothing in this rule shall be construed as preventing an individual from using a reverse mortgage or home equity loan to reduce the total equity interest in the home.