

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: District of Columbia

LESS RESTRICTIVE METHODS OF TREATING INCOME
UNDER SECTION 1902(r) (2) OF THE ACT

 Section 1902(f) State X Non-Section 1902(f) State

I. **Less restrictive methodology for pregnant women and infants as follows:**

In determining eligibility of the group of pregnant women and infants described in 1902(a)(10)(A)(i)(IV), 1902(1)(1)(A), and 1902(1)(1)(B), the state will either:

- (a) Apply the income disregards of the AFDC State Plan in effect on July 16, 1996 plus the less restrictive income disregards listed in Item VI of Supplement 8a to Attachment 2.6-A (i.e., those for the medically needy and other eligibility groups), or
- (b) Disregard from gross income dollar for dollar dependent care expenses plus the less restrictive income disregards listed in Item VI of Supplement 8a to Attachment 2.6-A (i.e., those for the medically needy and other eligibility groups) and the amount of the difference between 185 percent and 300 percent of the Federal poverty level for the family size involved as revised annually in the Federal Register, whichever is to the family's advantage. In no case will income excluded under any Federal statute be counted in determining income.

II. **Less restrictive methodology for poverty level children under age six born after September 30, 1979 as follows:**

In determining eligibility of poverty level children under age six (6) described in 1902(a)(10)(A)(i)(VI) and 1902(1)(1)(C), the state will either:

- (a) Apply the income disregards of the AFDC State plan in effect on July 16, 1996 plus the less restrictive income disregards listed in Item VI of Supplement 8a to Attachment 2.6-A (i.e., those for the medically needy and other eligibility groups), or
- (b) Disregard from gross income dollar for dollar dependent care expenses plus the less restrictive income disregards listed in Item VI of Supplement 8a to Attachment 2.6-A (i.e., those for the medically needy and other eligibility groups) and the amount of the difference between 133 percent and 300 percent of the Federal poverty level for the family size involved as revised annually in the Federal Register, whichever is to the child's advantage.

In no case will income excluded under any Federal statute be counted in determining income.

III. Less restrictive methodology for poverty level children under age nineteen as follows:

In determining eligibility of poverty level children under age 19 born after September 30, 1979 described in 1902(a)(10)(A)(i)(VII) and 1902(1)(1)(D), the state will either:

- (a) Apply the income disregards of the AFDC State plan in effect on July 16, 1996 plus the less restrictive income disregards listed in Item VI of Supplement 8a to Attachment 2.6-A (i.e., those for the medically needy and other eligibility groups), or
- (b) Disregard from gross income dollar for dollar dependent care expenses plus the less restrictive income disregards listed in Item VI of Supplement 8a to Attachment 2.6-A (i.e., those for the medically needy and other eligibility groups) and the amount of the difference between 100 percent and 300 percent of the Federal poverty level for the family size involved as revised annually in the Federal Register, whichever is to the child's advantage.

In no case will income excluded under any Federal statute be counted in determining income.

IV. Less restrictive methodology for Medically Needy persons:

For all Medically Needy groups, the District will disregard countable earned and unearned income in an amount equal to the difference between 50 percent of the Federal Poverty Level (FPL) and the District's Medically Needy Income Levels (MNILs) for a family of the same size, except the disregard for a family of one will be equal to 95 percent of the disregard for a family of two.

V. Less restrictive methodology for participants in Medicare Savings Program:

In determining eligibility of 1902(a)(10)(E)(i) [Qualified Medicare Beneficiaries (QMB's)], the State will disregard from countable earned and unearned income in an amount equal to the difference between 100 percent of the Federal Poverty Level (FPL) and 300 percent of the Federal Poverty Level. The State will also apply the income rules detailed in Section VI of Supplement 8a to Attachment 2.6-A (below). In no case will income excluded under any Federal statute be counted in determining income.

In determining eligibility of 1902(a)(10)(E)(iii) [Special Low-Income Medicare Beneficiaries (SLIMBs)], the State will disregard from countable earned and unearned income in an amount equal to the difference between 120 percent of the Federal Poverty Level (FPL) and 300 percent of the Federal poverty Level (FPL).

The State will also apply the income rules detailed in Section VI of Supplement 8a to Attachment 2.6-A (below). In no case will income excluded under any Federal statute be counted in determining income.

Note: as an administrative simplification, this disregard to income effectively subsumes into the QMB and SIMB eligibility groups those persons presently in the Qualified Individual (QI) program, who are currently covered up to 135 percent FPL.

VI. Less restrictive methodology for other groups:

The State will apply the income definitions detailed in Attachment 2.6-A, Supplement 8a, p. 5 for the following eligibility groups:

- Pregnant women and infants described in 1902(a)(10)(A)(i)(IV), 1902(l)(1)(A), and 1902(l)(1)(B);
- Poverty level children under age six (6) described in 1902(a)(10)(A)(i)(VI) and 1902(l)(1)(C);
- Poverty level children under age 19 born after September 30, 1979 described in 1902(a)(10)(A)(i)(VII) and 1902(l)(1)(D);
- Categorically needy children age as described in 1902(a)(10)(A)(ii)(I) (i.e., those described in the State Plan in Attachment 2.2-A, p.12, (B)(7));
- Medically needy individuals described in 1902(a)(10)(C);
- Aged or disabled individuals with income that does not exceed 100 percent of the Federal poverty level as described in 1902(a)(10)(A)(ii)(X);
- Persons who meet the income and resource requirements of the SSI program as described in 1902(a)(10)(A)(ii)(I);
- Qualified Medicare Beneficiaries as described in 1902(a)(10)(E)(i) and 1905(p)(1);
- Specified Low Income Beneficiaries as described in 1902(a)(10)(E)(iii);
- Qualified Individuals as described in 1902(a)(10)(E)(iv)(I); or
- Persons who would be eligible for cash assistance (AFDC or SSI) if they were not in a medical institution as described in 1902(a)(10)(A)(ii)(IV).

In this way, various types of income will receive the more similar treatment in determining eligibility among the different eligibility groups.

In no case will income excluded under any Federal statute be counted in determining income.

Less Restrictive Income Methodologies

for the eligibility groups noted in Section VI, Supplement 8a to Attachment 2.6-A.

The following types of income are not countable:

- Children's Earnings (earnings from an unmarried child who is living with a person who provides care or supervision);
- Adoption Subsidy;
- AmeriCorps/VISTA Income;
- Child Nutrition Payments;
- Domestic Volunteer Service Act Payments;
- Earned Income Tax Credit;
- Educational Benefits: Department of Education (DOE) Bureau of Indian Affairs Benefits;
- Educational Benefits: DOE Title IV Benefits (including work study wages);
- Educational Benefits: DOE Perkins Vocational and Applied Technology Education Act (including work study wages);
- Education Benefits: Other DOE (including work study wages);
- Education Benefits: Other (including work study wages);
- Energy Assistance;
- Foster Care Payments;
- Housing Assistance provided by the federal or District of Columbia governments or a non-profit organization;
- Incentive Payments for Prenatal & Well-Baby Care and from the Work Incentive programs for current or former TANF recipients;
- In-Kind Benefits;
- Jury Duty Payments;
- Money Received By a Third Party for a Group Member (not counted unless group member gains access to the funds);
- Money Received by Group Member on Behalf of Non-Group Member (not counted as income received if it does not reflect the needs of the person receiving the money);
- Nutrition Payments;
- Rehabilitation Service Administration Payments;
- Reimbursements;
- Roommates - Shared Living Arrangement;
- Senior Community Service Employment;
- TANF Underpayments;
- Training Income: Training Expense Allowances/Stipends; and
- Utility Allowance Received Through a Housing Program.

Note: Lump sum and windfall payments are not countable in the month received; they are to be treated as resources in all months thereafter (and counted or excluded in accordance with Supplement 8b to Attachment 2.6-A).

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VII. Consistency with federal statutes.

Nothing in the foregoing text shall be interpreted in a manner that is any way more restrictive than the definitions or methodology within the Supplemental Security Income (SSI), or the AFDC program. In any and all areas of conflict, the definitions and methodology within the SSI or AFDC program (whichever is appropriate for the specific eligibility group) shall control.

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VIII. More liberal methodology for categorically needy children age 19 and 20:

In determining eligibility of categorically needy children age 19 and 20 as described in 1902(a)(10)(A)(ii) and 1905(a)(i) (i.e., those described in the State Plan in Attachment 2.2-A, p.12, (B)(7)), the State will either:

- (a) Apply the income disregards and eligibility standards of the AFDC State plan in effect on July 16, 1996 plus the less restrictive income disregards listed in Section VI of Supplement 8a to Attachment 2.6-A (i.e., those for the medically needy and other eligibility groups), or
- (b) Disregard from gross income dollar for dollar dependent care expenses and the amount of the difference between the AFDC payment standards in effect on July 16, 1996, plus the less restrictive income disregards listed in Section VI of Supplement 8a to Attachment 2.6-A (i.e., those for the medically needy and other eligibility groups) and 200 percent of the Federal poverty level for the family size involved as revised annually in the Federal Register, whichever is to the child's advantage.

In no case will income excluded under any Federal statute be counted in determining income.