STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: District of Columbia

MORE LIBERAL METHODS OF TREATING RESOURCES
UNDER SECTION 1902(r)(2) OF THE ACT

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

NOT APPLICABLE

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: District of Columbia

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

___ Section 1902(f) State   _X_ Non-Section 1902(f) State

Note: Non-disabled children under 21 and their non-disabled, non-elderly parents and caretakers covered under the categorically needy, poverty level, or 1931 groups are not subject to a resource test. Thus, the following section is generally not applicable to these groups.

I. Less restrictive methodology for Medically Needy as follows:

In determining eligibility of the group described in 1902(a)(10)(C) and 1905(a)(i), 1905(a)(ii), and 1905(a)(viii) [i.e., Medically Needy individuals who are pregnant, who are under the age of 21, or who are relatives or caretakers], the State will disregard resources in a manner consistent with that used to determine eligibility under 1931. In this way, all Medicaid programs for families with children shall have a uniform resource methodology and the same resource limit.

In determining eligibility of the group described in 1902(a)(10)(C) and 1905(a)(iii) and (vii), [i.e., Medically Needy individuals who are aged, blind, and disabled, etc.], the State will apply the resource rules detailed in Sections II and III of Supplement 8b to Attachment 2.6-A (below). In no case will resources excluded under any Federal statute be counted in determining resource.

II. Less restrictive methodology for other groups:

The State will disregard dollar-for-dollar the value of any countable resources between $2,600 and $4,000 for individuals (or between $3,000 and $6,000 four couples) for the following eligibility groups:

- 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);
- Medically Needy as described in 1902(a)(10)(C) and 1905(a)(iii) and (vii);

- Persons who meet the income and resource requirements of the SSI program as described in 1902(a)(10)(A) (ii) (I);
- 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); and
- Special income level group (i.e., in a medical institution for at least 30 consecutive days with gross income that does not exceed 300 percent of the SSI income standard) as described in 1902 (a) (10) (A) (ii) (V).

III. **Less restrictive methodology for other groups:**
The State will apply the resource rules detailed in Attachment 2.6-A, Supplement 8b, pp. 3-7 (below) for the following eligibility groups:

- 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) ;
- Medically Needy as described in 1902(a)(10)(C) (except those for whom less restrictive methodologies as discussed in Sections I and II above would apply);
- Persons who meet the income and resource retirements of the SSI program as described in 1902(a) (10) (A) (ii) (I) ;
- 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) ; and
- Special income level group (i.e., in a medical institution for at least 30 consecutive days with gross income that does not exceed 300 percent of the SSI income standard) as described in 1902(a)(10)(A)(ii)(V)

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

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

Less Restrictive Resource Methodologies
for the eligibility groups noted in Section III, Supplement 8b to Attachment 2.6-A.

The following types of disregards apply to countable resources:

- The first $12,000 in lump sum payments of accrued or retroactive benefits is excluded for the first 12 months. This exclusion includes:
  - Unemployment compensation;
  - Railroad Retirement benefits;
  - Veteran's benefits; and

  Additionally, the following lump sum payments of accrued or retroactive benefits will be excluded in their entirety:
  - TANF;
  - TANF Diversionary Payments;
  - SSI, OASDI (i.e., SSI, SSDI, and Social Security) benefits; and
  - Medicare Buy-In and related reimbursements.

  If the funds are co-mingled with other countable resources, then the agency will apply TANF or SSI operational methodologies as appropriate.

- Insurance compensation is excluded for the first 12 months if the payment is for lost property/assets that would not have been countable (e.g., a vehicle or primary residence). Additionally, an insurance or lawsuit settlement (e.g., for injuries sustained in an accident) shall be:

  1. Entirely excluded if it is structured as a qualifying trust; or

  2. Excluded for the first three months if the beneficiary or their representative certifies that the funds will be transferred to a qualifying trust within the three-month timeframe.

  Note: these exclusions do not affect the ability of the District of Columbia's Office of the Attorney General to recover all or part of such compensation amounts for past, current, or future Medicaid expenditures.

- Rent Payments Withheld (due to rent strike, etc.) are excluded if funds are in the possession of the renters' group or a third party such as the Landlord Tenant Court or Neighborhood Legal Services.

The following types of resources are not countable:

- Accounts Receivable;
- Burial Funds (if the funds are in a separate, designated account);
- Promissory Notes (if the promissory notes are not related to transfers of resources within the past 36 months);
- Earned Income Tax Credit (excluded for the first 12 months);
- Energy Assistance*;
- Proceeds from Home Sale (if customer purchases or intends to purchase new home within the next 12 months);
- Household/Personal Goods;
- Inaccessible Assets;
- Income Tax Refunds (excluded for the first 12 months);
- Indian Lands;
- Jointly Owned Assets (if the owner is legally unable to the liquidate asset);
- Land Contract;
- Life Insurance Funded Funerals;
- Loan-Related Assets;
- Non-Saleable Assets;
- Property Pending Sale;
- HUD Reimbursements;
- Vehicles (limited to one per household);
- Higher Education Savings Plans (including 529 accounts, education IRAs, etc.);
- U.S. Savings Bonds, if penalties apply to early withdrawals/liquidations and they have not been renewed/reinvested during any immediately preceding period of Medicaid eligibility;
- Individual Retirement Accounts (IRAs, which include Roth and other non-education IRAs);
- Keogh Accounts;
- Other Retirement Accounts (including 401(k), 403(b), and 457 accounts but excluding some types of annuities; see below); and

** If these payments are co-mingled with other countable resources, then the agency will apply SSI operational methodologies.*

Additionally, the following lump sum payments are excluded in their entirety:

- Agent Orange settlement or related funds
- Payments from District government entities related to Evans v. Williams, Dixon v. Williams, Brady v. Williams, Salazar v. Williams, and other judgments or settlement agreements made on behalf of customers of District Government agencies;
- Payments under. P.L. 100-383 to U.S. citizens of Japanese ancestry, resident Japanese aliens, and Andaluets;
- Payments made under the Radiation Exposure Compensation Act of 1990, P.L. 101-425, as compensation for exposure to radiation; and
- Tax and utility cost subsidy payments issued by the Department of Housing and Urban Development as a result of Underwood v. Harris.

IV. **Less restrictive methodology for other groups:**
For individuals eligible as QMBs, SLMBs, and QIs under Section 1902(a)(10)(E)(i), 1905(p)(1), 1902(a)(10)(E)(iii) or (iv), of the Social Security Act (the Act):

- Disregard all resources

V. **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 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.