

5160:1-3-05.20 **Medicaid: deeming of resources.**

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

(B) Definitions.

(1) "Child", for deeming purposes, means ~~an~~ an individual under age eighteen who lives in the home 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) "Eligible child" means a child in the home who has applied for medical assistance for the aged, blind, or disabled, and who meets all the applicable non-financial and financial eligibility criteria.

(3) "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 financial eligibility criteria.

(4) "Ineligible child" means a child in the household who does not meet all of the eligibility criteria for or enrolled in medical assistance for the blind or disabled.

(5) "Ineligible parent" means an eligible child's parent who does not meet all of the eligibility criteria for or enrolled in medical assistance for the aged, blind or disabled.

(6) "Ineligible spouse" means an eligible spouse's husband or wife who does not meet all of the eligibility criteria for or enrolled in medical assistance for the aged, blind or disabled.

~~(4)~~(7) "Parent" means a natural or adoptive father or mother living in the same home as the eligible child. The resources of a stepparent who lives with the eligible child is deemed to the child only when the natural or adoptive parent also lives in the home with the stepparent and eligible child. If the natural or adoptive parent divorces a stepparent and the eligible child is living with the stepparent, the stepparent is not a parent or spouse for deeming purposes.

~~(5)~~(8) "Spouse" means a person who is legally married to another under Ohio law.

(C) Only the resources of the ~~individual's~~ spouse or the parent(s) of ~~an~~ an eligible child are considered for purposes of deeming resources.

(D) In deeming resources from one spouse to the other, only the resources of those two individuals are considered. In deeming resources from a parent to ~~a~~an eligible child, only the resources of the parent are considered.

(E) Spouse to spouse deeming.

(1) When an eligible ~~spouse individual~~ and their 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. Retirement funds, described in rule 5160:1-3-03.10 of the Administrative Code, owned by an ineligible spouse are excluded from resources for deeming purposes.

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

(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 ~~a~~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 ~~otherwise~~-eligible child, the resources of the eligible child and of the parents are computed separately and both the eligible child and the parents 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. Retirement funds, described in rule 5160:1-3-03.10 of the Administrative Code, owned by an ineligible parent(s) are excluded from resources for deeming purposes.

(a) For purposes of deeming, it does not matter whether the parent(s) is or is not eligible for medical assistance.

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

(i) When there is one parent in the home the parental resource exclusion is two thousand dollars.

- (ii) When both parents are in the home the parental resource exclusion is three thousand dollars.
- (c) When there is more than one eligible child, the resources available for deeming are shared equally among the eligible child(ren)~~children~~.
- (d) None of the parents' resources are deemed to any ~~other~~ ineligible children.
- (4) ~~An~~ eligible child is not eligible for medical assistance if his or her own countable resources plus the value of the parents' 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) 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.

- (1) 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.
- (2) In the month after the month of separation, resources are computed separately because each person is now considered to be an individual without a spouse.

~~(G) When the individual is not living in a home with a spouse or parent(s) only the resources of the individual are considered. Such an individual is subject to the resource limit for an individual described in rule 5160:1-3-05.1 of the Administrative Code.~~

- ~~(1) When an eligible individual and spouse 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 individual 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 now considered to be an individual without a spouse.~~

~~(2) Spouses or parents and children who are separated because of placement in a medical institution have resources considered in accordance with the policy contained in Chapter 5160:1-3 of the Administrative Code.~~

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