

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

CHAPTER 200 – Income: Aged, Blind and Disabled (ABD) Categories

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### **200.02.06 INCOME DETERMINATIONS INVOLVING AGENTS**

Monies received by an individual in his capacity as an agent on another's behalf (such as a representative payee) are not income to him. However, monies a person receives for his own use (not paid on behalf of another) must be evaluated under regular income rules.

**Example:** Mr. Jones is receiving a Social Security check as the payee for his disabled child. This check is counted as income for the child, not Mr. Jones.

### **200.02.07 INCOME DERIVED FROM JOINT BANK ACCOUNTS**

The following explains how to charge income in situations involving joint bank accounts held by Medicaid applicants/recipients with other individuals:

#### **Eligible with Ineligible**

When an applicant/recipient and an ineligible individual hold a joint bank account, the full amount of any deposit, regardless of the source of the deposit, is income to the applicant/recipient unless:

- The ineligible individual is a deemor (parent or spouse) for income and/or resource purposes. In which case the deposits are income to the person actually receiving them, but the ineligible's income or resources will be deemed to the eligible.
- The ineligible is a legal guardian or conservator of the eligible and legal documents allow deposits to be treated otherwise.
- The deposit can be excluded under some other provision.
- Spousal impoverishment rules apply.

#### **Eligible with Other Eligibles**

When Medicaid-eligibles are joint account holders, a deposit by one Medicaid-eligible is not income to the other eligible person. Deposits are counted as income to the eligible person actually receiving the benefit or entitled to the payment. Interest payments are allocated equally among the joint holders.

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### **INCOME DERIVED FROM JOINT BANK ACCOUNTS** (Continued)

#### **Rebuttal Situations**

If an eligible individual or deemor has successfully rebutted ownership of a portion of the funds in a joint bank account, deposits made by the other account holders will not be counted as income and interest will be charged in proportion to the amount of funds in the account which are owned by the eligible individual or deemor. Refer to the chapter on Resources for policy governing rebuttal of a joint bank account.

If an eligible individual or deemor has successfully rebutted ownership of all of the funds held in a joint bank account, no deposits by other account holders or interest credited to the account are counted as income to the eligible individual or deemor.

#### **Income from Trusts/Conservatorships**

Generally, if the client has a right to the income from the principal of a trust or conservatorship, it is income to him as it becomes available. If the client has no right to the income from the trust/conserved funds, then only the payments actually paid from the trust would be income.

The income/resource rules that apply to a trust or conservatorship depend on when the trust or conservatorship was established. Refer to the chapter on Resources for a complete discussion of applicable income/resource rules.