

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

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

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DEFINITION OF PARENT FOR DEEMING (Continued)

Waiver of Parental Deeming Rules

Effective July 1, 1998, a child in the Disabled Child Living at Home coverage group is exempt from parental deeming of income and resources. The eligible child's own income and resources affect Medicaid eligibility in the usual manner.

Temporary Absence

For deeming purposes, a temporary absence exists when an individual (eligible individual or child or ineligible spouse, parent or child) leaves the household but intends to, and does, return in the same month or the following month. If the absence is temporary, deeming continues to apply.

A child, away at school (vocational or educational training facility), who returns home on some weekends, holidays, or vacations and is subject to parental control is considered temporarily absent from the parents' household regardless of the duration of the absence. Evidence which may indicate a child away at school is not subject to parental control includes an existing agreement, court order or signed statements from parents or school authorities. In the absence of such evidence, consider the child subject to parental control.

200.11.04E INCOME EXCLUDED FROM DEEMING

Any item which is not income to an eligible individual is also not income to an ineligible spouse or parent. In addition, the following types of income are excluded from deeming:

Exclude income used by an ineligible spouse or ineligible parent (or child) to make support court-ordered payments.

NOTE: If an ineligible child receives child support payments, do not disregard one-third of the payment as is done for an eligible child.

Exclude a stepparent's income from deeming. Work the case as a one-parent household, deeming the legal parent's income to the eligible child.

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INCOME EXCLUDED FROM DEEMING (Continued)

Exclude In-Home Supportive Services Payments provided under Title XX or other federal, state or local governmental programs to an eligible individual and paid by the eligible individual to his ineligible spouse, parent or child living in the same household in return for in-home supportive services (chore, attendant, homemaker, etc.). Payments made directly to the ineligible spouse, parent or child to provide services to the eligible are also excluded for deeming purposes and these payments may be in the form of wages if the provider/deemor is an employee of the agency.

Retroactive IHSS payments are not a resource for one calendar month following month of receipt. Any unspent portion becomes a resource if retained into the second calendar month following receipt.

Public Income Maintenance Payments (PIM) Received by a Deemor

PIM payments are payments based on need made under:

- Temporary Assistance for Needy Families (TANF);
- Supplemental Security Income (SSI);
- The Refugee Act of 1980;
- The Disaster Relief Act of 1974;
- General Assistance programs of the Bureau of Indian Affairs;
- State or local government assistance programs based on need; and
- VA benefits based on need.

In the deeming computation, the PIM payment **and** any income counted in determining the PIM payment are excluded when received by an ineligible spouse or parent. Assume all of the income of the person who received the PIM payment was used (counted or excluded) in determining the payment. There is no deeming allocation given for ineligible spouses, parents or children who receive PIM payments.

Resources continue to be deemed (or combined) from the spouse or parent receiving Income Based on Need.

NOTE: If the spouse or parent who receives the PIM payments wishes to apply for Medicaid, the PIM payment is counted according to the income rules regarding the specific payment.

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Public Income Maintenance Payments (PIM) Received by a Deemor (Continued)

As a result of these exclusions from the deeming process, there may be situations advantageous to a couple if the potentially eligible spouse who has non-deemable income does not file.

Example: One spouse has a VA pension of \$500. The pension (and any income used to determine the pension payment) is not deemable. The other applicant spouse has no income and would be treated as an individual with zero income. If the spouse who has the pension also files, the \$500 would result in a dollar for dollar reduction in the couple FBR or FPL since income based on need is considered income to an eligible individual.

200.11.04F CHANGES IN DEEMING STATUS FOR COUPLES

There are several events which can cause changes in spouse-to-spouse deeming status. The following chart lists the changes and the effective month of each change:

CHANGE	EFFECTIVE MONTH OF CHANGE
Ineligible Spouse Becomes Eligible	The spouses become a couple effective the month the ineligible spouse becomes eligible (and applies)
Spouses Separate or Divorce	Deeming stops the month after the month of the separation or divorce.
Eligible Begins Living with Ineligible Spouse	Deeming begins the month after the month they begin living together
Ineligible Spouse Dies	Deeming stops the month after the month of death
Eligible Spouse becomes Institutionalized	Deeming stops the month of entry into the facility