

MEDICAID ELIGIBILITY AND THE DIVISION OF DEVELOPMENTAL DISABILITIES: NAVIGATING THE SYSTEM

OPTIONS FOR ACHIEVING MEDICAID ELIGIBILITY



Hinkle, Fingles & Prior
Attorneys at Law

Representing people with disabilities and their families since 1974



Presented by



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NEW REGULATIONS REQUIRE MEDICAID


- **DDD ELIGIBILITY**
 - Functional Test
 - Limitation in 3 of 7 areas of major life activity
 - 18 Years old
- **DDD SERVICES**
 - At least 21 years old
 - Have Medicaid
- **DDD says Medicaid = Services**



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OPTIONS FOR OBTAINING MEDICAID ELIGIBILITY


- SUPPLEMENTAL SECURITY INCOME ("SSI")
- COMMUNITY MEDICAID
- WORKABILITY
- DISABLED ADULT CHILD ("DAC")



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SUPPLEMENTAL SECURITY INCOME


- **INDIVIDUAL WITH A DISABILITY**
 - UNABLE TO ENGAGE IN SUBSTANTIAL GAINFUL ACTIVITY ("SGA")
 - SGA = \$1,040/MONTH
- INCOME LIMIT = \$741.25/MONTH
- ASSET LIMIT = \$2,000
- SSI Eligibility = Medicaid



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COMMUNITY MEDICAID

- Individual with a disability
- Income limit = \$958/month
- Asset limit = \$4,000
- Apply with the County Board of Social Services



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WORKABILITY

- Individual with a disability between the ages of 16 and 64
- Working full or part time
- Earning no more than \$58,236 per year
- Unearned income of no more than \$958 per month



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WORKABILITY (continued)

- Less than \$20,000 in liquid assets
- Liquid assets do not include
 - Social Security Disability Benefits on the individual's work history
 - The individual's Railroad Retirement System Benefits
 - Qualified Retirement Accounts
 - Value of a home
 - Value of a car



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DISABLED ADULT CHILD ("DAC") CRITERIA

- Individual with a disability at least 18 years old
- Disability manifest before age 22
- Individual received SSI
- Individual lost SSI because starts receiving Social Security benefits on the work history of a parent.
- Asset limit \$2,000



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CAN EVERYONE BE ELIGIBLE FOR MEDICAID?




- No, there are a number of individuals who may not be able to obtain Medicaid benefits.
- Individuals who received Social Security benefits prior to age 18 on a parent's work history
- Individuals who collect Social Security Disability benefits on their own work history and are not presently working
- What happens if you are not Medicaid Eligible?

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WHAT IF THE INDIVIDUAL HAS ASSETS ?

- "Spend Down"
 - Fair Market Value
 - Rent/room and board
 - Extra therapies
 - Trips
 - Personal items
 - Not simply giving away assets
 - Not difficult, but be careful
 - May need advice



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Using Special Needs Trust to Protect Eligibility

- Importance of protecting assets
- Preservation of benefits
- Structure of SNT
- Role of Trustee



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CREATE A SPECIAL NEEDS TRUST

- Two Types

- Self-settled

- Third Party



- How do you create a special needs trust?

PROVISION OF SERVICES UNDER THE COMPREHENSIVE WAIVER

- The Comprehensive Waiver is Medicaid

- DDD Supports Program

- Is part of the Comprehensive Waiver

- The Supports Program provides

- Employment or day services

- Budget based on level of need



COMMUNITY CARE WAIVER

- The Community Care Waiver ("CCW") is MEDICAID

- REQUIRED FOR RESIDENTIAL SERVICES

- The CCW provides

- Residential Services

- Day Services

- For individuals receiving residential services



**Questions?
Thank you!**

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