

Ohio Administrative Code

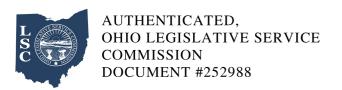
Rule 5160:1-3-03.8 Medicaid: in-kind support and maintenance.

Effective: August 1, 2016

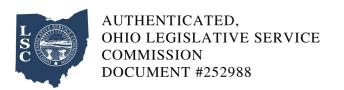
(A) This rule sets forth how in-kind support and maintenance is valued for purposes of determining eligibility for medical assistance.

(B) Definitions.

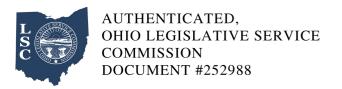
- (1) "Actual value" is the dollar amount that an individual paid for an item or service, or for his/her share of an item or service.
- (2) "Current market value" is the dollar amount for which an item would sell on the local open market.
- (3) "Household" is a personal place of residence in which individuals share common living quarters and function as a single economic unit.
- (4) "Household of another income standard" is equal to two-thirds of the income standard for an individual or couple as applicable.
- (5) "In-kind support and maintenance" is unearned income in the form of food or shelter, or something that can be used to get food or shelter, that a person is given or receives because someone else pays for it.
- (6) "Living in household of another" means that the individual does not live in his/her own household as defined in paragraph (B)(7) of this rule.
- (7) "Living in own household" means that:
- (a) The individual has ownership interest or life estate in the home; or,



- (b) The individual is liable for payment of any part of a rental charge; or,
- (c) The individual pays a pro-rated share of living expenses; or,
- (d) The individual lives in a non-institutional care situation.
- (8) "Non-institutional care situation" means that:
- (a) The individual has been placed by a public or private agency under a specific program of protective placement; and,
- (b) The placement is in a private household that is licensed or otherwise approved by the state to provide protective care; and,
- (c) The placing agency retains responsibility for continuing supervision of the need for placement and of the services provided; and,
- (d) The individual, the placing agency, or some other party pays for the services provided, or has a written agreement to pay for the services provided.
- (9) "Presumed maximum value" is one-third the value of the individual income standard, as set forth in rule 5160:1-3-03.5 of the Administrative Code, plus twenty dollars.
- (10) "Public assistance household" is a household in which all individuals receive some type of public income-maintenance payments, including but not limited to Ohio works first (OWF), supplemental security income (SSI), disaster relief and emergency assistance, or state or local government assistance programs based on need.
- (11) "Shelter" means living quarters for an individual in the individual's permanent living arrangement.
- (12) "Shelter costs" means rent, mortgage payments, real property taxes, heating fuel, gas, electricity, water, sewerage, and garbage collection services.



- (C) In-kind support and maintenance received by an individual is excluded if:
- (1) It is identified as excluded in accordance with rule 5160:1-3-03.2 of the Administrative Code; or,
- (2) It is received from another member of a public assistance household; or,
- (3) The individual receives SSI and the social security administration does not reduce the individual's SSI benefit because of in-kind support and maintenance.
- (D) In-kind support and maintenance received by an individual is valued by applying the household of another income standard when:
- (1) The individual is a recipient of SSI benefits and receives the one-third reduction in the SSI benefit; or,
- (2) The individual lives for an entire month in another person's household, and receives both food and shelter for the entire month from someone living in that household.
- (E) In-kind support and maintenance received by an individual is valued by treating the in-kind support and maintenance as countable unearned income, using the presumed maximum value if the individual:
- (1) Receives in-kind support and maintenance but lives in his own household, or
- (2) Does not live for the entire month in another person's household, or
- (3) Does not receive all his food and shelter from another person in that household for the entire month, or
- (4) Receives in-kind support and maintenance from someone outside the household.
- (F) In-kind support and maintenance received by an individual is valued by treating the in-kind



support and maintenance as countable unearned income, using the current market value or actual value, whichever is less, when the individual demonstrates that:

- (1) The current market value of any in-kind support and maintenance received, minus any payment the individual makes for them, is less than the presumed maximum value; or,
- (2) The actual amount someone else pays for the individual's in-kind support and maintenance is less than the presumed maximum value.
- (G) The administrative agency shall, for purposes of determining eligibility for medical assistance, determine the value of in-kind support and maintenance received by an individual in accordance with this rule.