



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.