

## New York

1

## STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

## ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
<b>A. General Conditions of Eligibility</b>	
Each individual covered under the plan:	
42 CFR Part 435, Subpart G	1. Is financially eligible (using the methods and standards described in Parts B and C of this Attachment) to receive services.
42 CFR Part 435, Subpart F	2. Meets the applicable non-financial eligibility conditions.
	a. For the categorically needy:
	[(i) Except as specified under items A.2.a.(ii) and (iii) below, for AFDC-related individuals, meets the non-financial eligibility conditions of the AFDC program.]
	(ii) For SSI-related individuals, meets the non-financial criteria of the SSI program or more restrictive SSI-related categorically needy criteria.
1902(1) of the Act	[(iii) For financially eligible pregnant women, infants or children covered under sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI), 1902(a)(10)(A)(i)(VII), 1902(a)(10)(A)(i)(VII), and 1902(a)(10)(A)(ii)(IX) of the Act, meets the non-financial criteria of section 1902(1) of the Act.]
1902(m) of the Act	(iv) For financially eligible aged and disabled individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act, meets the non-financial criteria of section 1902(m) of the Act.

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## New York

2

**NOTE: The deleted information on this page has been replaced by  
PDF Form S89 effective January 1, 2014.**

[State: New York]

Citation	Condition or Requirement
1905(p) of the Act	<ul style="list-style-type: none"> <li>b. For the medically needy, meets the non-financial eligibility conditions of 42 CFR Part 435.</li> <li>c. For financially eligible qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(i) of the Act, meets the non-financial criteria of section 1905(p) of the Act.</li> </ul>
1905(s) of the Act	<ul style="list-style-type: none"> <li>d. For financially eligible qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, meets the non-financial criteria of section 1905(s).</li> </ul>
[42 CFR 435.402]	<ul style="list-style-type: none"> <li>[3. Is residing in the United States and — <ul style="list-style-type: none"> <li>a. Is a citizen;</li> </ul> </li> </ul>
[Sec. 245A of the Immigration and]	<ul style="list-style-type: none"> <li>b. Is an alien lawfully admitted for permanent residence or otherwise permanently residing in the Nationality Act United States under color of law, as defined in 42 CFR 435.408;</li> </ul>
[1902(a) and 1903(v) of the Act and 245A(h)(3)(B) of the Immigration & Nationality Act]	<ul style="list-style-type: none"> <li>c. Is an alien granted lawful temporary resident status under section 245A and 210A of the Immigration and Nationality Act if the individual is aged, blind, or disabled as defined in section 1614(a)(l) of the Act, under 18 years of age or a Cuban/Haitian entrant as defined in section 501(e)(l) and (2)(A) of P.L. 96-422;]</li> </ul>

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## New York

3

**NOTE: The deleted information on this page has been replaced by  
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[State: New York]

[Citation]	Condition or Requirement]
[42 CFR 435.403 1902(b) of the Act]	<p data-bbox="621 590 1446 688">[4. Is a resident of the State, regardless of whether or not the individual maintains the residence permanently or maintains it at a fixed address.</p> <p data-bbox="621 730 1333 867">[X] State has interstate residency agreement with the following States:  Georgia</p> <p data-bbox="621 909 1073 936">[ ] State has open agreement(s).</p> <p data-bbox="621 978 1239 1005">[ ] Not applicable; no residency requirement.]</p>

TN #13-57  
Supersedes TN #13-58

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**New York  
3a**

Citation	Condition or Requirement
42 CFR 435.1008	5. a. Is not an inmate of a public institution. Public institutions do not include medical institutions, intermediate care facilities, or publicly operated community residences that serve no more than 16 residents, or certain child care institutions.
42 CFR 435.1008 1905(a) of the Act	b. Is not a patient under age 65 in an institution for mental diseases except as an inpatient under age 22 receiving active treatment in an accredited psychiatric facility or program.  [ ] Not applicable with respect to individuals under age 22 in psychiatric facilities or programs. Such services are not provided under the plan.
42 CFR 433.145 1912 of the Act	6. Is required, as a condition of eligibility, to assign his or her own rights, or the rights of any other person who is eligible for Medicaid and on whose behalf the individual has legal authority to execute an assignment to medical support and payments for medical care from any third party. (Medical support is defined as support specified as being for medical care by a court or administrative order.)

TN   #91-78    
Supersedes TN   NEW  

Approval Date   March 11, 1992    
Effective Date   October 1, 1991

**New York**  
**3a.1**

Citation	Condition or Requirement
42 CFR 435.910	<p>An applicant or recipient must also cooperate in establishing the paternity of any eligible child and in obtaining medical support and payments for himself or herself and any other person who is eligible for Medicaid and on whose behalf the individual can make an assignment; except that individuals described in §1902(1)(1)(A) of the Social Security Act (pregnant women and women in the post-partum period) are exempt from these requirements involving paternity and obtaining support. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.</p>
	<p>An applicant or recipient must also cooperate in identifying any third party who may be liable to pay for care that is covered under the State plan and providing information to assist in pursuing these third parties. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.</p>
	<p>[ ] Assignment of rights is automatic because of State law.</p>
	<p>7. Is required, as a condition of eligibility, to furnish his/her social security account number (or numbers, if he/she has more than one number).</p>

TN #91-78  
Supersedes TN NEW

Approval Date March 11, 1992  
Effective Date October 1, 1991

**New York  
3b**

[Citation]	Condition or Requirement
1902(c)(2)	8. Is not required to apply for AFDC benefits under title IV-A as a condition of applying for, or receiving, Medicaid if the individual is a pregnant woman, infant, or child that the State elects to cover under sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Act.
1902(e)(10)(A) and (B) of the Act	9. Is not required, as an individual child or pregnant woman, to meet requirements under section 402(a)(43) of the Act to be in certain living arrangements. (Prior to terminating AFDC individuals who do not meet such requirements under a State's AFDC plan, the agency determines if they are otherwise eligible under the State's Medicaid plan.)]

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New York  
3c

Citation(s)	Condition or Requirement
1906 of the Act	10. Is required to apply for enrollment in an employer-based cost-effective group health plan, if such plan is available to the individual. Enrollment is a condition of eligibility to expect for the individual who is unable to enroll on his/her own behalf (failure of a parent to enroll a child does not affect a child's eligibility).
<u>U.S. Supreme Court Case, <i>New York State Department of Social Services v. Dublino</i></u>	11. <u>Is required to apply for coverage under Medicare Parts A, B and/or D if it is likely that the individual would meet the eligibility criteria for any or all of those programs. The state agrees to pay any applicable premiums and cost-sharing (except those applicable under Part D) for individuals required to apply for Medicare. Application for Medicare is a condition of eligibility unless the state does not pay the Medicare premiums, deductibles or co-insurance (except those applicable under Part D) for persons covered by the Medicaid eligibility group under which the individual is applying.</u>

TN #05-56Approval Date December 06, 2005Supersedes TN #91-78Effective Date January 1, 2006

New York  
4

Citation	Condition or Requirement
<b>B. Posteligibility Treatment of Institutionalized Individuals' Incomes</b>	
	1. The following items are not considered in the posteligibility process:
1902(o) of the Act	a. SSI and SSP benefits paid under §1611(e)(1)(E) and (G) of the Act to individuals who receive care in a hospital, nursing home, SNF, or ICF.
Bondi v Sullivan (SSD)	b. Austrian Reparation Payments (pension (reparation) payments made under §500-506 of the Austrian General Social Insurance Act). Applies only if State follows SSI program rules with respect to the payments.
1902(r)(1) of the Act	c. German Reparations Payments (reparation payments made by the Federal Republic of Germany).
105/206 of P.L. 100-383	d. Japanese and Aleutian Restitution Payments.
1. (a) of P.L. 103-286	e. Netherlands Reparation Payments based on Nazi, but not Japanese, persecution (during World War II).
10405 of P.L. 101-239	f. Payments from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
6(h)(2) of P.L. 101-426	g. Radiation Exposure Compensation.
12005 of P.L. 103-66	h. VA pensions limited to \$90 per month under 38 U.S.C. 5503.

TN #98-05  
Supersedes TN #97-12

Approval Date May 15, 1998  
Effective Date January 1, 1998



New York  
4a

Citation	Condition or Requirement
1924 of the Act 435.725 435.733 435.832	<p>2. The following monthly amounts for personal needs are deducted from total monthly income in the application of an institutionalized individual's or couple's income to the cost of institutionalized care:</p> <p>Personal Needs Allowance (PNA) of not less than \$30 For Individuals and \$60 For Couples For All Institutionalized Persons.</p> <p>a. Aged, blind, disabled: Individuals \$ <u>50<sup>1</sup></u> Couples \$ <u>100<sup>2</sup></u></p> <p>For the following persons with greater need:</p> <p>Supplement 12 to <u>Attachment 2.6-A</u> describes the greater need, describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and, where appropriate, identifies the organizational unit which determines that a criterion is met.</p> <p>b. AFDC related: Children \$ <u>50<sup>1</sup></u> Adults \$ <u>100<sup>2</sup></u></p> <p>For the following persons with greater need:</p> <p>Supplement 12A to <u>Attachment 2.6-A</u> describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and, where appropriate, identifies the organizational unit which determines that a criterion is met.</p> <p>c. Individual under age 21 covered in the plan as specified in Item B. 7. of <u>Attachment 2.2-A</u>. \$<u>50<sup>1</sup></u></p>
1. \$35 if person is not in an Article 28 Facility. 2. \$70 if person is not in an Article 28 Facility.	

TN #98-05  
Supersedes TN NEW

Approval Date May 15, 1998  
Effective Date January 1, 1998

New York  
4b

Citation	Condition or Requirement
	<p>For the following persons with greater need:</p> <p>Supplement 12-A to <u>Attachment 2.6-A</u> describes the greater need; describes the basis or formula for determining the deductible amounts when a specific amount is not listed above; lists the criteria to be met; and, where appropriate, identifies the organizational unit which determines that a criterion is met.</p>
1924 of the Act	<p>3. In addition to the amounts under item 2., the following monthly amounts are deducted from the remaining income of an institutionalized individual with a community spouse:</p> <p>a. The monthly income allowance for the community spouse, calculated using the formula in §1924(d)(2), is the amount by which the maintenance needs standard exceeds the community spouse's income. The maintenance needs standard exceeds the community spouse's income. The maintenance needs standard cannot exceed the maximum prescribed in §1924(d)(3)(C). The maintenance needs standard consists of a poverty level component plus an excess shelter allowance.</p> <p>___ The poverty level component is calculated using the applicable percentage (set out §1924(d)(3)(B) of the Act) of the official poverty level.</p> <p>___ The poverty level component is calculated using a percentage greater than the applicable percentage, equal to ____, of the official poverty level (still subject to maximum maintenance needs standard).</p> <p><u>X</u> The maintenance needs standard for all community spouses is set at the maximum permitted by §1924(d)(3)(C).</p> <p>Except that, when applicable, the State will set the community spouse's monthly income allowance at the amount by which exceptional maintenance needs, established at a fair hearing, exceed the community spouse's income, or at the amount of any court-ordered support.</p>
TN <u>#98-05</u>	Approval Date <u>May 15, 1998</u>
Supersedes TN <u>NEW</u>	Effective Date <u>January 1, 1998</u>

New York  
4c

Citation	Condition or Requirement
	<p>In determining any excess shelter allowance, utility expenses are calculated using:</p> <ul style="list-style-type: none"><li>___ the standard utility allowance under §5(e) of the Food Stamp Act of 1977; or</li><li>___ the actual unreimbursable amount of the community spouse's utility expenses less any portion of such amount included in condominium or cooperative charges.</li></ul>
	<p>b. The monthly income allowance for other dependent family members living with the community spouse is:</p> <ul style="list-style-type: none"><li><u>X</u> one-third of the amount by which the poverty level component (calculated under §1924(d)(3)(A)(i) of the Act, using the applicable percentage specified in §1924(d)(3)(B)) exceeds the dependent family member's monthly income.</li><li>___ a greater amount calculated as follows:</li></ul> <p>The following definition is used in lieu of the definition provided by the Secretary to determine the dependency of family members under §1924(d)(1):</p>
	<p>c. Amounts for health care expenses described below that are incurred by and for the institutionalized individual and are not subject to payments by a third party:</p> <ul style="list-style-type: none"><li>(i) Medicaid, Medicare, and other health insurance premiums, deductibles, or coinsurance charges, or copayments.</li><li>(ii) Necessary medical or remedial care recognized under State law but not covered under the State plan. (Reasonable limits on amounts are described in Supplement 3 to ATTACHMENT 2.6-A.)</li></ul>
TN <u>#98-05</u>	Approval Date <u>May 15, 1998</u>
Supersedes TN <u>NEW</u>	Effective Date <u>January 1, 1998</u>

New York  
5

Citation	Condition or Requirement
435.725 435.733 435.832	<p>4. In addition to any amounts deductible under the items above the following monthly amounts are deducted from the remaining the remaining monthly income of an institutionalized individual or an institutionalized couple:</p> <p>a. An amount for the maintenance needs of each member of a family living in the institutionalized individual's home with no community spouse living in the home. The amount must be based on a reasonable assessment of need but must not exceed the higher of the:</p> <ul style="list-style-type: none"> <li>• AFDC level; or</li> <li>• Medically needy level;</li> </ul> <p>(Check One)</p> <p><input type="checkbox"/> AFDC levels in Supplement 1</p> <p><input checked="" type="checkbox"/> Medically needy level in Supplement 1</p> <p><input type="checkbox"/> * Other: \$ _____</p> <p>b. Amounts for health care expenses described below that have not been deducted under 3.c. above (i.e., for an institutionalized individual with a community spouse), are incurred by and for the institutionalized individual or institutionalized couple, and are not subject to the payment by a third party:</p> <p>(i) Medicaid, Medicare, and other health insurance premiums, deductibles, or coinsurance charges, or copayments.</p> <p>(ii) Necessary medical or remedial care recognized under State law but not covered under the State plan. (Reasonable limits on amount are described in <a href="#">Supplement 3 to ATTACHMENT 2.6-A.</a>)</p>
435.725 435.733 435.832	<p>5. At the option of the State, as specified below, the following is deducted from any remaining monthly income of an institutionalized individual or an institutionalized couple:</p> <p>A monthly amount for the maintenance of the home of the individual or couple for not longer than 6 months if a physician has certified that the individual, or one member of the institutionalized couple, is likely to return to the home within that period:</p> <p><input type="checkbox"/> No.</p> <p><input checked="" type="checkbox"/> Yes (the applicable amount is shown on page 5a.)</p>

\* The State uses the higher of the standard for Low Income Families (AFDC), or medically needy income level.

TN #98-05

Approval Date May 15, 1998

Supersedes TN #93-3

Effective Date January 1, 1998

New York  
5a

Citation	Condition or Requirement
	<input checked="" type="checkbox"/> Amount for maintenance of home is: \$ <u>medically needy</u> level for one in Supplement 1
	<input type="checkbox"/> Amount for maintenance of home is the actual maintenance costs not to exceed \$_____.
	<input type="checkbox"/> Amount for maintenance of home is deductible when countable income is determined under §1924(d)(1) of the Act only if the individuals' home and the community spouse's home are different.
	<input type="checkbox"/> Amount for maintenance of home is not deductible when countable income is determined under §1924(d)(1) of the Act.

TN #98-05  
Supersedes TN NEW

Approval Date May 15, 1998  
Effective Date January 1, 1998

## New York

6

## STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

## ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
42 CFR 435.711 435.721, 435.831	<p><b>C. Financial Eligibility</b></p> <p>For individuals who are [AFDC or] SSI recipients, the income and resource levels and methods for determining countable income and resources of the [AFDC and] SSI program apply, unless the plan provides for more restrictive levels and methods than SSI for SSI recipients under section 1902(f) of the Act, or more liberal methods under section 1902(r)(2) of the Act, as specified below.</p> <p>For individuals who are not [AFDC or] SSI recipients in a non-section 1902(f) State and those who are deemed to be cash assistance recipients, the financial eligibility requirements specified in this section C apply.</p> <p>Supplement 1 to ATTACHMENT 2.6-A specifies the income levels for mandatory and optional categorically needy groups of individuals, including individuals with incomes related to the Federal income poverty level[—pregnant women and infants or children] covered under sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI), 1902(a)(10)(A)(i)(VII), and 1902(a)(10)(A)(ii)(IX) of the Act and aged and disabled individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act—and for mandatory groups of qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(i) of the Act.</p>

TN #13-0053Approval Date June 1, 2014Supersedes TN #92-0027Effective Date January 1, 2014

**New York**  
**6a**

Citation	Condition or Requirement
	[X] <u>Supplement 2 to ATTACHMENT 2.6-A</u> specifies the resource levels for mandatory and optional categorically needy poverty level related groups, and for medically needy groups.
	[ ] <u>Supplement 7 to ATTACHMENT 2.6-A</u> specifies the income levels for categorically needy aged, blind and disabled persons who are covered under requirements more restrictive than SSI.
	[ ] <u>Supplement 4 to ATTACHMENT 2.6-A</u> specifies the methods for determining income eligibility used by States that have more restrictive methods than SSI, permitted under section 1902(f) of the Act.
	[ ] <u>Supplement 5 to ATTACHMENT 2.6-A</u> specifies the methods for determining resource eligibility used by States that have more restrictive methods than SSI, permitted under section 1902(f) of the Act.
	[X] <u>Supplement 8a to ATTACHMENT 2.6-A</u> specifies the methods for determining income eligibility used by States that are more liberal than the methods of the cash assistance programs permitted under section 1902(r)(2) of the Act.
	[X] <u>Supplement 8b to ATTACHMENT 2.6-A</u> specifies the methods for determining resource eligibility used by States that are more liberal than the methods of the cash assistance programs, permitted under section 1902(r)(2) of the Act.

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Supersedes TN NEW

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New York  
6 M-2

Citation	Condition or Requirement
435.721 435.831 and 1902(m)(1)(B) and (m)(4) of the Act, P.L. 99-509 (Secs. 9402(a) and (b))	<p>a. Except as specified under item C.1.e. below, in determining countable income for AFDC related individuals, the disregards and exemptions in the State's approved AFDC plan are applied.</p> <p>b. In determining countable income for aged individuals, including aged individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied:</p> <p><u>  X  </u> The disregards of the SSI program.*</p> <p><u>      </u> The disregards of the State supplementary payment program, as follows:</p> <p><u>      </u> The disregards of the SSI program, except for the following restrictions, applied under the provisions of section 1902(f) of the Act:</p>

\* Except for the less restrictive disregards as specified in Supplement 11 to Attachment 2.6A of the State Plan Amendment 85-25.

TN   #87-35  

Approval Date   December 5, 1991  

Supersedes TN   #85-25  

Effective Date   July 1, 1987



## New York

7

## STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

## ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
1902(r)(2) of the Act	<p><b>1. Methods of Determining Income</b></p> <p><b>a. AFDC-related individuals (except for poverty level related pregnant women, infants, and children).</b></p> <p>[(1) In determining countable income for AFDC-related individuals, the following methods are used:</p> <p>___ (a) The methods under the State's approved AFDC plan only; or</p> <p><u>X</u> (b) The methods under the State's approved AFDC plan and/or any more liberal methods described in Supplement 8a to ATTACHMENT 2.6-A.</p> <p>(2) In determining relative financial responsibility, the agency considers only the income of spouses living in the same household as available to spouses and the income of parents as available to children living with parents until the children become 21.]</p>
1902(e)(6) the Act	<p>(3) Agency continues to treat women eligible under provisions of sections 1902(a)(10) of the Act as eligible, without regard to any changes in income of the family of which she is a member, for the 60-day period after her pregnancy ends and any remaining days in the month in which the 60th day falls.</p>

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New York  
7a

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
42 CFR 435.721 435.831, and 1902(m)(1)(B)(m)(4) and 1902(r)(2) of the Act	<p>b. <b><u>Aged Individuals.</u></b> In determining countable income for aged individuals, including aged individuals with incomes up to the Federal poverty level described in section 1902(m)(1) of the Act, the following methods are used:</p> <p><u>  X  </u> The methods of the SSI program only.</p> <p><u>      </u> The methods of the SSI program and/or any more liberal methods described in <u>Supplement 8a to ATTACHMENT 2.6-A.</u></p>

TN   #92-27  

Supersedes TN   NEW  

Approval Date   January 20, 1993  

Effective Date   April 1, 1992

New York  
7 M-2

Citation	Condition or Requirement
	<p>c. In determining countable income for blind individuals, the following disregards are applied:</p> <p><u>  X  </u> The disregards of the SSI program.*</p> <p><u>      </u> The disregards of the State supplementary payment programs, as follows:</p> <p><u>      </u> The disregards of the SSI program, except for the following restrictions applied under the provisions of section 1902(f) of the Act.</p>
<p>435.721 435.831 and 1902(m)(1)(B) and (m)(4) of the Act, P.L. 99-509 (Secs. 9402(a) and (b))</p>	<p>d. In determining countable income for disabled individuals, including disabled individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act the following disregards are applied:</p> <p><u>  X  </u> The disregards of the SSI program.*</p>

\* Except for less restrictive disregards as specified in Supplement 11 to Attachment 2.6A of the State Plan Amendment 85-25.

TN <u>  #87-35  </u>	Approval Date <u>  December 5, 1991  </u>
Supersedes TN <u>  #85-25  </u>	Effective Date <u>  July 1, 1987  </u>

New York  
8

Citation	Condition or Requirement
	<p>[ ] For individuals other than optional State supplement recipients, more restrictive methods than SSI, applied under the provisions of section 1902(f) of the Act, as specified in <u>Supplement 4 to ATTACHMENT 2.6-A</u>; and any more liberal methods described in <u>Supplement 8a to ATTACHMENT 2.6-A</u>.</p> <p>[ ] For institutional couples, the methods specified under section 1611(e)(5) of the Act.</p> <p>[ ] For optional State supplement recipients under §435.230, income methods more liberal than SSI, as specified in <u>Supplement 4 to ATTACHMENT 2.6-A</u></p> <p>[ ] For optional State supplement recipients in section 1902(f) States and SSI criteria States without section 1616 or 1634 agreements --</p> <p>____ SSI methods only.</p> <p>____ SSI methods and/or any more liberal methods than SSI described in <u>Supplement 8a to ATTACHMENT 2.6-A</u></p> <p>____ Methods more restrictive and/or more liberal than SSI. More restrictive methods are described in <u>Supplement 4 to ATTACHMENT 2.6-A</u> and more liberal methods are described in <u>Supplement 8a to ATTACHMENT 2.6-A</u>.</p> <p>In determining relative financial responsibility, the agency considers only the income of spouses living in the same household as available to spouses.</p>

TN #91-78  
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Effective Date October 1, 1991

New York  
8 (17b-1)

Citation	Condition or Requirement
1902(1)(3)(E) of the Act, P.L. 99-509 (Sec. 9401(b))	<p>e. For pregnant women and infants or children covered under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act --</p> <p>(1) In determining countable income, the following disregards and exemptions are those in the State's approved AFDC plan; or those in the State's approved title IV-E plan, as appropriate.</p>
1902(e)(6) of the Act, P.L. 99-509 (Sec. 9401(d))	<p><u>X</u> (2) The agency continues to treat women eligible under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act as eligible, without regard to any changes in income of the family of which she is a member, until the end of the 60-day period beginning on the last day of her pregnancy.</p>

TN #90-3  
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New York  
9

Citation	Condition or Requirement
42 CFR 435.721 and 435.831 1902(m)(1)(B), (m)(4), and 1902(r)(2) of the Act	<p>c. <b>Blind individuals.</b> In determining countable income for blind individuals, the following methods are used:</p> <p><input type="checkbox"/> The methods of the SSI program only.</p> <p><input checked="" type="checkbox"/> SSI methods and/or any more liberal methods described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p> <p><input type="checkbox"/> For individuals other than optional State supplement recipients, more restrictive methods than SSI, applied under the provisions of section 1902(f) of the Act, as specified in <a href="#">Supplement 4 to ATTACHMENT 2.6-A</a>, and any more liberal methods described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p> <p><input type="checkbox"/> For institutional couples, the methods specified under section 1611(e)(5) of the Act.</p> <p><input type="checkbox"/> For optional State supplemental recipients under §435.230, income methods more liberal than SSI, as specified in <a href="#">Supplement 4 to ATTACHMENT 2.6-A</a>.</p> <p><input type="checkbox"/> For optional State supplement recipients in Section 1902(f) States and SSI criteria States without section 1615 or 1634 agreements --</p> <p><input type="checkbox"/> SSI methods only.</p> <p><input type="checkbox"/> SSI methods and/or any more liberal methods than SSI described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p> <p><input type="checkbox"/> Methods more restrictive and/or more liberal than SSI. More restrictive methods are described in <a href="#">Supplement 4 to ATTACHMENT 2.6-A</a> and more liberal methods are described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p>

TN #91-78Approval Date March 11, 1992Supersedes TN #87-35AEffective Date October 1, 1991

New York  
10

Citation	Condition or Requirement
42 CFR 435.721, and 435.831 1902(m)(1)(B), (m)(4), and 1902(r)(2) of the Act	<p>In determining relative responsibility, the agency considers only the income of spouses living in the same household as available to spouses and the income of parents as available to children living with parents until the children become 21.</p> <p>d. <b><u>Disabled individuals.</u></b> In determining countable income of disabled individuals, including individuals with incomes up to the Federal poverty level described in section 1902(m) of the Act the following methods are used:</p> <p>___ The methods of the SSI program.</p> <p><u>X</u> SSI methods and/or any more liberal methods described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p> <p>___ For institutional couples: the methods specified under section 1611(e)(5) of the Act.</p> <p>___ For optional State supplement recipients under §435.230: income methods more liberal than SSI, as specified in <a href="#">Supplement 4 to ATTACHMENT 2.6-A</a>.</p> <p>___ For individuals other than optional State supplement recipients (except aged and disabled individuals described in section 1903(m)(1) of the Act): more restrictive methods than SSI, applied under the provisions of section 1902(f) of the Act, as specified in <a href="#">Supplement 4 to ATTACHMENT 2.6-A</a>; and any more liberal methods described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p>

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New York  
11

Citation	Condition or Requirement
	<p>___ For optional State supplement recipients in section 1902(f) States and SSI criteria States without section 1616 or 1634 agreements --</p> <p>___ SSI methods only.</p> <p>___ SSI methods and/or any more liberal methods than SSI described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p> <p>___ Methods more restrictive and/or more liberal than SSI, except for aged and disabled individuals described in section 1902(m)(1) of the Act. More restrictive methods are described in <a href="#">Supplement 4 to ATTACHMENT 2.6-A</a> and more liberal methods are specified in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p> <p>In determining relative financial responsibility, the agency considers only the income of spouses living in the same household as available to spouses and the income of parents as available to children living with parents until the children become 21.</p>

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New York  
11a

[STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
1902(1)(3)(E) and 1902(r)(2) of the Act	<p>e. <b>Poverty level pregnant women, infants, and children.</b> For pregnant women and infants or children covered under the provisions of sections 1902(a)(10)(A)(i)(IV), (VI), and (VII), and 1902(a)(10)(A)(ii)(IX) of the Act --</p> <p>(1) The following methods are used in determining countable income:</p> <p>_____ The methods of the State's approved AFDC plan.</p> <p>_____ The methods of the approved title IV-E plan.</p> <p><u>  X  </u> The methods of the approved AFDC State plan and/or any more liberal methods described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p> <p>_____ The methods of the approved title IV-E plan and/or any more liberal methods described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.]</p>

TN   #13-0053    
Supersedes TN   #92-0027  

Approval Date   June 26, 2014    
Effective Date   January 1, 2014

New York  
12

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
1902(e)(6) of the Act	<p>[(2) In determining relative financial responsibility, the agency considers only the income of spouses living in the same household as available to spouses and the income of parents as available to children living with parents until the children become 21.]</p> <p>(3) The agency continues to treat women eligible under the provisions of sections 1902(a)(10) of the Act as eligible, without regard to any changes in income of the family of which she is a member, for the 60-day period after her pregnancy ends and any remaining days in the month in which the 60th day falls.</p>
1905(p)(1), 1902(m)(4), and 1902(r)(2) of the Act	<p><b>f. Qualified Medicare beneficiaries.</b> In determining countable income for qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(i) of the Act, the following methods are used:</p> <p><u>  X  </u> The methods of the SSI program only.</p> <p><u>      </u> SSI methods and/or any more liberal methods than SSI described in <a href="#">Supplement 8a to ATTACHMENT 2.6-A</a>.</p> <p><u>      </u> For institutional couples, the methods specified under section 1611(e)(5) of the Act.</p>

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**New York  
12a**

Citation	Condition or Requirement
	<p>If an individual receives a title II benefit, and amounts attributable to the most recent increase in the monthly insurance benefit as a result of a title II COLA is not counted as income during a "transition period" beginning with January, when the title II benefit for December is received, and ending with the last day of the month including the month of publication of the revised annual Federal poverty level.</p> <p>For individuals with title II income, the revised poverty levels are not effective until the first day of the month following the end of the transition period.</p> <p>For individuals not receiving title II income, the revised poverty levels are effective no later than the date of publication.</p>
1905(s) of the Act	<p><b>g. (1) <u>Qualified disabled and working individuals.</u></b></p> <p>In determining countable income for qualified disabled and working individuals covered under 1902(a)(10)(E)(ii) of the Act, the methods of the SSI program are used.</p>
1905(p) of the Act	<p><b>(2) <u>Specified low-income Medicare beneficiaries.</u></b></p> <p>In determining countable income for specified low-income Medicare beneficiaries covered under 1902(a)(10)(E)(ii) of the Act, the same method as in f. is used.</p>

TN #93-27Supersedes TN #92-27Approval Date September 14, 1993Effective Date April 1, 1993

New York  
12b

Citation	Condition or Requirement
1902(u) of the Act	<p data-bbox="740 449 1312 485"><b>(h) <u>COBRA Continuation Beneficiaries</u></b></p> <p data-bbox="808 520 1383 625">In determining countable income for COBRA continuation beneficiaries, the following disregards are applied:</p> <ul style="list-style-type: none"> <li data-bbox="808 661 1338 697"><u>X</u> The disregards of the SSI program;</li> <li data-bbox="808 732 1357 940">— The agency uses methodologies for treatment of income more restrictive than the SSI program. These more restrictive methodologies are described in <a href="#">Supplement 4 to Attachment 2.6-A</a>.</li> </ul> <p data-bbox="808 976 1383 1180">NOTE: For COBRA continuation beneficiaries specified at 1902(u)(4), costs incurred from medical care or for any other type of remedial care shall not be taken into account in determining income, except as provided in section 1612(b)(4)(B)(ii).</p>

TN #91-78  
Supersedes TN NEW

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New York  
12c

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XIII) of the Act	<p>(i) <b><u>Working Individuals with Disabilities - BBA</u></b></p> <p>In determining countable income and resources for working individuals with disabilities under the BBA, the following methodologies are applied:</p> <p>___ The methodologies of the SSI program.</p> <p>___ The agency uses methodologies for treatment of Income and resources more restrictive than the SSI program. These more restrictive methodologies are described in <a href="#">Supplement 4</a> (income) and/or <a href="#">Supplement 5</a> (resources) to Attachment 2.6-A.</p> <p>___ The agency uses more liberal income and/or resource methodologies than the SSI program. More liberal methodologies are described in <a href="#">Supplement 8a to Attachment 2.6-A</a>. More liberal resource methodologies are described in <a href="#">Supplement 8b to Attachment 2.6-A</a>.</p>

TN #03-11

Supersedes TN NEW

Approval Date June 26, 2003

Effective Date July 01, 2003

New York  
12d

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act	<p>(ii) <b><u>Working Individuals with Disabilities - Basic Coverage Group – TWWIIA</u></b></p> <p>In determining financial eligibility for working individuals with disabilities under this provision, the following standards and methodologies are applied:</p> <p><input type="checkbox"/> The agency does not apply any income or resource standard.</p> <p>NOTE: If the above option is chosen, no further eligibility-related options should be elected.</p> <p><input checked="" type="checkbox"/> The agency applies the following income and/or resource standard(s):</p> <p>Net available monthly income, using SSI methodology for a one-person or a two-person household, may not exceed 250 percent of the applicable Federal Poverty Level. Countable resources may not exceed [the Medically Needy resource level] <u>\$20,000</u> for a one-person or <u>\$30,000</u> for a two-person household.</p>

TN #11-44  
Supersedes TN #08-10

Approval Date December 07, 2011  
Effective Date October 01, 2011

New York  
12e

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act (cont.)	<p data-bbox="764 453 1097 485"><b><u>Income Methodologies</u></b></p> <p data-bbox="764 525 1391 625">In determining whether an individual meets the income standard described above, the agency uses the following methodologies.</p> <ul style="list-style-type: none"> <li data-bbox="764 665 1391 735"><u>X</u> The income methodologies of the SSI program.</li> <li data-bbox="764 774 1391 978">— The agency uses methodologies for treatment of income that are more restrictive than the SSI program. These more restrictive methodologies are described in <a href="#">Supplement 4 to Attachment 2.6-A</a>.</li> <li data-bbox="764 1018 1391 1186">— The agency uses more liberal income methodologies than the SSI program. More liberal income methodologies are described in <a href="#">Supplement 8a to Attachment 2.6-A</a>.</li> </ul>

TN #03-11  
Supersedes TN NEW

Approval Date June 26, 2003  
Effective Date July 01, 2003

New York  
12f

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act (cont.)	<p data-bbox="738 451 1097 483"><b><u>Resource Methodologies</u></b></p> <p data-bbox="738 522 1377 623">In determining whether the individual meets the resource standard described above, the agency uses the following methodologies.</p> <p data-bbox="738 663 1377 1010">Unless one of the following items is checked the agency, under the authority of section 1902(r)(2) of the Act, disregards all funds held in retirement funds and accounts, including private retirement accounts such as IRAs and other individual accounts, and employer-sponsored retirement plans such as 401(k) plans, Keogh plans, and employer pension plans. Any disregard involving retirement accounts is separately described in <a href="#">Supplement 8b to Attachment 2.6-A</a>.</p> <p data-bbox="738 1050 1377 1150">____ The agency disregards funds held in employer-sponsored retirement plans, but not private retirement plans.</p> <p data-bbox="738 1190 1377 1360">____ The agency disregards funds in retirement accounts in a manner other than those described above. The agency's disregards are specified in <a href="#">Supplement 8b to Attachment 2.6-A</a>.</p>

TN   #03-11    
Supersedes TN   NEW  

Approval Date   June 26, 2003    
Effective Date   July 01, 2003



**New York  
12g**

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act (cont.)	___ The agency does not disregard funds in retirement accounts.
	<u>X</u> The agency uses resource methodologies in addition to any indicated above that are more liberal than those used by the SSI program. More liberal resource methodologies are described in <a href="#">Supplement 8b to Attachment 2.6-A</a> .
	___ The agency uses the resource methodologies of the SSI program.
	___ The agency uses methodologies for treatment of resources that are more restrictive than the SSI program. These more restrictive methodologies are described in <a href="#">Supplement 5 to Attachment 2.6-A</a> .

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New York  
12h

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XVI) of the Act	<p data-bbox="670 451 1382 552">(iii) <u>Working Individuals with Disabilities – Employed Medically Improved Individuals – TWWIIA</u></p> <p data-bbox="740 590 1344 730">In determining financial eligibility for employed medically improved individuals under this provision, the following standards and methodologies are applied:</p> <p data-bbox="740 768 1349 833">___ The agency does not apply any income or resource standard.</p> <p data-bbox="810 871 1357 972">NOTE: If the above option is chosen, no further eligibility-related options should be elected.</p> <p data-bbox="740 1010 1333 1079"><u>X</u> The agency applies the following income and/or resource standards(s):</p> <p data-bbox="810 1117 1390 1394">Net available monthly income, using SSI methodology for a one-person or two-person household, may not exceed 250% of the applicable Federal Poverty Level. Countable resources may not exceed [the Medically Needy resource level] <u>\$20,000</u> for a one-person or <u>\$30,000</u> for a two-person household.</p>

TN #11-44  
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New York  
12i

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XVI) of the Act (cont.)	<p data-bbox="740 453 1073 485"><b><u>Income Methodologies</u></b></p> <p data-bbox="740 525 1360 625">In determining whether an individual meets the income standard described above, the agency uses the following methodologies.</p> <ul style="list-style-type: none"> <li data-bbox="740 663 1292 730"><u>  X  </u> The income methodologies of the SSI program.</li> <li data-bbox="740 770 1360 976">_____ The agency uses methodologies for treatment of income that are more restrictive than the SSI program. These more restrictive methodologies are described in <a href="#">Supplement 4 to Attachment 2.6-A</a>.</li> <li data-bbox="740 1016 1360 1186">_____ The agency uses more liberal income methodologies than the SSI program. More liberal methodologies are described in <a href="#">Supplement 8a to Attachment 2.6-A</a>.</li> </ul>

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Approval Date   June 26, 2003    
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New York  
12j

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XVI) of the Act (cont.)	<p data-bbox="738 451 1097 483"><b><u>Resource Methodologies</u></b></p> <p data-bbox="738 522 1385 625">In determining whether the individual meets the resource standard described above, the agency uses the following methodologies.</p> <p data-bbox="738 665 1385 1010">Unless one of the following items is checked the agency, under the authority of section 1902(r)(2) of the Act, disregards all funds held in retirement funds and accounts, including private retirement accounts such as IRAs and other individual accounts, and employer-sponsored retirement plans such as 401(k) plans, Keogh plans, and employer pension plans. Any disregard involving retirement accounts is separately described in <a href="#">Supplement 8b to Attachment 2.6-A</a>.</p> <p data-bbox="738 1050 1385 1152">_____ The agency disregards funds held employer-sponsored retirement plans, but not private retirement plans.</p> <p data-bbox="738 1192 1385 1360">_____ The agency disregards funds in retirement accounts in a manner other than those listed above. The agency's disregards are specified in <a href="#">supplement 8b to Attachment 2.6-A</a>.</p>

TN   #03-11  Supersedes TN   NEW  Approval Date   June 26, 2003  Effective Date   July 01, 2003

**New York**  
**12k**

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XVI) of the Act (cont.)	<p data-bbox="787 451 1370 516">___ The agency does not disregard funds in retirement accounts.</p> <p data-bbox="787 556 1409 800"><u>X</u> The agency uses resource methodologies in addition to any indicated above that are more liberal than those used by the SSI program. More liberal resource methodologies are described in <a href="#">Supplement 8b to Attachment 2.6-A</a>.</p> <p data-bbox="787 840 1308 905">___ The agency uses the resource methodologies of the SSI program.</p> <p data-bbox="787 945 1393 1148">___ The agency uses methodologies for treatment of resources that are more restrictive than the SSI program. These more restrictive methodologies are described in <a href="#">Supplement 5 to Attachment 2.6-A</a>.</p>

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New York  
12I

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XVI) and 1905(v)(2) of the Act	<p data-bbox="740 453 1401 520"><b><u>Definition of Employed – Employed Medically Improved Individuals – TWWIIA</u></b></p> <p data-bbox="740 558 1330 695"><u>  X  </u> The agency uses the statutory definition of “employed”, i.e., earning at least the minimum wage, and working at least 40 hours per month.</p> <p data-bbox="740 735 1352 938"><u>      </u> The agency uses an alternative definition of “employed” that provides for substantial and reasonable threshold criteria for hours of work, wages, or other measures. The agency’s threshold criteria are described below:</p>

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New York  
12m

Citation	Condition or Requirement
1902(a)(10)(A)(ii)(XIII), (XV), (XVI), and 1916(g) of the Act	<p><b><u>Payment of Premiums or Other Cost Sharing Charges</u></b></p> <p>For individuals eligible under the BBA eligibility group described in No. 25 on page 23f of Attachment 2.2-A:</p> <p>_____ The agency requires payment of premiums or other cost-sharing charges on a sliding scale based on income. The premiums or other cost-sharing charges, and how they are applied, are described below:</p>

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**New York  
12n**

Citation	Condition or Requirement
1902(a)(10)(A)(ii)(XIII), (XV), (XVI), and 1916(g) of the Act (cont.)	<p>For individuals eligible under the Basic Coverage Group described in No. 26 on page 23f of Attachment 2.2-A, and the Medical Improvement Group described in No. 27 on page 23f of Attachment 2.2-A:</p> <p>NOTE: Regardless of the option selected below, the agency MUST require that individuals whose annual adjusted gross income, as defined under IRS statute, exceeds \$75,000 pay 100 percent of premiums.</p> <p><u>  X  </u> The agency requires individuals to pay premiums or other cost-sharing charges on a sliding scale based on income. For individuals with net annual income below 450 percent of the Federal poverty level for a family of the size involved, the amount of premiums cannot exceed 7.5 percent of the individual's income.</p> <p>The premiums or other cost-sharing charges, and how they are applied, are described on page 12o.</p>

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New York  
12o

Citation	Condition or Requirement
Sections 1902(a)(10)(A) (ii)(XV), (XVI), and 1916(g) of the Act (cont.)	<p data-bbox="703 451 1333 485"><b><u>Premiums and Other Cost-Sharing Charges</u></b></p> <p data-bbox="703 522 1300 659">For the Basic Coverage Group and the Medical Improvement Group, the agency's premium or other cost-sharing charges, and how they are applied, are described below.</p> <p data-bbox="750 697 1333 1043">A person whose net available income is at least 150 percent of the applicable Federal Poverty Level must pay a premium equal to the sum of 3 percent of the person's net earned income and 7.5 percent of the person's net unearned income. No premium shall be required from a person whose net available income is less than 150 percent of the applicable Federal income official Poverty Level.</p>

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New York  
12 M-2

Citation	Condition or Requirement
	(4) Other deductions from income applied under the Medicaid plan.
	(5) Required incurred medical and remedial services.
	<b>5. Resource Exemptions – Categorically and Medically Needy</b>
1902(a)(10) and 1902(m)(1) (C) of the Act P.L. 97-248 (Section 137) and P.L. 99-509 (Section 9402)	<p>a. Except as specified in item C.5.e below, in determining countable resources for AFDC related individuals, the disregards and exemptions in the State's approved AFDC plan are applied.</p> <p>b. In determining countable resources for aged individuals, including aged individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied:</p> <p><u>  X  </u> The disregards of the SSI program. *</p> <p><u>      </u> The disregards of the SSI program, except for the following restrictions, applied under the provisions of section 1902(f) of the Act:</p> <p>c. In determining countable resources for blind individuals, the following disregards are applied:</p> <p><u>  X  </u> The disregards of the SSI program. *</p> <p><u>      </u> The disregards of the SSI program, except for the following restrictions applied under the provisions of section 1902(f) of the Act:</p>

\* Except for less restrictive disregards as specified in Supplement 12 to Attachment 2.6A of the State Plan 85-25.

TN   #87-35   Approval Date   December 5, 1991    
Supersedes TN   #86-29A   Effective Date   July 01, 1987

**New York**  
**13**

Citation	Condition or Requirement
1902(k) of the Act	<p><b>2. Medicaid Qualifying Trusts</b></p> <p>In the case of a Medicaid qualifying trust described in section 1902(k)(2) of the Act, the amount from the trust that is deemed available to the individual who established the trust (or whose spouse established the trust) is the maximum amount that the trustee(s) is permitted under the trust to distribute to the individual. This amount is deemed available to the individual, whether or not the distribution is actually made. This provision does not apply to any trust or initial trust decree established before April 7, 1986, solely for the benefit of a mentally retarded individual who resides in an intermediate care facility for the mentally retarded.</p> <p>[ ] The agency does not count the funds in a trust as described above in any instance where the State determines that it would work an undue hardship. <a href="#">Supplement 10 of ATTACHMENT 2.6-A</a> specifies what constitutes an undue hardship.</p>
1902(a)(10) of the Act	<p><b>3. Medically needy income levels (MNILs)</b> are based on family size.</p> <p><a href="#">Supplement 1 to ATTACHMENT 2.6-A</a> specifies the MNILs for all covered medically needy groups. If the agency chooses more restrictive levels under section 1902(f) of the Act, <a href="#">Supplement 1</a> so indicates.</p>

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New York  
13 M-2

Citation	Condition or Requirement
1902(a)(10) and 1902(m)(1)(C) of the Act, P.L. 97-248 (Section 137) and P.L. 99-509 (Section 9402)	d. In determining countable resources for disabled individuals, including disabled individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied:  <input checked="" type="checkbox"/> The disregards of the SSI program. *  <input type="checkbox"/> The disregards of the SSI program, except for the following restrictions applied under the provision of section 1902(f) of the Act:
1902(1)(3)(B) of the Act, P.L. 99-509 (Section 9401(b))	e. In determining countable resources of women during pregnancy and during the 60-day period beginning on the last day of pregnancy covered under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act, the following disregards are applied:  <input type="checkbox"/> Not applicable. No resource standard is applied.  <input type="checkbox"/> The disregards of the SSI program.  <input type="checkbox"/> The following disregards which are different but not more restrictive than the disregards of the SSI program:

\* Except for less restrictive disregards as specified in Supplement 11 and 12 to Attachment 2.6A of the State Plan 85-25.

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Approval Date December 5, 1991  
Effective Date July 01, 1987

New York  
13 (17b-1)

Citation	Condition or Requirement
1902(1)(3)(B) of the Act, P.L. 99-509 (Section 9401(b))	<p>e. In determining countable resources of women during pregnancy and during the 60-day period beginning on the last day of pregnancy covered under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act, the following disregards are applied:</p> <p><u>  X  </u> Not applicable. No resource standard is applied.</p> <p><u>      </u> The disregards of the SSI program.</p> <p><u>      </u> The following disregards which are different but not more restrictive than the disregards of the SSI program:</p>

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New York  
14

Citation	Condition or Requirement
42 CFR 435.732, 435.831	<p><b>4. Handling of Excess Income – Spend-down for the Medically Needy in All States and the Categorically Needy in 1902(f) States Only</b></p> <p><b>a. <u>Medically Needy</u></b></p> <p>(1) Income in excess of the MNIL is considered as available for payment of medical care and services. The Medicaid agency measures available income for periods of either <u>1</u> or <u>6</u> month(s) (not to exceed 6 months) to determine the amount of excess countable income applicable to the cost of medical care and services.</p> <p>(2) If countable income exceeds the MNIL standard, the agency deducts the following incurred expenses in the following order:</p> <p>(a) Health insurance premiums, deductibles and coinsurance charges.</p> <p>(b) Expenses for necessary medical and remedial care not included in the plan.</p> <p>(c) Expenses for necessary medical and remedial care included in the plan.</p> <p>____ Reasonable limits on amounts of expenses deducted from income under a.(2)(a) and (b) above are listed below.</p>
1902(a)(17) of the Act	Incurred expenses that are subject to payment by a third party are not deducted unless the expenses are subject to payment by a third party that is a publicly funded program (other than Medicaid) of a State or local government.

TN #91-78Approval Date March 11, 1992Supersedes TN #87-35AEffective Date October 01, 1991

New York  
14a

Citation	Condition or Requirement
1903(f)(2) of the Act	<p>a. <u>Medically Needy (continued)</u></p> <p><u>X</u> (3) If countable income exceeds the MNIL standard, the agency deducts spenddown payments made to the State by the individual.</p>

TN #91-78  
Supersedes TN NEW

Approval Date March 11, 1992  
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New York  
14aa

Citation	Condition or Requirement
1902(a)(17) 435.831(g)(2) 436.831(g)(2)	<p data-bbox="834 453 1252 485"><b><u>Medically Needy (continued)</u></b></p> <p data-bbox="834 525 1263 695">States are permitted to exclude from incurred medical expenses those bills for services furnished more than three months before a Medicaid Application</p> <p data-bbox="834 735 1310 800"><input type="checkbox"/> Yes, the State elects to exclude such expenses.</p> <p data-bbox="834 840 1300 907"><input checked="" type="checkbox"/> No, the State does not elect to exclude such expenses.</p>

TN #96-20

Supersedes TN NEW

Approval Date August 5, 1996

Effective Date April 01, 1996



New York  
15

Citation	Condition or Requirement
42 CFR 435.732	<p><b>b. <u>Categorically Needy – Section 1902(f) States</u></b></p> <p>The agency applies the following policy under the provisions of section 1902(f) of the Act. The following amounts are deducted from income to determine the individual's countable income:</p> <ol style="list-style-type: none"> <li>(1) Any SSI benefit received.</li> <li>(2) Any State supplement received that is within the scope of an agreement described in sections 1616 or 1634 of the Act, or a State supplement within the scope of section 1902(a)(10)(A)(ii)(XI) of the Act.</li> <li>(3) Increases in OASDI that are deducted under §§435.134 and 435.135 for individuals specified in that section, in the manner elected by the State under that section.</li> <li>(4) Other deductions from income described in this plan at <u>Attachment 2.6-A, Supplement 4</u>.</li> <li>(5) Incurred expenses for necessary medical and remedial services recognized under State law.</li> </ol>
1902(a)(17) of the Act, P.L. 100-203	<p>Incurred expenses that are subject to payment by a third party are not deducted unless the expenses are subject to payment by a third party that is a publicly funded program (other than Medicaid) of a State or local government.</p>

TN #91-78Approval Date March 11, 1992Supersedes TN #87-35AEffective Date October 01, 1991

New York  
15a

Citation	Condition or Requirement
1903(f)(2) of the Act	<p><b>4.b. <u>Categorically Needy – Section 1902(f) States Continued</u></b></p> <p>____ (6) Spenddown payments made to the State by the individual.</p> <p>NOTE: FFP will be reduced to the extent a State is paid a spenddown payment by the individual.</p>

TN #91-78  
Supersedes TN NEW

Approval Date March 11, 1992  
Effective Date October 01, 1991

New York  
16

Citation	Condition or Requirement
5. <u>Methods for Determining Resources</u>	
a. <u>AFDC-related individuals (except for poverty level related pregnant women, infants, and children).</u>	
(1) In determining countable resources for AFDC-related individuals, the following methods are used:	
(a) The methods under the State's approved AFDC plan; and	
[X] (b) The methods under the State's approved AFDC plan and/or any more liberal methods described in <u>Supplement 8b to ATTACHMENT 2.6-A.</u>	
(2) In determining relative financial responsibility, the agency considers only the resources of spouses living in the same household as available to spouses and the resources of parents as available to children living with parents until the children become 21.	

TN #91-78Approval Date March 11, 1992Supersedes TN #87-35AEffective Date October 01, 1991

New York  
16a

Citation	Condition or Requirement
1902(a)(10)(A), 1902(a)(10)(C), 1902(m)(1)(B) and (C), and 1902(r) of the Act	<p data-bbox="667 453 1268 485"><b>5. <u>Methods for Determining Resources</u></b></p> <p data-bbox="740 522 1438 657"><b>b. <u>Aged individuals.</u></b> For aged individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act, the agency used the following methods for treatment of resources:</p> <p data-bbox="813 699 1338 730">___ The methods of the SSI program.</p> <p data-bbox="813 772 1419 867"><u>X</u> SSI methods and/or any more liberal methods described in <u>Supplement 8b to ATTACHMENT 2.6-A</u>.</p> <p data-bbox="813 909 1471 1184">___ Methods that are more restrictive (except for individuals described in section 1902(m)(1) of the Act) and/or more liberal than those of the SSI program. <u>Supplement 5 to ATTACHMENT 2.6-A</u> describes the more restrictive methods and <u>Supplement 8b to ATTACHMENT 2.6-A</u> specifies the more liberal methods.</p>

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Approval Date March 11, 1992  
Effective Date October 01, 1991

New York  
17

Citation	Condition or Requirement
1902(a)(10)(A), 1902(a)(10)(C), 1902(m)(1)(B), and 1902(r) of the Act	<p data-bbox="812 453 1489 590">In determining relative financial responsibility, the agency considers only the resources of spouses living in the same household as available to spouses.</p> <p data-bbox="738 627 1360 730">c. <b><u>Blind individuals.</u></b> For blind individuals the agency uses the following methods for treatment of resources:</p> <ul style="list-style-type: none"> <li data-bbox="812 768 1338 800">___ The methods of the SSI program.</li> <li data-bbox="812 837 1419 940"><u>X</u> SSI methods and/or any more liberal methods described in <u>Supplement 8b to ATTACHMENT 2.6-A.</u></li> <li data-bbox="812 978 1468 1188">___ Methods that are more restrictive and/or more liberal than those of the SSI program. <u>Supplement 5 to ATTACHMENT 2.6-A</u> describe the more restrictive methods and <u>Supplement 8b to ATTACHMENT 2.6-A</u> specify the more liberal methods.</li> </ul> <p data-bbox="812 1226 1489 1396">In determining relative financial responsibility, the agency considers only the resources of spouses living in the same household as available to spouses and resources of parents as available to children living with parents until the children become 21.</p>

TN #91-78Supersedes TN #88-35Approval Date March 11, 1992Effective Date October 01, 1991

**New York**  
**18**

Citation	Condition or Requirement
1902(a)(10)(A), 1902(a)(10)(C), 1902(m)(1)(B) and (C), and 1902(r)(2) of the Act	<p><b>d. Disabled individuals, including individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act.</b> The agency uses the following methods for the treatment of resources:</p> <p>___ The methods of the SSI program.</p> <p><u>X</u> SSI methods and/or any more liberal methods described in Supplement 8a to ATTACHMENT 2.6-A.</p> <p>___ Methods that are more restrictive (except for individuals described in section 1902(m)(1) of the Act) and/or more liberal than those under the SSI program. More restrictive methods are described in Supplement 5 to ATTACHMENT 2.6-A and more liberal methods are specified in Supplement 8b to ATTACHMENT 2.6-A.</p> <p>In determining relative financial responsibility, the agency considers only the resources of spouses living in the same household as available to spouses and the resources of parents as available to children living with parents until the children become 21.</p>
[1902(1)(3) and 1902(r)(2) of the Act]	<p><b>[e. Poverty level pregnant women covered under sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX)(A) of the Act.</b></p> <p>The agency uses the following methods in the treatment of resources.</p> <p>___ The methods of the SSI program only.</p> <p>___ The methods of the SSI program and/or any more liberal methods described in Supplement 5a or Supplement 8b to ATTACHMENT 2.6-A.]</p>

TN #13-0053  
Supersedes TN #91-0078

Approval Date June 26, 2014  
Effective Date January 1, 2014

New York  
18 M-2

Citation	Condition or Requirement
1902(a)(10)(A), 1902(a)(10)(C), and 1902(m)(1)(B) and (C) of the Act, P.L. 99-509 (Section 9402(a))	<b>10. Treatment of Income and Resources – Categorically and Medically Needy and Qualified Medicare Beneficiaries</b>
	a. AFDC related individuals (other than under items 9.e. and f. below)  The agency uses the same methodologies for treatment of income and resources as used in the State's approved AFDC State plan.
	b. Aged individuals, including individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act  <input checked="" type="checkbox"/> The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate). *
	<input type="checkbox"/> The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under section 1902(f) of the Act. The methodologies are described in <u>Supplement 5 to ATTACHMENT 2.6-A</u> .
	c. Blind individuals  <input checked="" type="checkbox"/> The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate). *
	<input type="checkbox"/> The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under section 1902(f) of the Act.

\* Except for less restrictive disregards as specified in Supplement 11 and 12 to Attachment 2.6A of the State Plan 85-25.

TN #87-35

Approval Date December 5, 1991

Supersedes TN NEW

Effective Date July 01, 1987

New York  
19

[Citation]	Condition or Requirement
1902(1)(3) and 1902(r)(2) of the Act	<p>___ Methods that are more liberal than those of SSI. The more liberal methods are specified in Supplement 5a or Supplement 8b to ATTACHMENT 2.6-A.</p> <p><u>X</u> Not applicable. The agency does not consider resources in determining eligibility.</p> <p>In determining relative financial responsibility, the agency considers only the resources of spouses living in the same household as available to spouses and the resources of parents available to children living with parents until the children become 21.</p>
1902(1)(3)(C) of the Act	<p><b>f. Poverty level infants covered under section 1902(a)(10)(A)(i)(IV) of the Act.</b></p> <p>The agency uses the following methods for the treatment of resources:</p> <p>___ The methods of the State's approved AFDC plan.</p> <p>___ Methods more liberal than those in the State's approved AFDC plan (but not more restrictive), in accordance with section 1902(1)(3)(C) of the Act, as specified in Supplement 5a to ATTACHMENT 2.6-A.</p>
1902(r)(2) of the Act	<p>___ Methods more liberal than those in the State's approved AFDC plan (but not more restrictive), as described in Supplement 5a or Supplement 8b to ATTACHMENT 2.6-A.</p> <p><u>X</u> Not applicable. The agency does not consider resources in determining eligibility.]</p>

TN #13-0053Supersedes TN #91-0078Approval Date June 26, 2014Effective Date January 1, 2014



New York  
19a

[STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
1902(1)(3) and 1902(r)(2) of the Act	<p><b>g. 1. Poverty level children covered under section 1902(a)(10)(A)(i)(VI) of the Act.</b></p> <p>The agency uses the following methods for the treatment of resources:</p> <p>_____ The methods of the State's approved AFDC plan.</p>
1902(1)(3)(C) of the Act	<p>_____ Methods more liberal than those in the State's approved AFDC plan (but not more restrictive), in accordance with section 1902(1)(3)(C) of the Act, as specified in Supplement 5a of ATTACHMENT 2.6-A.</p>
1902(r)(2) of the Act	<p>_____ Methods more liberal than those in the State's approved AFDC plan (but not more restrictive), as described in Supplement 8b to ATTACHMENT 2.6-A.</p> <p><u>  X  </u> Not applicable. The agency does not consider resources in determining eligibility.</p> <p>In determining relative financial responsibility, the agency considers only the resources of spouses living in the same household as available to spouses and the resources of parents as available to children living with the parents until the children become 21.]</p>

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New York  
19b

[STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
1902(1)(3) and 1902(r)(2) of the Act	<p><b>g. 2. Poverty level children under section 1902(a)(10)(A)(i)(VII)</b></p> <p>The agency uses the following methods for the treatment of resources:</p> <p>___ The methods of the State's approved AFDC plan.</p>
1902(1)(3)(C) of the Act	<p>___ Methods more liberal than those in the State's approved AFDC plan (but not more restrictive) as specified in <a href="#">Supplement 5a of ATTACHMENT 2.6-A</a>.</p>
1902(r)(2) of the Act	<p>___ Methods more liberal than those in the State's approved AFDC plan (but not more restrictive), as described in <a href="#">Supplement 8b to ATTACHMENT 2.6-A</a>.</p> <p><u>X</u> Not applicable. The agency does not consider resources in determining eligibility.</p> <p>In determining relative responsibility, the agency considers only the resources of spouses living in the same household as available to spouses and the resources of parents as available to children living with parents until the children become 21.]</p>

TN #13-0053Approval Date June 26, 2014Supersedes TN #92-0027Effective Date January 1, 2014

New York  
19 M-2

Citation	Condition or Requirement
1902(a)(10)(A), 1902(a)(10)(C), and 1902(m)(1)(B) and (C) of the Act, P.L. 99-509 (Section 9402(a))	<p>The methodologies are described in <u>Supplement 5 to ATTACHMENT 2.6-A.</u></p> <p>d. <b>Disabled individuals, including individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act</b></p> <p><u>X</u> The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate). *</p> <p>___ The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under section 1902(f) of the Act. The methodologies are described in <u>Supplement 5 to ATTACHMENT 2.6-A.</u></p>
1902(1)(3) of the Act, P.L. 99-509 (Section 9401(b))	<p>e. <b>Individuals who are pregnant women covered under section 1902(a)(10)(A)(ii)(X)(A) of the Act.</b></p> <p>(1) <b><u>Treatment of Income</u></b></p> <p>The agency uses the same methodologies for treatment of income as used under --</p> <p>___ The State's approved AFDC plan.</p> <p>___ The approved title IV-E plan.</p> <p>(2) <b><u>Treatment of Resources</u></b></p> <p>___ The agency uses the same methodologies for treatment of resources as used in the SSI program. *</p>

\* Except for less restrictive disregards as specified in Supplement 11 and 12 to  
Attachment 2.6A of the State Plan 85-25.

TN #87-35 Approval Date December 5, 1991  
Supersedes TN NEW Effective Date July 01, 1987

New York  
20

Citation	Condition or Requirement
1905(p)(1) (C) and (D) and 1902(r)(2) of the Act	<p>5. h. <u>For Qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(i) of the Act</u> the agency uses the following methods for treatment of resources:</p> <p>___ The methods of the SSI program only.</p> <p><u>X</u> The methods of the SSI program and/or more liberal methods as described in <u>Supplement 8b to ATTACHMENT 2.6-A</u>.</p>
1905(s) of the Act	<p>i. For qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, the agency uses SSI program methods for the treatment of resources.</p>
1902(u) of the Act	<p>j. For COBRA continuation beneficiaries, the agency uses the following methods for treatment of resources:</p> <p><u>X</u> The methods of the SSI program only.</p> <p>___ More restrictive methods applied under section 1902(f) of the Act as described in <u>Supplement 5 to Attachment 2.6-A</u>.</p>

TN #91-78Supersedes TN #91-51Approval Date March 11, 1992Effective Date October 01, 1991

New York  
20a

Citation	Condition or Requirement
1902(a)(10)(E)(iii) of the Act	<p data-bbox="716 453 1474 552"><b>k. <u>Specified low-income Medicare beneficiaries covered under section 1902(a)(10)(E)(iii) of the Act --</u></b></p> <p data-bbox="764 594 1377 657">The agency uses the same method as in 5.h. of <u>Attachment 2.6-A</u>.</p> <p data-bbox="667 699 1321 730"><b>6. Resource Standard – Categorically Needy</b></p> <p data-bbox="716 772 1373 867">a. 1902(f) States (except as specified under items 6.c. and d. below) for aged, blind and disabled individuals:</p> <p data-bbox="764 909 1268 940">___ Same as SSI resource standards.</p> <p data-bbox="764 982 1052 1014">___ More restrictive.</p> <p data-bbox="764 1056 1386 1150">The resource standards for other individuals are the same as those in the related cash assistance program.</p> <p data-bbox="716 1192 1357 1255">b. Non-1902(f) States (except as specified under items 6.c. and d. below)</p> <p data-bbox="764 1297 1393 1360">The resource standards are the same as those in the related cash assistance program.</p> <p data-bbox="764 1402 1406 1503"><u>Supplement 8 to ATTACHMENT 2.6-A</u> specifies for 1902(f) States the categorically needy resource levels for all covered categorically needy groups.</p>

TN #93-27Supersedes TN #91-78Approval Date September 14, 1993Effective Date April 01, 1993

New York  
21

[STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
1902(1)(3)(A), (B) and (C) of the Act	<p>c. For pregnant women and infants covered under the provisions of section 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Act, the agency applies a resource standard.</p> <p>____ Yes. Supplement 2 to ATTACHMENT 2.6-A specifies the standard which, for pregnant women, is no more restrictive than the standard under the SSI program; and for infants is no more restrictive than the standard applied in the State's approved AFDC plan.</p> <p><u>  X  </u> No. The agency does not apply a resource standard to these individuals.</p>
1902(1)(3)(A) and (C) of the Act	<p>d. For children covered under the provisions of section 1902(a)(10)(A)(i)(VI) of the Act, the agency supplies a resource standard.</p> <p>____ Yes. Supplement 2 to ATTACHMENT 2.6-A specifies the standard which is no more restrictive than the standard applied in the State's approved AFDC plan.</p> <p><u>  X  </u> No. The agency does not apply a resource standard to these individuals.]</p>

TN   #13-0053    
Supersedes TN   #92-0027  

Approval Date   June 26, 2014    
Effective Date   January 1, 2014

**New York  
21a**

Citation	Condition or Requirement
[1902(m)(1)(C) and (m)(2)(B) of the Act]	<p data-bbox="743 443 1396 579">[e. For aged and disabled individuals described in section 1902(m)(1) of the Act who are covered under section 1902(a)(10)(A)(ii)(X) of the Act, the resource standard is:</p> <p data-bbox="789 617 1292 651">____ Same as SSI resource standards.</p> <p data-bbox="789 688 1419 825">____ Same as the medically needy resource standards, which are higher than the SSI resource standards (if the State covers the medically needy).</p> <p data-bbox="789 863 1435 932">Supplement 2 to ATTACHMENT 2.6-A specifies the resource levels for these individuals.]</p>

TN #13-0053

Supersedes TN #91-0078

Approval Date June 26, 2014

Effective Date January 1, 2014

**New York**  
**22**

Citation	Condition or Requirement
1902(a)(10)(C)(i) of the Act	<p><b>7. Resource Standard – Medically Needy</b></p> <p>a. Resource standards are based on family size.</p> <p>b. A single standard is employed in determining resource resource eligibility for all groups.</p> <p>— c. In 1902(f) States, the resource standards are more restrictive than in 7.b. above for --</p> <p>— Aged</p> <p>— Blind</p> <p>— Disabled</p> <p><u>Supplement 2 to ATTACHMENT 2.6-A</u> specifies the resource standards for all covered medically needy groups. If the agency chooses more restrictive levels under 7.c., <u>Supplement 2 to ATTACHMENT 2.6-A</u> so indicates.</p>
1902(a)(10)(E), 1905(p)(1)(D), 1905(p)(2)(B) and 1860D-14(a)(3)D of the Act	<p><b>8. Resource Standard – Qualified Medicare Beneficiaries, Specified Low-Income Medicare Beneficiaries and Qualifying Individuals</b></p> <p>For Qualified Medicare Beneficiaries covered under section 1902(a)(10)(E)(i) of the Act, Specified Low-Income Medicare Beneficiaries covered under section 1902(a)(10)(E)(iii) of the Act, and Qualifying Individuals covered under 1902(a)(10)(E)(iv) of the Act, the resource standard is three times the SSI resource limit, adjusted annually since 1996 by the increase in the consumer price index.</p>

TN #10-15

Supersedes TN #93-27

Approval Date September 15, 2010  
Effective Date April 01, 2010



New York  
22a

Citation	Condition or Requirement
1902(a)(10)(E)(ii), 1905(s) and 1860D-14(a)(3)(D) of the Act	<p><b>9. Resource Standard – Qualified Disabled and Working Individuals.</b></p> <p>For qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, the resource standard for an individual or a couple (in the case of an individual with a spouse) is two times the SSI resource limit.</p>
1902(u) of the Act	<p><b>10. For COBRA continuation beneficiaries, the resource standard is:</b></p> <p><u>  X  </u> Twice the SSI resource standard for an individual.</p> <p><u>      </u> More restrictive standard as applied under section 1902(f) of the Act as described in <u>Supplement 8 to Attachment 2.6-A.</u></p>

TN   #10-15    
Supersedes TN   #91-78  

Approval Date   September 15, 2010    
Effective Date   April 1, 2010

New York  
23

Citation	Condition or Requirement
1902(u) of the Act	<p><b>11. Excess Resources *</b></p> <p>a. Categorically Needy, Qualified Medicare Beneficiaries, Qualified Disabled and Working Individuals, and Specified Low-Income Medicare Beneficiaries, and Qualifying Individuals</p> <p>b. Categorically Needy Only</p> <p><u>  X  </u> This State has a section 1634 agreement with SSI. Receipt of SSI is provided for individuals while disposing of excess resources.</p> <p>c. Medically Needy</p> <p>Any excess resources make the individual ineligible.</p>

- In accordance with Westmiller v. Sullivan, individuals are allowed to use incurred medical bills to offset excess resources and become eligible for Medicaid. See Supplement 8b to Attachment 2.6-A.

TN   #10-15  

Approval Date   September 15, 2010  

Supersedes TN   #93-27  

Effective Date   April 1, 2010

New York  
23a

**ELIGIBILITY CONDITIONS AND REQUIREMENTS**

Citation	Condition or Requirement
_____	<p>d. As specified in <u>Supplement 4 to Attachment 2.6A</u>, the agency disregards the value of resources in addition to items 5a-c.</p>
<b>6.</b>	<p><b>Excess Resources – Categorically Needy and Medically Needy</b></p> <p>The method(s) checked below are used in handling resources in excess of those specified above:</p> <p>a. Categorically Needy</p> <p style="margin-left: 40px;"><u>  X  </u> Any excess resources make the individual ineligible.</p> <p style="margin-left: 40px;"><u>  X  </u> This State has a section 1634 agreement with SSI. Conditional eligibility is provided for individuals who are receiving SSI while disposing of excess resources.</p> <p>b. Medically Needy</p> <p>The method(s) checked below is used in handling resources in excess of those specified above:</p> <p style="margin-left: 40px;">_____ Excess non-income producing property (except the home) must be disposed of</p> <p style="margin-left: 40px;">_____ Any excess resources render the individual ineligible</p> <p style="margin-left: 40px;"><u>  X  </u> Other, described as follows:</p> <p style="margin-left: 80px;">Excess liquid assets are applied to cost of care</p>

\* See Supplement 12, page 2 to Attachment 2.6A

TN   #88-35  

Supersedes TN   NEW  

Approval Date   September 17, 1990  

Effective Date   October 1, 1982

New York  
23b

**ELIGIBILITY CONDITIONS AND REQUIREMENTS**

Citation	Condition or Requirement
	<b>7. Treatment of Income and Resources – Medically Needy</b>
	<p><u>*X</u> a. Individuals under 21.</p> <p style="padding-left: 40px;"><u>X</u> The agency uses the same methodologies for treatment of income and resources as used in the AFDC State plan.</p>

\* Except for the disregards as contained in NY 82-9 approved on 4/26/84 effective 1/1/82 and as protected under the moratorium provision of the DRA.

TN #88-35

Approval Date September 17, 1990

Supersedes TN NEW

Effective Date October 1, 1982

New York  
24

Citation	Condition or Requirement
42 CFR 435.914	<p><b>11. Effective Date of Eligibility</b></p> <p>a. Groups Other Than Qualified Medicare Beneficiaries</p> <p>(1) For the prospective period.</p> <p>Coverage is available for the full month if the following individuals are eligible at any time during the month.</p> <p><u>  X  </u> Aged, blind, disabled.  <u>  X  </u> AFDC-related.</p> <p>Coverage is available only for the period during the month for which the following individuals meet the eligibility requirements.</p> <p>___ Aged, blind, disabled.  ___ AFDC-related.</p> <p>(2) For the retroactive period.</p> <p>Coverage is available for three months before the date of application if the following individuals would have been eligible had they applied:</p> <p>___ Aged, blind, disabled.  ___ AFDC-related.</p> <p>Coverage is available beginning the first day of the third month before the date of application if the following individuals would have been eligible at any time during that month, had they applied.</p> <p><u>  X  </u> Aged, blind, disabled.  <u>  X  </u> AFDC-related.</p>
TN <u>  #91-78  </u> Supersedes TN <u>  #87-35A  </u>	Approval Date <u>  March 11, 1992  </u> Effective Date <u>  October 1, 1991  </u>

New York  
25

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**  
**ELIGIBILITY CONDITIONS AND REQUIREMENTS**

Citation(s)	Condition or Requirement
[1920(b)(1) of the Act]	<p data-bbox="776 556 1356 625">[ <u>  X  </u> (3) For a presumptive eligibility period for pregnant women only.</p> <p data-bbox="906 661 1450 1333">Coverage is available for ambulatory prenatal care for the period that begins on the day of a qualified provider determines that a woman meets any of the income eligibility levels specified in ATTACHMENT 2.6-A of this approved plan. If the woman files an application for Medicaid by the last day of the month following the month in which the qualified provider made the determination of presumptive eligibility, the period ends on the day that the State agency makes the determination of eligibility based on that application. If the woman does not file an application for Medicaid by the last day of the month following the month in which the qualified provider made the determination, the period ends on that last day.]</p>
1902(e)(8) and 1905(a) of the Act	<p data-bbox="727 1365 1412 1648"><u>  X  </u> b. For qualified Medicare beneficiaries defined in section 1905(p)(1) of the Act coverage is available beginning with the first day of the month after the month in which the individual is first determined to be a qualified Medicare beneficiary under section 1905(p)(1). The eligibility determination is valid for --</p> <p data-bbox="844 1680 1063 1717"><u>  X  </u> 12 months</p> <p data-bbox="844 1753 1047 1791"><u>      </u> 6 months</p> <p data-bbox="844 1827 1429 1890"><u>      </u> <u>      </u> months (no less than 6 months and no more than 12 months)</p>
TN <u>  #13-0053  </u>	Approval Date <u>  June 1, 2014  </u>
Supersedes TN <u>  #92-0027  </u>	Effective Date <u>  January 1, 2014  </u>

New York  
26

Citation	Condition or Requirement
1902(a)(18) and 1902(f) of the Act	<p><b>12. Pre-OBRA 93 Transfer of Resources – Categorically and Medically Needy, Qualified Medicare Beneficiaries, and Qualified Disabled and Working Individuals</b></p> <p>The agency complies with the provisions of section 1917 of the Act with respect to the transfer of resources.</p> <p>Disposal of resources at less than fair market value affects eligibility for certain services as detailed in <u>Supplement 9 to Attachment 2.6-A</u>.</p>
1917(c)	<p><b>13. Transfer of Assets – All eligibility groups</b></p> <p>The agency complies with the provisions of section 1917(c) of the Act, as enacted by OBRA 93, with regard to the transfer of assets.</p> <p>Disposal of assets at less than fair market value affects eligibility for certain services as detailed in <u>Supplement 9(a) to ATTACHMENT 2.6-A</u>, except in instances where the agency determines that the transfer rules would work an undue hardship.</p>
1917(d)	<p><b>14. Treatment of Trusts – All eligibility groups</b></p> <p>The agency complies with the provisions of section 1917(d) of the Act, as amended by OBRA 93, with regard to trusts.</p> <p>— The agency uses more restrictive methodologies under section 1902(f) of the Act, and applies those methodologies in dealing with trusts;</p> <p>— The agency meets the requirements in section 1917(d)(f)(B) of the Act for use of <u>Miller</u> trusts.</p> <p>The agency does not count the funds in a trust in any instance where the agency determines that the transfer would work an undue hardship, as described in <u>Supplement 10 to ATTACHMENT 2.6-A</u>.</p>

TN #95-12Supersedes TN #91-78Approval Date August 18, 1995Effective Date January 1, 1995

New York  
26a

Citation	Condition or Requirement
1924 of the Act	<p>13. The agency complies with the provisions of §1924 with respect to income and resource eligibility and posteligibility determinations for individuals who are expected to be institutionalized for at least 30 consecutive days and who have a spouse living in the community.</p> <p>When applying the formula used to determine the amount of resources in initial eligibility determinations, the State standard for community spouses is:</p> <p>___ the maximum standard permitted by law;</p> <p>___ the minimum standard permitted by law; or</p> <p><u>\$74,820</u> a standard that is an amount between the minimum and the maximum.</p>

TN #98-05  
Supersedes TN NEW

Approval Date May 15, 1998  
Effective Date January 1, 1998



STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

2.1 Application, Determination of Eligibility and Furnishing Medicaid  
(continued)

✓ (f) Using the Income Determination from another Means-Tested Public  
Benefit Program to Support Medicaid Determinations

- (1) The state elects the option to use income determined by the  
following means-tested public benefits program(s) to support  
Medicaid eligibility determinations:

    SNAP

✓ TANF

    Other Means-Tested Program: \_\_\_\_\_

In electing this option, the state assures that it:

- (a) Verifies citizenship and non-citizen status consistent with Medicaid  
statutory and regulatory requirements in Section 1137 of the Social  
Security Act, 42 CFR 435.406, and 435.407.
- (b) Complies with Medicaid reporting requirements with respect to  
participants enrolled through this strategy.
- (c) Provides applicants with program information required under 42 CFR  
435.905, such as information about available services and the rights and  
responsibilities of applicants and beneficiaries.
- (d) Has procedures to ensure that eligible individuals are enrolled in the  
appropriate Medicaid eligibility group. Description:

Medicaid workers in the local department of social services code Medicaid consumers based on their Medicaid eligibility group. There is a small population who may look like the Adult group, but have income over the MAGI level because they reside in temporary housing, such as motels, domestic violence shelters or AIDS housing, and receive an unlimited shelter allowance. The State will data mine for these consumers using codes available in their budgets and code them to claim the appropriate Federal share of 50 percent if they have income above 138 percent FPL. These consumers will still be eligible under the State's 1115 Waiver, which gives the authority to use the Temporary Assistance determination to authorize Medicaid coverage.

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York**

**SECTION 2- COVERAGE AND ELIGIBILITY**

- (e) Has procedures to ensure that eligible American Indians or Alaska Natives enrolled through this strategy are exempt from cost sharing/and or premiums, consistent with section 1916A(b)(3) of the Social Security Act. Description:

Medicaid does not have premiums. A majority of American Indian and Alaska Native consumers enrolled through this strategy will be below 100 percent of the FPL because Temporary Assistance first compares gross income to 100 percent FPL in order to be found eligible. Medicaid consumers with income under 100 percent FPL do not have cost sharing. A small number of consumers who reside in temporary housing, such as motels, domestic violence shelters or AIDS housing receive an unlimited shelter allowance and therefore may have income about 100 percent FPL. The State intends to data mine for individuals with unlimited shelter allowances to see if they are MAGI eligible. The State will also determine if there are eligible American/Indian or Alaska Natives who should not be charged a copayment and manually exempt them.

**2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)**

- (f) Has post-enrollment procedures to ensure assignment of rights to third party benefits and to secure cooperation in establishing medical support as appropriate, per 42 CFR 435.610.

**(2) SNAP-Specific Criteria**

- \_\_\_ (i) The state will use gross income determined by SNAP to support Medicaid eligibility determinations for all MAGI-based Medicaid eligibility groups at:

\_\_\_Initial application  
\_\_\_Renewal of Medicaid eligibility

In applying this option, all of the following conditions are met:

- (a) All members of the SNAP household are eligible for SNAP, other than for SNAP transitional benefits.
- (b) No one in the SNAP household has any type of income that is excluded in determining gross income for purposes of eligibility for SNAP, but would be included in MAGI-based income.
- (c) No one in the SNAP household is part of a tax household that includes an individual who lives outside the home.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

- (d) The SNAP household consists of individuals who live alone, parents living with their children, or married couples (with or without children), with the result that they will also be considered a household under Medicaid rules and either:
- There are no other members present who would not be considered to be part of the household used for purposes of determining MAGI-based Medicaid eligibility; or
  - Other members are present in the household, but the total household income is below the applicable Medicaid standard for a household of one.
- (e) Households with self-employment income are excluded from this option if the state uses a state-specific methodology for treating self-employment income in SNAP.

Does the state use a methodology for treating self-employment income that differs from the standard SNAP methodology?

☐ Yes

☐ No

**2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)**

- (f) None of the household's income is excluded from gross income as payment of child support for children living outside of the household.

Does the state exclude payment of child support for children from gross income when determining eligibility for SNAP?

☐ Yes, the state adds the amount of child support excluded to the household's SNAP gross income.

☐ Yes, these families will be excluded from the method.

☐ No

- (g) The state obtains all information necessary for a Medicaid eligibility determination that is not contained in the case record for SNAP. If available, electronic data sources are consulted before paper documentation is requested.

(ii) Collection of Information to Determine Eligibility

- (a) The state collects information to ensure that no one in the SNAP household is part of a tax household that includes an individual who lives outside the home through the following:
- ☐ Information is available through electronic data sources.

**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York**

**SECTION 2- COVERAGE AND ELIGIBILITY**

- ☐ Information is collected on the application or renewal form for the means-tested program.
- ☐ The state agency provides a form to the individual to complete and return.
- ☐ For renewals only, the state agency provides a renewal notice requesting that the beneficiary notify the agency if household information has changed.
- ☐ Other. Description:

**2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)**

- (b) The state identifies individuals who have income which is counted in determining household income using MAGI-based methodologies but is not included in SNAP gross income. This includes, but may not be limited to income received through an AmeriCorps Education Award not used for educational expenses, or income from a minor dependent child above the applicable tax filing threshold. The status uses the following processes:
- ☐ Information is available through electronic data sources.
  - ☐ Information is collected on the application or renewal form for the means-tested program.
  - ☐ The state agency provides a form to the individual to complete and return.
  - ☐ For renewals only, the state agency provides a renewal notice requesting that the beneficiary notify the agency if anyone in the household has a new type of income.
  - ☐ Other. Description:

- (c) The state obtains a signature authorizing a determination of Medicaid eligibility as required under 42 CFR 435.907(f).
- ☐ The household applies for Medicaid by requesting a Medicaid determination through the application for SNAP.
  - ☐ The household applies for Medicaid at its SNAP recertification by requesting a Medicaid determination on the SNAP recertification form.
  - ☐ Individuals are sent a separate form for signature and return. The state allows the form to be completed:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

- ☐ On paper
- ☐ By telephone
- ☐ Online
- ☐ Through other means. Description:

- ☐ Not applicable. State has only elected option to use strategy at Medicaid renewal.
- ☐ Other. Description:

2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)

(3) TANF-Specific Criteria

- ☒ (i) The state will use gross income determined by TANF to support Medicaid eligibility determinations for all MAGI-based Medicaid eligibility groups at:

- ☒ Initial application
- ☒ Renewal of Medicaid eligibility

In applying this option, all of the following conditions are met:

- (a) The state has completed or obtained a study indicating that the state's gross income determination under TANF rules is equal to a MAGI-based determination under the circumstances set forth in the SPA.
- (b) All members of the TANF assistance unit are eligible for TANF.
- (c) No one in the TANF assistance unit has any type of income that is excluded in determining income for purposes of TANF, but would be included in MAGI-based income.
- (d) No one in the TANF assistance unit is part of a tax household that includes an individual who lives outside the home.
- (e) The TANF assistance unit consists of individuals who live alone, parents living with their children, or married couples (with or without children), with the result that they will also be considered a household under Medicaid rules and either:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

- There are no other members present who would not be considered to be part of the household used for purposes of determining MAGI-based Medicaid eligibility; or
- Other members are present in the household, but the total household income is below the applicable Medicaid standard for a household of one.

**2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)**

- (f) Households with income from stepparents are excluded from this option if the state uses state-specific methodology to exclude any income from stepparents living the in TANF assistance unit.

Does the state exclude any portion of stepparents' income from the household income?

☐ Yes  
☒ No

- (g) The criteria described under this strategy are applied statewide in states with TANF eligibility requirements that vary by region.

Does the state have TANF eligibility requirements that vary by region?

☒ Yes. Description:

The standard of need varies by county in New York State. However, Temporary Assistance, statewide, first compares income to 100 percent of the FPL before comparing income to the county specific standard of need.

☐ No

- (h) The state obtains all information necessary for a Medicaid eligibility determination that is not contained in the case record for TANF. If available, electronic data sources are consulted before paper documentation is requested.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)

(ii) Collection of Information to Determine Eligibility

The state obtains all information necessary for a Medicaid eligibility determination that is not contained in the case record for TANF. If available, electronic data sources are consulted before paper documentation is requested.

(a) Describe how the state collects information to ensure that no one in the TANF household is part of a tax household that includes an individual who lives outside the home:

- ☐ Information is available through electronic data sources.
- ☒ Information is collected on the application or renewal form for TANF.
- ☐ The state agency provides a form to the individual to complete and return.
- ☐ The state agency provides a renewal notice requesting that the beneficiary notify the agency if household information has changed.
- ☐ Other. Description:

(b) Describe how the state identifies individuals who have income which is counted in determining household income using MAGI-based methodologies but is not included in TANF income:

- ☐ Information is available through electronic data sources.
- ☐ Information is collected on the application or renewal form for the means-tested program.
- ☐ The state agency provides a form to the individual to complete and return.
- ☐ For renewals only, the state agency provides a renewal notice requesting that the beneficiary notify the agency if anyone in the household has a new type of income.
- ☒ Other. Description:

Prior to performing a net income budget, the TANF budget first compares a consumer's gross income to 100 percent of the federal poverty level. All income included in a MAGI-based budget would be included in this poverty level test.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)

(c) Describe how the state obtains a signature authorizing a determination of Medicaid eligibility as required under 42 CFR 435.907(f).

- ☒ The household applies for Medicaid by requesting a Medicaid determination through the application for TANF.
- ☐ The household applies for Medicaid at its TANF recertification by requesting a Medicaid determination on the TANF recertification form.
- ☐ Individuals are sent a separate form for signature and return. The state allows the form to be completed:
- ☐ On paper
  - ☐ By telephone
  - ☐ Online
  - ☐ Through other means. Description: \_\_\_\_\_
- ☐ Not applicable. State has only elected option to use strategy at Medicaid renewal.
- ☐ Other. Description: \_\_\_\_\_

2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)

(4) Criteria for Other Public Means-Tested Benefit Program

\_\_\_ (i) The state will use gross income determined by \_\_\_\_\_ to support Medicaid eligibility determinations for all MAGI-based Medicaid eligibility groups at:

\_\_\_ Initial application  
\_\_\_ Renewal of Medicaid eligibility

In applying this option, the following conditions are met:

- (a) The state has completed or obtained a study indicating that the state's gross income determination for the means-tested benefit program described above is equal to a MAGI-based determination under the circumstances set forth in the SPA.
- (b) All members of the household for the [means-tested benefit program name] \_\_\_\_\_ are eligible for that program.



**STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York**

**SECTION 2- COVERAGE AND ELIGIBILITY**

- (c) No one in the household for the [means tested benefit program] has any type of income that is excluded in determining gross income for purposes of the program, but would be included in MAGI-based income.
- (d) No one in the household for the [means tested benefit program] is part of a tax household that includes an individual who lives outside the home.
- (e) The household for the means-tested benefit program consists of individuals who live alone, parents living with their children, or married couples (with or without children), with the result that they will also be considered a household under Medicaid rules and either:
  - o There are no other members present who would not be considered to be part of the household used for purposes of determining MAGI-based Medicaid eligibility; or
  - o Other members are present in the household, but the total household income is below the applicable Medicaid standard for a household of one.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

**2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)**

- (f) The household for the means-tested benefit program consists of individuals who live alone, parents living with their children, or married couples (with or without children), with the result that they will also be considered a household under Medicaid rules and either:
- There are no other members present who would not be considered to be part of the household used for purposes of determining MAGI-based Medicaid eligibility; or
  - Other members are present in the household, but the total household income is below the applicable Medicaid standard for a household of one.

- (g) The criteria described under this strategy are applied statewide in states with eligibility requirements for the means-tested program described above that vary by region.

Do the eligibility requirements for the means-tested program vary by region?

☐ Yes. Description:

☐ No

- (h) The state obtains all information necessary for a Medicaid eligibility determination that is not contained in the case record for the means-tested program. If available, electronic data sources are consulted before paper documentation is requested.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)

(iii) Collection of Information to Determine Eligibility

(a) Describe how the state collects information to ensure that no one in the [means-tested benefit program] household is part of a tax household that includes an individual who lives outside the home:

- ☐ Information is available through electronic data sources.
- ☐ Information is collected on the application or renewal form for the means-tested program.
- ☐ The state agency provides a form to the individual to complete and return.
- ☐ The state agency provides a renewal notice requesting that the beneficiary notify the agency if household information has changed.
- ☐ Other. Description:

(b) Describe how the state identifies individuals who have income which is counted in determining household income using MAGI-based methodologies but is not included in total income for the means-tested benefit program:

- ☐ Information is available through electronic data sources.
- ☐ Information is collected on the application or renewal form for the means-tested program.
- ☐ The state agency provides a form to the individual to complete and return.
- ☐ For renewals only, the state agency p a renewal notice requesting that the beneficiary notify the agency if anyone in the household has a new type of income.
- ☐ Other. Description:

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
STATE OF New York

SECTION 2- COVERAGE AND ELIGIBILITY

**2.1 Application, Determination of Eligibility and Furnishing Medicaid (continued)**

(c) Describe how the state obtains a signature authorizing a determination of Medicaid eligibility as required under 42 CFR 435.907(f).

- ☐ The household applies for Medicaid by requesting a Medicaid determination through the application for the means-tested benefit program.
- ☐ The household applies for Medicaid at recertification for the means-tested benefit program by requesting a Medicaid determination on the recertification form for the means tested benefit program.
- ☐ Individuals are sent a separate form for signature and return. . The state allows the form to be completed:
  - ☐ On paper
  - ☐ By telephone
  - ☐ Online
  - ☐ Through other means. Description:  
\_\_\_\_\_
- ☐ Not applicable. State has only elected option to use strategy at Medicaid renewal.
- ☐ Other. Description:

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