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**Resource Policies Permitted Under  
Section 1902(r)(2) of the Social Security Act**

<b>Disregard</b>	<b>How More Liberal</b>	<b>Groups Covered</b>	<b>Approved/ Protected by</b>
Savings of infants under age 21 of less than \$500	Additional resource is not considered in the determination of eligibility	All MN	Existing State policy since October 1, 1982 & 18 NYCRR 360-4.6(b)(5)
Trust funds of an infant under age 21 of less than \$1000	Additional resource is not considered in the determination of eligibility	All MN	Existing State policy since October 1, 1982
A car – no cap	No limit	All MN	18 NYCRR 360-4.7(a)(2)(iv)
Essential personal property – no cap	No limit	All MN	18 NYCRR 360-4.7(a)(2)
<del>Equity value of income producing property from \$6,000 to \$12,000</del>	<del>Equity value can exceed \$6,000 up to \$12,000</del>	<del>All MN</del>	<del>18 NYCRR 360-4.4(d)</del>
Resource eligibility achieved effective with the first day of the month (including retroactive period) in which resources are reduced to the allowable level.	Federal policy prohibits eligibility for entire month if applicant has excess resources on 12.01 am of the first day of the month. Federal policy also prohibits gaining resource eligibility for retroactive month(s) if excess resources existed in that month.	All MN	Existing State Policy since October 1, 1982

TN #91-50Approval Date November 19, 1991Supersedes TN #91-10Effective Date July 1, 1991

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Resource Policies Permitted Under  
Section 1902(r)(2) of the Social Security Act

Disregard	How More Liberal	Groups Covered	Approved/ Protected by
Equity value of income-producing property up to \$12,000	Equity value of up to \$12,000 not considered in the determination of eligibility	ADC-related MN	18 NYCRR 360-4.4
Equity value of nonbusiness income-producing property from \$6,000 to \$12,000	Equity value can exceed \$6,000 up to \$12,000	SSI-related MN	18 NYCRR 360-4.4

TN #91-50

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This provision supersedes the resource spend-down provision on Supplement 12, page 1 and all other resource spend-down prohibitions, which were voided by the United States District Court for the Western District of New York in its final order entered on February 6, 1990 and retroactive to January 1, 1982.

Case: Westmiller v. Sullivan

<b><u>DISREGARD</u></b>	<b><u>HOW MORE LIBERAL</u></b>	<b><u>GROUPS COVERED</u></b>	<b><u>AS APPROVED AND PROTECTED BY</u></b>
Resource eligibility achieved effective with the first day of the month (including retro-active period) in which resources are reduced to the allowable level.	Federal policy prohibits eligibility for entire month if applicant has excess resources on 12:01 A.M. of the first day of the month. Federal policy also prohibits gaining resource eligibility for retroactive month(s) if excess resources existed in that month.	All MN	US District Court Order of 2/6/90 retroactive to 1/1/82

- incurred expenses subject to payment by third parties will not be deducted from resources to the same extent that such cannot be deducted in an income spend-down.
- the same incurred medical and remedial care expenses will not be used to meet both income and resources spend-down; and
- the Medicaid program will not pay for any of the incurred expenses used to meet the spend-down of resources provision.

TN #88-35  
Supersedes TN NEW

Approval Date September 17, 1990  
Effective Date October 1, 1982

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**RESOURCE POLICIES PERMITTED UNDER  
SECTION 1902(r)(2) OF THE SOCIAL SECURITY ACT**

<b>DISREGARD</b>	<b>HOW MORE LIBERAL</b>	<b>GROUPS COVERED</b>	<b>AS APPROVED AND PROTECTED BY</b>
Parental resources of pregnant minors (under 21) living with their parents are disregarded in determining the pregnant minor's eligibility	Parental resources are disregarded	MN Pregnant Women	<u>Woe v. Perales</u>

TN NY #90-58

Supersedes TN NEW

Approval Date July 27, 1992

Effective Date October 1, 1990

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**[STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT**

**ELIGIBILITY UNDER SECTION 1931 OF THE ACT**

The State covers low-income families and children under section 1931 of the Act.

The following groups were included in the AFDC State plan effective July 16, 1996:

  X   Pregnant woman with no other eligible children.

  X   AFDC children age 18 who are full-time students in a secondary school or in the equivalent level of vocational or technical training.

       In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996 without modification.

  X   In determining eligibility for Medicaid, the agency uses the AFDC standards and methodologies in effect as of July 16, 1996, with the following modifications.

       The agency applies lower income standards which are no lower than the AFDC standards in effect on May 1, 1988, as follows:

       The agency applies higher income standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1996, as follows:

The income standard by household size is based on 130% of the Suffolk County Standard of Need in 1996, adjusted each year effective January 1st by the annual increase in the October CPI-U. (see Page 4a)]

TN   #13-0053  

Supersedes TN   #08-0044  

Approval Date   June 26, 2014  

Effective Date   January 1, 014

Supplement 12 to Attachment 2.6-A

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[Section 1931 Income Levels]

[Household Size]	[Baseline (1996 Monthly Income Level; same level used 1997 through 2007)]	[130% of Baseline (2008 Monthly Income Level)]
[1]	[517.10]	[672]
[2]	[645.50]	[840]
[3]	[768.00]	[999]
[4]	[891.70]	[1,160]
[5]	[1,019.70]	[1,326]
[6]	[1,113.20]	[1,448]
[7]	[1,211.70]	[1,576]
[8]	[1,338.20]	[1,740]
[9]	[1,410.70]	[1,834]
[10]	[1,483.20]	[1,929]
[Each Additional]	[73]	[95]

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- ☐ The agency applies higher resource standards than those in effect as of July 16, 1996, increased by no more than the percentage increases in the CPI-U since July 16, 1996, as follows:
- ☒ The agency uses less restrictive income and/or resource methodologies than those in effect as of July 16, 1996, as follows:
1. Individual development accounts\*
  2. Household gross income is first compared to 185% of the 1931 income level for the appropriate household size. If gross income is equal to or below this level and the combined earned and unearned gross income does not exceed 100% of the federal poverty level (FPL) for a household of the appropriate size, a percentage (as defined below) of earned income is disregarded. This percentage disregard is calculated as follows: from 100% FPL amount for a household of three, subtract \$90 work disregard and the 1931 income level for a household of three. The amount remaining is divided by the difference between 100% FPL for a household of three and \$90. This result, rounded up, is the percent of earned income to be disregarded. This percentage is adjusted June 1<sup>st</sup> yearly, based on the Federal Poverty Level amounts published for that year in the Federal Register. However, if it is more advantageous, \$30 and 1/3 of the remaining income is disregarded if the employed person was on PA one of the four proceeding months instead of disregarding income based on the percentage above. At the conclusion of the four months, only the \$30 portion of the \$30 and 1/3 disregard is applied for an additional eight months.
  3. All wages paid by the Census Bureau for temporary employment related to Census activities are excluded.
  4. All resources are to be disregarded.

\*Individual development accounts (IDA) are excluded from resources; interest earned on IDA accounts is excluded from income.]

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[The income and/or resources methodologies in effect as of July 16, 1996 that the less restrictive methodologies replace are as follows:

1. Individual development accounts (IDA) are an available resource; interest from IDA is income.
2. The income standard is equal to the PA Standard of need, which is based on household size and county of residence, and consists of the Public Assistance (PA) basic allowance, home energy allowance, supplemental home energy allowance, shelter allowance, and fuel for heating allowance. The \$30 and 1/3 of remaining income is disregarded if the employed person was on PA one of the four preceding months. At the conclusion of the four months, only the \$30 portion of the \$30 and 1/3 disregard is applied for an additional eight months.
3. \$1500 equity value of an automobile is excluded from the total value; the remaining value is counted as an available resource.
4. Census Bureau wages are counted as earned income.
5. Countable resources cannot exceed \$1000.

\_\_\_ The agency terminates medical assistance (except for certain pregnant women and children) for individuals who fail to meet TANF work requirements.

\_\_\_ The agency continues to apply the following waivers of provisions of Part A of title IV in effect as of July 16, 1996, or submitted prior to August 22, 1996 and approved by the Secretary on or before July 1, 1997.]

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

ELIGIBILITY UNDER SECTION 1925 OF THE ACT  
TRANSITIONAL MEDICAL ASSISTANCE

The State covers low-income families and children for Transitional Medical Assistance (TMA) under section 1925 of the Social Security Act (the Act). This coverage is provided for families who no longer qualify under section 1931 of the Act due to increased earned income, or working hours, from the caretaker relative's employment, or due to the loss of a time-limited earned income disregard while there is a dependent child in the household. **([42 CFR 435.112,] 1902(a)(52), 1902(e)(1)(B), and 1925 of the Act)**

The amount, duration, and scope of services for this coverage are specified in Section 3.5 of this State plan.

For Medicaid eligibility to be extended through TMA, families must have been Medicaid eligible under section 1931 (months of retroactive eligibility may be used to meet this requirement):

X During at least 3 of the 6 months immediately preceding the month in which the family became ineligible under section 1931.

X For fewer than 3 of the 6 previous months immediately preceding the month in which the family became ineligible under section 1931. Specify:

**For at least 1 of the 6 previous months immediately preceding the month in which the family became ineligible under section 1931.**

The State extends Medicaid eligibility under TMA for an initial period of:

\_\_\_ 6 months. For TMA eligibility to continue into a second 6-month extension period, the family must meet the reporting, technical, and income eligibility requirements specified at section 1925(b) of the Act.

X 12 months. Section 1925(b) does not apply for a second 6-month extension period.

The State collects and reports participation information to the Department of Health and Human Services as required by section 1925(g) of the Act, in accordance with the format, timing, and frequency specified by the Secretary and makes such information publicly available.

TN #11-05

Approval Date March 5, 2012

Supersedes TN #09-48

Effective Date October 1, 2011

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ADDENDUM

[STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

ELIGIBILITY UNDER SECTION 1931 OF THE ACT

The State covers low-income families and children under section 1931 of the Act.

X The agency uses less restrictive income and/or resource methodologies than those in effect as of July 16, 1996, as follows:

All wages paid by the Census Bureau for temporary employment related to Census 2000 activities are excluded.

\_\_\_ The income and/or resource methodologies that the less restrictive methodologies replace are as follows:]

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