Records / Submission Packages - Your State

# VA - Submission Package - VA2022MS0003O - (VA-23-0001) - Eligibility

-

Summary Reviewable Units News Related Actions

CMS-10434 OMB 0938-1188

Package Information		
Package ID	VA2022MS0003O Submission Type	Official
Program Name	N/A State	VA
SPA ID	VA-23-0001 Region	Philadelphia, PA
Version Number	1 Package Status	Submitted
Submitted By	Emily McClellan Submission Date	1/17/2023
	Regulatory Clock	90 days remain
	Review Status	Review 1

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS00030 | VA-23-0001

## **Package Header**

Package ID	VA2022MS0003O <b>SPA ID</b>	VA-23-0001
Submission Type	Official Initial Submission Date	1/17/2023
Approval Date	N/A Effective Date	N/A
Superseded SPA ID	N/A	
<b>Reviewable Unit Instructions</b>		
State Information		

State/Territory Name: Virginia

## **Submission Component**

State Plan Amendment

Medicaid

Medicaid Agency Name: Department of Medical Assistance Services

⊖ CHIP

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS0003O | VA-23-0001

## **Package Header**

Package ID VA2022MS00030 SPA ID VA-23-0001 Submission Type Official

- Approval Date N/A
- Superseded SPA ID N/A

**Reviewable Unit Instructions** 

## **SPA ID and Effective Date**

SPA ID VA-23-0001

Initial Submission Date 1/17/2023 Effective Date N/A

Reviewable Unit	Proposed Effective Date	Superseded SPA ID
More Restrictive Requirements than SSI under 1902(f) - (209(b) States)	1/1/2023	VA-18-0004
Handling of Excess Income (Spenddown)	1/1/2023	VA-18-0004
Optional Eligibility Groups	1/1/2023	VA-18-0004
Ticket to Work Basic	1/1/2023	VA-18-0004

Page Number of the Superseded Plan Section or Attachment (If Applicable):

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS00030 | VA-23-0001

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**Reviewable Unit Instructions** 

#### **Executive Summary**

 Summary Description Including
 This SPA submission increases the income eligibility for participation in the Medicaid Works program to 138 percent of the

 Goals and Objectives
 Federal Poverty Level.

## Federal Budget Impact and Statute/Regulation Citation

#### Federal Budget Impact

	Federal Fiscal Year	Amount
First	2023	\$253095
Second	2024	\$234422

#### Federal Statute / Regulation Citation

1902(a)(10)(A)(ii)(XV) of the Social Security Act

#### Supporting documentation of budget impact is uploaded (optional).

Name Date Created

No items available

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS00030 | VA-23-0001

## Package Header

Package IDVA2022MS00030SPA IDVA-23-0001Submission TypeOfficialInitial Submission Date1/17/2023Approval DateN/AEffective DateN/ASuperseded SPA IDNAInitial Submission DateInitial Submission DateReviewable Unit InstructionImage: Submission DateImage: Submission DateImage: Submission Date

# **Governor's Office Review**

No comment

Comments received

 $\bigcirc$  No response within 45 days

 $\bigcirc$  Other

# Submission - Medicaid State Plan

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS00030 | VA-23-0001

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The submission includes the following:

Administration

Eligibility

Income/Resource Methodologies

Eligibility Determinations of Individuals Age 65 or Older or Who Have Blindness or a Disability

MAGI-Based Methodologies

Non-MAGI Methodologies

More Restrictive Requirements than SSI under 1902(f) - (209(b) States)

Reviewable Unit Name	Included in Another Source Type Submission Package
More Restrictive Requirements than SSI under 1902(f) - (209(b) States)	NEW

Income/Resource Standards

AFDC Income Standards

Medically Needy Income Level

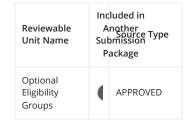
Handling of Excess Income (Spenddown)

Reviewable Unit Name	Included in Another Source Type Submission Package
Handling of Excess Income (Spenddown)	NEW

Medically Needy Resource Level

Mandatory Eligibility Groups

Optional Eligibility Groups



Non-Financial Eligibility

Eligibility and Enrollment Processes

Benefits and Payments

# **Submission - Public Comment**

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS00030 | VA-23-0001

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Superseded SPA ID	N/A		

**Reviewable Unit Instructions** 

#### Indicate whether public comment was solicited with respect to this submission.

Public notice was not federally required and comment was not solicited

O Public notice was not federally required, but comment was solicited

O Public notice was federally required and comment was solicited

# Submission - Tribal Input

MEDICAID   Medicaid State Plan   Eligib	ility   VA2022MS00030   VA-23-0001		
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Superseded SPA ID	N/A		
<b>Reviewable Unit Instructions</b>			
One or more Indian Health Program furnish health care services in this Yes		•	y to have a direct effect on Indians, ndian Organizations, as described in
○ No		• Yes	
-		◯ No	
			The state has solicited advice from Indian Health Programs and/or Urban Indian Organizations, as required by section 1902(a)(73) of the Social Security Act, and in accordance with the state consultation plan, prior to submission of this SPA.
	n regarding any solicitation of advice a consultation was conducted in the foll	nd/or tribal consultation conducted wi lowing manner:	th respect to this submission:
Date of solicitation/consultation:		Method of solicitation/consultation:	
12/14/2022		By emailed letter.	
All Urban Indian Organizations			
States are not required to consult wit consultation below:	th Indian tribal governments, but if such c	onsultation was conducted voluntarily, pro	ovide information about such
All Indian Tribes			
Date of consultation:		Method of consultation:	
12/14/2022		By emailed letter.	
sent to Indian Health Programs an with comments received from Indi	d/or Urban Indian Organizations, as we an Health Programs or Urban Indian O	of advice in accordance with statutory ell as attendee lists if face-to-face meet rganizations and the state's responses d describe how the state incorporated	ngs were held. Also upload documents to any issues raised. Alternatively
Name		Date Created	
Attachemnt-Tribal Notice Email		1/12/2023 11:32 AM EST	Por
23-0001 Tribal Notice Letter Signed	_12_14_2022	1/12/2023 11:35 AM EST	POP
Indicate the key issues raised (opti	ional)		

Access

Quality

Cost

Payment methodology

Eligibility

• Summarize comments: No comments, questions, or communications received in response to the emailed letter.

• Summarize response: N/A: No comments, questions, or communications received in response to the emailed letter.

Benefits

Service delivery

Other issue

# Medicaid State Plan Eligibility

Income/Resource Methodologies

#### More Restrictive Requirements than SSI under 1902(f) - (209(b) States)

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS00030 | VA-23-0001

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	User-Entered		

#### **Reviewable Unit Instructions**

Sup

The state applies more restrictive requirements than SSI under the authority of section 1902(f) of the Act, and consistent with 42 CFR 435.121.

## A. Use of More Restrictive Requirements

The state applies more restrictive eligibility requirements to individuals who are age 65 or older or who have blindness or disability. The more restrictive requirements are no more restrictive than those requirements contained in the state's Medicaid plan in effect on January 1, 1972. The state does not apply more restrictive requirements if:

1. The requirement conflicts with the requirements of section 1924 of the Act, which governs the eligibility and post-eligibility treatment of income and resources of institutionalized individuals with community spouses;

2. The requirement conflicts with a more liberal requirement which the agency has elected to use under 42 CFR 435.601; or

3. The more restrictive requirement conflicts with a more liberal requirement the state has elected to use under §435.234(c) in determining eligibility for State supplementary payments.

## **B.** Populations with More Restrictive Requirements

The state applies more restrictive requirements for the following populations:

1. Individuals age 65 or older

- 2. Individuals who have blindness
- 3. Individuals who have a disability

## C. Types of More Restrictive Requirements Used

The state applies more restrictive requirements for the following populations:

1. The state uses more restrictive requirements with respect to income.

2. The state uses more restrictive requirements with respect to resources.

3. The state uses more restrictive requirements with respect to the definition of disability.

 $\square$  4. The state uses more restrictive requirements with respect to the definition of blindness.

 $\Box$  5. The state uses more restrictive requirements with respect to financial responsibility of relatives.

6. The state uses other more restrictive requirements.

#### More Restrictive Requirements than SSI under 1902(f) - (209(b) States)

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**Reviewable Unit Instructions** 

#### E. More Restrictive Requirements with Respect to Resources

The following more restrictive requirements are used with respect to resources:

1. The state uses a lower resource standard than the SSI or the Optional State Supplement standard for eligibility groups under Mandatory Coverage and Options for Coverage.

2. The state uses more restrictive requirements with respect to the treatment of real property.

a. The state uses a more restrictive requirement with respect to the treatment of home property.

#### Description:

See Supplement 5 to Attachment 2.6-A

b. The state uses other more restrictive requirements related to real property.

Name of requirement:	Description:
Real Property	See Supplement 5 to Attachment 2.6-A

3. The state uses more restrictive requirements with respect to the treatment of lump sums.

4. The state uses more restrictive requirements with respect to the treatment of personal property.

5. The state uses other more restrictive requirements with respect to resources:

#### More Restrictive Requirements than SSI under 1902(f) - (209(b) States)

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS0003O | VA-23-0001

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**Reviewable Unit Instructions** 

#### J. Income Deductions

When applying more restrictive requirements, the state deducts SSI payments received by the individual and state supplement payments that meet the conditions specified in 42 CFR 435.232 and 435.234. The state also allows the following individuals to deduct incurred medical and remedial expenses (spend down) to become categorically eligible under the group for individuals in 209(b) states who are age 65 or over or who have blindness or a disability:

1. SSI beneficiaries and eligible spouses of SSI beneficiaries

2. State supplement recipients or individuals who are eligible for but not receiving a state supplementary payment.

3. Individuals who would be eligible for SSI/SSP but for OASDI COLA increases since April, 1977 (42 CFR 435.135)

In determining countable income used for the purpose of calculating spend down for this population, the state deducts OADSI benefits, as follows:

O a. All of the OASDI benefits is deducted from income.

○ b. Part of the OASDI benefits is deducted from income.

c. None of the OASDI benefits is deducted from income.

4. Disabled widows and widowers ineligible for SSI due to increase in OASDI (42 CFR 435.137)

In determining countable income used for the purpose of calculating spend down for this population, the state deducts OADSI benefits, as follows:

O a. All of the OASDI benefits is deducted from income.

O b. Part of the OASDI benefits is deducted from income.

c. None of the OASDI benefits is deducted from income.

#### 5. Disabled widows and widowers ineligible for SSI due to early receipt of social security (42 CFR 435.138)

In determining countable income used for the purpose of calculating spend down for this population, the state deducts OADSI benefits, as follows:

- 🔘 a. All of the OASDI benefits is deducted from income.
- 🔘 b. Part of the OASDI benefits is deducted from income.
- c. None of the OASDI benefits is deducted from income.

6. Adult children with disabilities (1939(a)(2)(D) and 1634(c) of the Act)

In determining countable income used for the purpose of calculating spend down for this population, the state deducts OASDI benefits, as follows:

O a. All of the OASDI benefits is deducted from income.

O b. Part of the OASDI benefits is deducted from income.

c. None of the OASDI benefits is deducted from income.

## More Restrictive Requirements than SSI under 1902(f) - (209(b) States)

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## K. Additional Information (optional)

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Medicaid State Plan Print View

# **Medicaid State Plan Eligibility**

## Income/Resource Standards

#### Handling of Excess Income (Spenddown)

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#### **Reviewable Unit Instructions**

If countable income exceeds the income standard, the state must deduct from income medical expenses incurred by the individual or family or financially responsible relatives that are not subject to payment by a third party, in accordance with 42 CFR 435.831 and 42 CFR 435.121.

## **A. Budget Periods**

Income in excess of the appropriate income standard is considered available for payment of medical or remedial care expenses in budget periods that do not exceed six months.

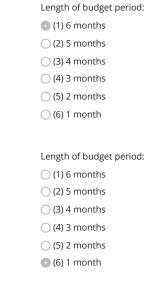
1. In determining income eligibility, countable income is reduced by the amount of incurred medical or remedial care expenses during the budget period specified below:

🔾 a. One budget period of:

• b. More than one budget period, as described below:

i. Community budget period

ii. Institutional budget period



🗌 iii. Other budget period

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**Reviewable Unit Instructions** 

## **B. Types of Eligible Expenses**

1. In determining incurred expenses to be deducted from income, the state includes:

a. Medicare, Medicaid, and other health insurance premiums and enrollment fees.

b. Cost sharing, including copayments, coinsurance, and deductibles, imposed by Medicare, Medicaid or other health insurance.

c. Expenses for necessary medical and remedial services recognized by state law but not included in the state plan.

d. Expenses for necessary medical and remedial services included in the state plan, including those that exceed limitations on the amount, duration, and scope of services.

2. The state also includes medical institutional expenses projected to the end of the budget period at the Medicaid reimbursement rate.

Yes

⊖ No

3. Incurred expenses subject to payment by a third party are not deducted unless the third party is a public program (other than Medicaid) of a state and the program is financed by the state.

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#### **Package Header**

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**Reviewable Unit Instructions** 

## C. Timeframe of Deduction of Expenses

In determining incurred expenses to be deducted from income, the state deducts:

1. Incurred medical and remedial expenses without regard to the age of the expenses.

2. Payments made during the budget period on eligible expenses incurred at any time, if not previously deducted in establishing eligibility.

3. Unpaid eligible expenses incurred at any time prior to the budget period, which have not been deducted previously in establishing eligibility.

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**Reviewable Unit Instructions** 

## **D. Order of Deduction of Expenses**

Incurred medical or remedial care expenses are deducted in the following order:

 $\bigcirc$  1. By the type of service, in the following order:

a. Premiums, deductibles, coinsurance and co-payments.

b. Expenses for necessary medical or remedial care services that are recognized under state law but not included in the State Plan.

c. Expenses for necessary medical or remedial care services that are included in the state Plan that exceed agency limitations on amount, duration, or scope of services.

d. Expenses for necessary medical or remedial care services that are included in the state Plan that are within the agency limitations on amount, duration, or scope of services.

2. In chronological order by the date of the service, or the date cost sharing payments are due.

 $\bigcirc$  3. In chronological order by the date the bill is submitted to the state by the individual.

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**Reviewable Unit Instructions** 

## **E.** Reasonable Limitations

The state sets reasonable limits on the amount to be deducted for expenses.

○ Yes

O No

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**Reviewable Unit Instructions** 

# F. Spenddown Payments Made by Individuals

The state permits individuals to pay-in their spenddown liability.

⊖ Yes

O No

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**Reviewable Unit Instructions** 

# **G.** Additional Information (optional)

D. 2. In chronological order by the date of service.

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Medicaid State Plan Print View

Medicaid State Plan Print View

# Medicaid State Plan Eligibility

#### Optional Eligibility Groups

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#### **Package Header**

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**Reviewable Unit Instructions** 

## A. Options for Coverage

#### The state provides Medicaid to specified optional groups of individuals.

🖸 Yes No

The optional eligibility groups covered in the state plan are (elections made in this screen may not be comprehensive during the transition period from the paperbased state plan to MACPro):

#### **Families and Adults**

Eligibility Group Name		Covered In State Plan	Include RU In Package ?	Included in Another Submission Package	Source Type 😮
Optional Coverage of Parents and Other Caretaker Relatives	ø			0	NEW
Reasonable Classifications of Individuals under Age 21	Ø			0	CONVERTED
Children with Non-IV-E Adoption Assistance	ø			0	CONVERTED
Independent Foster Care Adolescents	P			0	NEW
Optional Targeted Low Income Children	ø			0	NEW
Individuals above 133% FPL under Age 65	ø			0	NEW
Individuals Needing Treatment for Breast or Cervical Cancer	ø			0	NEW
Individuals Eligible for Family Planning Services	ø			0	CONVERTED
Individuals with Tuberculosis	ø			0	NEW
Individuals Electing COBRA Continuation Coverage	ø			0	NEW
Aged, Blind and Disabled					
Eligibility Group Name		Covered In State Plan	Include RU In Package ?	Included in Another Submission Package	Source Type 😯
Individuals Eligible for but Not Receiving Cash Assistance	P			0	NEW

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#### Medicaid State Plan Print View

Eligibility Group Name		Covered In State Plan	Include RU In Package 😯	Included in Another Submission Package	Source Type 😧
Individuals Eligible for Cash Except for Institutionalization	ø			0	NEW
Individuals Receiving Home and Community- Based Waiver Services under Institutional Rules	ø			•	NEW
Optional State Supplement Beneficiaries	ø			0	NEW
Individuals in Institutions Eligible under a Special Income Level	ø			•	NEW
PACE Participants	ø			$\bigcirc$	NEW
Individuals Receiving Hospice	ø			0	NEW
Children under Age 19 with a Disability	ø			$\bigcirc$	NEW
Age and Disability- Related Poverty Level	P			•	NEW
Work Incentives	P			0	NEW
Ticket to Work Basic	ø			0	NEW
Ticket to Work Medical Improvements	ø			0	NEW
Family Opportunity Act Children with a Disability	ø			0	NEW
Individuals Receiving State Plan Home and Community-Based Services	ø			0	NEW
Individuals Receiving State Plan Home and Community-Based Services Who Are Otherwise Eligible for HCBS Waivers	ø			0	NEW

## **Optional Eligibility Groups**

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**Reviewable Unit Instructions** 

# **B. Medically Needy Options for Coverage**

The state provides Medicaid to specified groups of individuals who are medically needy.

🖸 Yes No

The medically needy eligibility groups covered in the state plan are:

## 1. Mandatory Medically Needy:

#### **Families and Adults**

Eligibility Group Name		Covered In State Plan	Include RU In Package ?	Included in Another Submission Package	Source Type 😯
Medically Needy Pregnant Women	ø			0	NEW
Medically Needy Children under Age 18	P			0	NEW

#### Aged, Blind and Disabled

Eligibility Group Name		Covered In State Plan	Include RU In Package	Included in Another Submission Package	Source Type 🛿
Protected Medically Needy Individuals Who Were Eligible in 1973	ø			0	NEW

# 2. Optional Medically Needy:

**Families and Adults** 

Eligibility Group Name		Covered In State Plan	Include RU In Package	Included in Another Submission Package	Source Type 😧
Medically Needy Reasonable Classifications of Individuals under Age 21	ø			0	NEW
Medically Needy Parents and Other Caretaker Relatives	ø			0	NEW

#### Aged, Blind and Disabled

Eligibility Group Name		Covered In State Plan	Include RU In Package	Included in Another Submission Package	Source Type 😯
Medically Needy Populations Based on Age, Blindness or Disability	ø			•	NEW

## **Optional Eligibility Groups**

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## **C. Additional Information (optional)**

# **Eligibility Groups Deselected from Coverage**

The following eligibility groups were previously covered in the source approved version of the state plan and deselected from coverage as part of this submission package:

• N/A

# Medicaid State Plan Eligibility

Eligibility Groups - Options for Coverage

## **Ticket to Work Basic**

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Individuals between ages 16 and 64 with a disability, who have earned income.

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The state covers the optional Ticket to Work basic eligibility group in accordance with the following provisions:

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## **Package Header**

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3

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**Reviewable Unit Instructions** 

## **A. Characteristics**

Individuals qualifying under this eligibility group must meet the following criteria:

1. Are at least age 16 but less than 65 years of age.

2. Have earned income.

3. But for earned income, meet the SSI definition of disability.

4. Have income and resources that do not exceed the standards established by the state.

MEDICAID | Medicaid State Plan | Eligibility | VA2022MS00030 | VA-23-0001 Package Header Package ID VA2022MS0003O SPA ID VA-23-0001 Submission Type Official Initial Submission Date 1/17/2023 Approval Date N/A Effective Date 1/1/2023 Superseded SPA ID VA-18-0004 User-Entered **Reviewable Unit Instructions B.** Financial Methodologies 1. SSI methodologies are used in calculating household income and resources. Yes ⊖ No Please refer as necessary to Non-MAGI Methodologies, completed by the state. 2. Less restrictive methodologies are used in calculating countable income. Yes ○ No The less restrictive income methodologies are: General income disregard: Name of disregard: Description: \$20 general income exclusion General and earned disregard \$65 per month of earned income income plus 1/2 of the remaining income Description of disregard: All census income is disregarded for Census Bureau wages are disregarded. ABD categorically and medically needy individuals as well as F&C medically needy individuals. The following less restrictive methodologies are used: Name of methodology: Description: If income is retained in a WIN Resource methodology account, up to \$6,250 per month is an exempt resource. 3. Less restrictive methodologies are used in calculating countable resources. Yes 🔿 No The less restrictive resource methodologies are: A dollar amount of resources in excess of the resource standard is disregarded. The disregard equals: \$46340.00 Resources from household members are disregarded. Resources of the spouse are Description: Once approved for Medicaid Works disregarded. spousal income is disregarded. Resources of parents are Description: Once approved for Medicaid Works disregarded. parents income is disregarded. The state uses a less restrictive methodology with respect to resources set aside for burial. A higher amount is disregarded: Amount: \$3500.00

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The state uses a less restrictive methodology with respect to the treatment of motor vehicles.

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**Ticket to Work Basic** 

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	The value of a countable motor vehicle is totally disregarded, without limits or conditions.		<ul> <li>One motor vehicle</li> <li>More than one motor vehicle</li> </ul>		
The state uses a less restr	ictive methodology with respect to the treatment of	of resources set aside in specified types of	accounts.		
	Specified types of accounts:				
		Name of account:	Description:		
		WIN (Work Incentive Account)	Any checking or savings account that the member designates.		
Interest is disregarded as	a resource.	Description of disregard:	Interest on WIN account is disregarded.		
Household goods and ser	vices are disregarded as a resource.	Description of disregard:	The value of all household goods and personal effects are disregarded as resources.		
The following less restricti	ive methodologies are used:				
		Name of methodology:	Description:		
		Payments made for involuntary sterilization.	For all aged, blind, or disabled individuals, both categorically needy and medically needy, the Commonwealth shall disregard as resources amounts received as payment for involuntary sterilization under the Virginia Eugenical Sterilization Act, beyond the allowable nine-month		

exclusion by the SSI program's resource methodologies.

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**Reviewable Unit Instructions** 

## C. Income Standard Used

The income standard for this group is:

🔘 1. No income standard

2. A percentage of the federal poverty level:

FPL 138.00%

○ 3. A percentage of the SSI Federal Benefit Rate:

🔾 4. A dollar amount

 $\bigcirc$  5. Other

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## **Package Header**

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## **D. Resource Standard Used**

The resource standard for this group is:

○ 1. No resource standard

2. SSI resource standard

 $\bigcirc$  4. A dollar amount higher than the SSI resource standard

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# **E.** Premiums and Cost Sharing

Requirements for premiums and cost sharing for this group are found in the premium and cost sharing sections of the state plan.

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# F. Additional Information (optional)

Premiums are suspended.

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PRA Disclosure Statement: Centers for Medicare & Medicaid Services (CMS) collects this mandatory information in accordance with (42 U.S.C. 1396a) and (42 CFR 430.12); which sets forth the authority for the submittal and collection of state plans and plan amendment information in a format defined by CMS for the purpose of improving the state application and federal review processes, improve federal program management of Medicaid programs and Children's Health Insurance Program, and to standardize Medicaid program data which covers basic requirements, and individualized content that reflects the characteristics of the particular state's program. The information will be used to monitor and analyze performance metrics related to the Medicaid and Children's Health Insurance Program integrity efforts, improve performance and accountability across the programs. Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information collection is estimated to range from 1 hour to 80 hours per response (see below), including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attr: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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