

523 Home and Community Based Services (HCBS)

2023



Income and Waiver

False restriction of income

Do not let people restrict earnings to \$2,742 or less a month. The \$2,742 is only the bottom line of a complex situation called the 1519(c) waivers.

Most people are confused about keeping waiver eligibility when on Medicaid. They have heard many stories for different people, even from people who are supposed to know the rules.

This flier attempts to make the situation clearer. This paper does not deal with the other parts of being eligible, such as diagnosis, age of onset, or resources.

There are two ways to count income to remain eligible for HCBS.

1. Have a mandatory Medicaid, such as:
 - SSI 1619(a) Medicaid,
 - 1619(b) eligible,
 - Medicaid protected CDB eligible,
 - Pickle eligible,
 - Early Widow(er) Eligible
2. 300% rule

Most people are aware of is they can work and earn up to \$2,742 or less a month while continuing waiver benefits. This flier demonstrated the 300% rule. However, there are additional rules, which should be applied.

Mandatory Medicaid

For Mandatory Medicaid, the Social Security Administration determines the income eligibility.



Types of Waiver Programs

Waivers

There are three types of Home and Community Based Waivers in New Mexico.

1. Developmental Disability (DD)
2. Medically Fragile

Combined services into one benefit under 1115

- AIDS
- Traumatic Brain Injury
- Disabled and/or Elderly

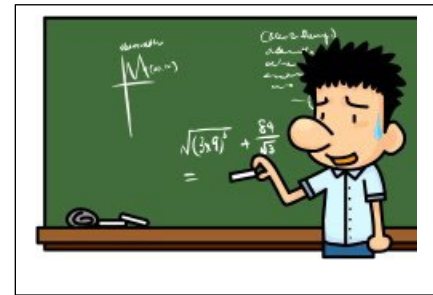


300% Rule

Get the low down

The quote of \$2,742 in 2023 is 300% of the Supplemental Security Income (SSI) rate of \$914.

The Human Services Department, Medical Assistance Program, takes this one-step further before looking at the comparison. To calculate:



1. Find all the unearned income (Social Security Disability Income, Workers Comp, Unemployment Insurance, etc) and subtract \$20. Keep the number for step 3.
2. Add all of the earned income for the month. Subtract \$65, then half of the remainder. Keep the number for step 3.
3. Add the income from step one and step two. If under \$300% or \$2,742, then stop.
4. However, if the income exceeds \$2,742, then look at blind work expenses to subtract. Add the expenses.
5. Subtract the BWE and see if income come be moved to below \$2,742



EXAMPLE:

SSDI of \$1,200, but working 40 hours a week at \$20/hour, calculates to \$3,464 a month (40 hours/week X \$20/hour X 4.33 weeks/month = \$3,464).

<u>1.</u> \$1,200 - \$20 \$1,180	<u>2.</u> \$3,464 - \$65 \$3,399 <u> 2</u> \$1,699.50	<u>3.</u> \$1,180.00 \$1,699.50 \$2,879.50	<u>4.</u> Blind Work Expenses \$ 31.18 mileage \$623.52 (state and federal taxes \$ 86.60 lunches \$741.20 BWE
<u>5.</u> \$2,879.50 - \$741.20 \$2,138.30	\$2,138.30 is under the \$2,742 allowed, so keep income eligibility.		

Blind Work Expenses

NM list of expenses

http://www.hsd.state.nm.us/uploads/files/Looking%20For%20Information/General%20Information/Rules%20and%20Statutes/Medical%20Assistance%20Diagnosis/MAD%20NMAC%20Eligibility%20Program%20Manual/8.215%20SSI/8_215_500%20U.pdf