



ADMINISTRATIVE RULES OF MONTANA



37.82.1101 INDIVIDUALS COVERED, NON-INSTITUTIONALIZED MEDICALLY NEEDY

- (1) Medicaid under this subchapter will be provided to the following individuals who would be receiving FAIM financial assistance if their income had not exceeded the income standards found in ARM 37.78.420 provided they are also eligible under ARM 37.82.1102 , 37.82.1106 , 37.82.1107 and 37.82.1110 :
 - (a) pregnant women whose pregnancy has been verified;
 - (b) individuals who are under the age of 18 or are age 18 and a full-time student in a secondary school and can reasonably be expected to obtain a secondary school diploma or its equivalent in or before the month of their 19th birthday;
 - (c) a child born on or after October 1, 1983, through the month of their 19th birthday whose family income and resources meet the requirements listed in ARM 37.78.401 and 37.82.1106 ;
 - (d) individuals under age 19 who are ineligible for medicaid under ARM 37.82.701 ; and
 - (e) individuals in a FAIM financial assistance lump sum period of ineligibility.
- (2) This group does not include individuals whose cash assistance is terminated solely because of increased income from employment and who, under ARM 37.82.701 , are receiving continued medicaid coverage. However, this group may be eligible when the medicaid coverage terminates.
- (3) This group does not include coverage for the caretaker relative, as defined in ARM 46.10.403.
- (4) Medicaid under this subchapter will also be provided to the following groups of non-institutionalized SSI-related individuals and couples:
 - (a) Individuals who would be receiving SSI if their income had not exceeded the current SSI income standards.
 - (i) This group does not include aged, blind or disabled individuals or couples receiving mandatory state supplements or only a state supplementary payment (but no SSI payment) under the optional state supplementary program established in ARM 37.43.101 through 37.43.104 . Under subchapter 9, these individuals are eligible for medicaid on the basis of income standards higher than the current SSI income standards. However, this group does include such individuals when increased income causes ineligibility for such supplementary payments. At this juncture, for the purposes of medicaid under the present subchapter, any income used to meet needs previously met by the supplementary payment is not excluded from income.

- (ii) This group does not include individuals who are currently ineligible for SSI or only a state supplementary payment under the optional state supplementary program because the increase in OASDI benefits they received on July 1, 1972, raised individual or couple income over the current SSI or optional state supplementary program income standards. These individuals, under ARM 37.82.901 (2) (b) and (3) (a) and 37.82.903 (2) and (3) , have their July 1, 1972, increase in OASDI benefits excluded from unearned income and are determined eligible for medicaid under subchapter 9. However, this group does include such individuals when, after excluding the July 1, 1972 increase in OASDI benefits, other income causes ineligibility for medicaid under subchapter 9. At this juncture, for the purposes of medicaid under the present subchapter, the July 1, 1972, increase in OASDI benefits is no longer excluded from but is counted as unearned income.
- (iii) This group does not include individuals who are currently ineligible for SSI or only a state supplementary payment under the optional state supplementary program solely due to a cost-of-living increase in OASDI paid under section 215 (i) of the Social Security Act after April, 1977. These individuals, under ARM 37.82.901 (2) (c) and (3) (b) and 37.82.903 (2) and (3) , have such increases excluded from unearned income and are determined eligible for medicaid under subchapter 9. However, this group does include such individuals when, after excluding such increases, other income causes ineligibility for medicaid under Chapter 85, subchapter 20. At this juncture, for the purposes of medicaid under the present subchapter, cost-of-living increases in OASDI paid under section 215(i) of the Social Security Act after April, 1977, are no longer excluded from but are counted as unearned income.
- (iv) This group does not include individuals who in December, 1973, were eligible for medicaid as an essential spouse of a recipient of OAA, AB, APTD, or AABD. These individuals are eligible for medicaid under subchapter 9 if the provisions of ARM 37.82.901 (4) (a) , 37.82.902 (4) , and 37.82.903 (4) are met. When medicaid under subchapter 9 is lost, such individuals must qualify for medicaid under the present subchapter in their own right. Medicaid under the present subchapter does not provide for coverage of an essential person.
- (v) This group does not include individuals who would be eligible for SSI had they applied. These individuals are not relevant to medicaid under this subchapter.
- (b) Individuals who, under ARM 37.82.901 (4) (b) and 37.82.903 (4) , would be eligible for medicaid under subchapter 9, on the basis of December, 1973, blindness or disability criteria, if their income had not exceeded the income standards specified in ARM 37.82.903 (4) .

Authorizing statute(s): Sec. 53-6-113, MCA

Implementing statute(s): Sec. 53-6-131, MCA

History: NEW, 1982 MAR p. 729, Eff. 4/16/82; AMD, 1991 MAR p. 265, Eff. 3/1/91; AMD, 1991 MAR p. 1046, Eff. 6/28/91; AMD, 1993 MAR p. 1398, Eff. 7/1/93; AMD, 1998 MAR p. 3281, Eff. 12/18/98; TRANS, from SRS, 2000 MAR p. 476.