



ADMINISTRATIVE RULES OF MONTANA

37.82.1002 MEDICAID FOR WORKERS WITH DISABILITIES: DEFINITIONS

The following definitions apply to this subchapter:

- (1) "Employed" means engaged in work for which the individual receives or seeks to receive income, either as an employee or as a self-employed person. An individual is considered to be employed only if Medicare and social security taxes are withheld from the income received for the work or, in the case of a self-employed individual, if the individual pays Medicare and social security taxes on any income received for the work.
- (2) "Family" means the individual applying for or receiving Medicaid and any relative or relatives who reside with the individual and whose income and resources are deemed available to the individual pursuant to the supplemental security income (SSI) regulations in 20 CFR, part 416, subparts K and L, as amended through May 17, 2010, which are adopted and incorporated by reference. 20 CFR part 416, subpart K, contains the SSI criteria for evaluating income, including the income of financially responsible relatives. 20 CFR, part 416, subpart L, contains the SSI criteria for evaluating resources, including the resources of financially responsible relatives. A copy of these federal regulations may be obtained from the Department of Public Health and Human Services, Human and Community Services Division, 111 N. Jackson Street, 5th Floor, P.O. Box 202925, Helena, MT 59620-2925.
- (3) "Gross income" means an individual's income before any deductions or disregards provided in 20 CFR, part 416, subpart K, are subtracted.
- (4) "Income" has the meaning provided in 20 CFR, part 416.1102 and 416.1103 as amended through May 17, 2010.
- (5) "Indian" means any person who is a member of an Indian tribe.
- (6) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan native village or group or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act, 43 USCS section 1601 et seq., that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (7) "Retirement or pension fund or plan" means a fund or plan specifically established and earmarked for the sole purpose of providing financial resources for a person who is retired from gainful employment or who is no longer employed by a particular employer. Examples of a retirement or pension fund or plan are 457 plans, conventional 401(k) plans, SIMPLE 401(k) plans, employer-based defined benefit plans, Public Employee Retirement System (PERS) accounts for Montana state employees, thrift savings plan accounts for federal employees, section 403(b) plans, section

501(c)(18) plans, Keogh plans, individual retirement accounts (IRAs), Roth IRAs, SIMPLE IRAs, simplified employee pension (SEP) plans, employee profit sharing plans, and cash balance plans.

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

Implementing statute(s): 53-6-131, 53-6-195, MCA

History: NEW, 2010 MAR p. 2733, Eff. 11/27/10.