



ADMINISTRATIVE RULES OF MONTANA



37.82.1312 FINANCIAL REQUIREMENTS, AFDC-RELATED INSTITUTIONALIZED INDIVIDUALS

- (1) Individuals under age 19 who continue to receive AFDC even though they are in a medical institution or intermediate care facility are presumed to have met the financial requirements for medicaid eligibility.
- (2) For individuals under age 21 in intermediate care facilities, including intermediate care facilities for the mentally retarded, or receiving treatment in psychiatric facilities or programs pursuant to the requirements of ARM 37.82.1305(1) (b) , the financial requirements for medicaid under this subchapter as categorically needy are the AFDC financial requirements which are set forth in ARM 46.10.401 through 46.10.406 and 46.10.505 through 46.10.514. These will be used to determine whether:
 - (a) the individual in his placement is eligible with respect to resources;
 - (b) the individual in his placement is eligible with respect to gross and net income and with respect to the applicable benefit standards.
 - (c) In applying the above;
 - (i) because the individual is not living with his parent, parental income will be considered only when actually contributed; and
 - (ii) applicable standards are the child only standards.
- (3) For individuals under age 21 in intermediate care facilities, including intermediate care facilities for the mentally retarded, or receiving treatment in psychiatric facilities or programs pursuant to the requirements of ARM 37.82.1305(1) (b) who are ineligible under (2) because of excess income, the financial requirements for medicaid under this subchapter as medically needy are the medically needy financial requirements for noninstitutionalized AFDC-related families and children which are set forth in subchapter 11. The financial provisions of this subchapter which apply to individuals under 21 who are ineligible for medicaid under ARM 37.82.701(1) (b) (iii) and (3) apply identically to the above described individuals under 21.

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, 1993 MAR p. 1399, Eff. 6/25/93; TRANS, from SRS, 2000 MAR p. 476.