

## 2635.10.00 RESOURCE ELIGIBILITY DETERMINATION (MED 1)

In addition to eligibility requirements discussed in the preceding passages of this chapter, the following principles apply to the consideration of resources in the resource eligibility determination of all persons except institutionalized individuals who entered long term care facilities on or after September 30, 1989, and who have a community spouse.

All available resources owned by the applicant/recipient and their responsible relatives must be considered regarding the resource limitations listed in Section 3005.15.00. Persons who qualify as "responsible relatives" are as follows:

- The spouse of the applicant/recipient if the couple is living together or separated only for medical reasons such as nursing home placement.
- For those in an institution, a **PACE member** or on an HCBS waiver, MCCA rules apply<sup>i</sup>. See section 2635.10.10 – 2635.10.10.15.
- The biological or adoptive parent(s) and stepparents living with an applicant/recipient under age 18 <sup>ii</sup>, unless the child is receiving Home and Community-Based Services under any of Indiana's waivers. If the applicant/recipient child is institutionalized (including hospitalization) the parent(s)' resources are not considered in the month following the month of admission. If the non-recipient parent of the applicant/recipient child owns resources more than the resource limit, the excess is to be counted as a resource of the child. However, excess resources of the child applicant/recipient cannot be counted as a resource to the parent. Also, excess resources of the recipient parent cannot be counted as a resource to the child.

Parent's resources are considered through the month in which the child applicant/recipient reaches age 18 unless the child turns 18 on the first of the month.

When the applicant/recipient is a student between the ages of 18 and 21, the parent's resources are not counted.

Resources owned solely by the following individuals are exempt:

- Non-recipient children or siblings of the applicant/recipient,
- The stepparent of an applicant/recipient
- parents of an institutionalized applicant/recipient beginning in the month following the month of admission, or beginning in the month of birth if the child remains institutionalized/hospitalized in the following month<sup>iii</sup>

- Parents of a child who has been determined eligible for Home and Community-Based Services (HCBS) Waiver.<sup>iv</sup> See Chapter 3300.

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<sup>i</sup> 42 U.S.C. 1396R-5

<sup>ii</sup> 20 CFR 416.1202(b)

<sup>iii</sup> IC 12-15-3-4 as added by P.L. 2-1992, Sec. 9

<sup>iv</sup> IC 12-15-3-4 as added by P.L. 2-1992, Sec. 9