

## APPLE HEALTH (MEDICAID) MANUAL REVISION

Revision #	003
Chapter / Section	50-227 Apple Health SSI-Related – Income – Allocation and Deeming
Issued Date	3/24/15
Revision Author	Stephen Kozak
Division	EPSD
Phone	360-725-1343
Email	stephen.kozak@hca.wa.gov

### Summary of Revision

Insert WAC 182-512-0790 and WAC 182-512-0795 into the AH (Medicaid) Manual for SSI-related Individuals. Currently, these rules are listed in the AH WAC index, but not in the Manual. They are being inserted into #50-227 Allocation & Deeming. See current purpose statement in this section: This section includes procedures for allocating income of ineligible or non-AU members to an AU, allocating the income of AU members to non-members, and **deeming a sponsor's income to AUs with a sponsored immigrant**. Note: Unless it is problematic to do so, could we add these two rules at the end of this section, even though that would not place them in order of numbering with other rules in this section? I don't think they are looked at often at all, and the first rule listed now, WAC 182-512-0900, is the general definition of what deeming and allocation means for SSI-related eligibility.

**Apple Health (Medicaid) Manual revision via track changes:**

## WAC 182-512-0790 SSI-related medical -- Exemption from sponsor deeming.

Effective April 14, 2014.

1. A person who meets any of the following conditions is permanently exempt from deeming and the agency does not count the sponsor's income or resources when determining eligibility for Washington apple health (WAH) SSI-related coverage:
  - a. The Immigration and Nationality Act (INA) does not require the person to have a sponsor. Immigrants who are not required to have a sponsor include those with the following status with U.S. Citizenship and Immigration Services (USCIS):
    - i. Refugee;
    - ii. Parolee admitted under Section 212(d)(5) of the Immigration and Nationality Act (INA);
    - iii. Asylee;
    - iv. Cuban/Haitian entrant under Section 202 of the Immigration Reform and Control Act of 1986 (IRCA);
    - v. Amerasians admitted with an I-551 admission code of AM1, AM2, AM3, AM6, AM7, or AM8; and
    - vi. Special immigrant from Iraq or Afghanistan.
  - b. The person meets the blindness or disability requirements described in WAC [182-512-0050\(1\)](#);
  - c. The person was sponsored by an organization or group as opposed to another person;
  - d. The person is a nonqualified or undocumented alien as defined in WAC [182-503-0530](#) (3) and (4);
  - e. The person has worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. The agency does not count a quarter of work toward this requirement if the person working received TANF, Basic Food, SSI, CHIP, or nonemergency medicaid coverage. A quarter of work earned by the following people is counted toward the forty qualifying quarters:
    - . The person;
      - i. The person's parents for the time they worked before the person turned eighteen years old (including the time they worked before the person's birth); and
      - ii. The person's spouse if still married or if the spouse is deceased.
    - f. The person has become a United States (U.S.) citizen;
  - g. The sponsor is dead; or
  - h. If USCIS or a court decides that the person, their child, or their parent was a victim of domestic violence from the person's sponsor and:
    - . The person no longer lives with the sponsor; and
      - i. Leaving the sponsor caused the need for coverage.
2. A person is exempt from the deeming process while in the same assistance unit (AU) as the sponsor.
3. If the person, their child, or their parent was a victim of domestic violence, the person is exempt from the deeming process for twelve months if:
  - . They no longer live with the person who committed the violence; and
    - a. Leaving this person caused the need for health coverage.
4. If the person's medical assistance unit (MAU) has income at or below one hundred thirty percent of the federal poverty level (FPL), the person is exempt from the deeming process for twelve months. This is called the "indigence exemption." A person may choose to use this exemption or not to use this exemption in full knowledge of the possible risks involved. See risks in subsection (5) of this section. For this rule, the agency counts the following as income:

Earned and unearned income received by any member of the MAU from any source; and

  - a. The value of any noncash items of value such as free rent, commodities, goods, or services received from another person or organization.
5. A person who chooses not to use the indigence exemption must provide verification of the sponsor's income and resources and will be subject to the deeming rules described in WAC [182-512-0795](#).
6. For federally funded programs, if the person uses the indigence exemption, the agency is required by law to give the U.S. Attorney General the following information:

The names of the sponsored people in the person's AU;

  - a. That the person is exempt from deeming due to income;
  - b. The sponsor's name; and

c. The effective date that the twelve-month exemption began.

## WAC 182-512-0795 SSI-related medical -- Budgeting a sponsor's income.

Effective January 2, 2015.

1. The agency counts some of the income of a person's sponsor as unearned income to the medical assistance unit (MAU) if:
  - a. The sponsor signed the U.S. Citizenship and Immigration Services (USCIS) Affidavit of Support form I-864 or I-864A; and
  - b. The person is not exempt from the deeming process in WAC [182-512-0790](#).
2. The agency determines the amount of income that must be deemed from the sponsor by taking the following steps:
  - . Add together all of the sponsor's earned and unearned income that is not excluded under WAC [182-512-0860](#);
    - a. Add all of the spouse's earned and unearned income that is not excluded under WAC [182-512-0860](#);
    - b. Subtract an allocation for the sponsor equal to the one-person federal benefit rate (FBR);
    - c. Subtract an allocation for the sponsor's spouse as follows:
      - i. If the spouse is also a cosponsor of the noncitizen, allow an allocation equal to the one-person FBR; or
      - ii. If the spouse is not a cosponsor but lived in the same household as the sponsor, allow an allocation equal to one-half of the FBR.
    - d. Subtract an allocation equal to one-half FBR for each dependent of the sponsor. The dependent's income is not subtracted from the sponsor's dependent's allocation; and
    - e. The income remaining is deemed as unearned income to the noncitizen and is added to the noncitizen's own income.
3. If the sponsor has sponsored other noncitizens, all of the sponsor's income is deemed to each person that they sponsored and is not divided between them.

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This is a reprint of the official rule as published by the [Office of the Code Reviser](#). If there are previous versions of this rule, they can be found using the [Legislative Search page](#).