

When Documentation of Resources and Income is Required for Medicaid Applications & Renewals - and When is "Attestation" Enough?

Since 2004, Medicaid documentation requirements have been simplified by allowing some applicants merely to "attest" rather than document certain eligibility factors. In that year, attestation to the amount of one's resources was first allowed for Medicaid applicants who were not seeking Medicaid long-term care services (including home care and other community-based long-term care services) and for applicants for Medicare Savings Programs.

- **LAW:** Section 366-a(2) of the Social Services Law, enacted by Chapter 1 of the Laws of 2002,
- **Implementation directives:** 04ADM-06 - Attestation of Resources (as updated by 2010 changes), 05/OMM-INF - 2 June 8, 2005
- This HRA chart, explains the different types of documentation required of an applicant's resources (aka "assets") for the three different levels of coverage provided by New York State's Medicaid program. It also explains which services are covered for each of the three levels.

2013 -- NO PROOF OF SOCIAL SECURITY INCOME REQUIRED -- The newest simplification for documentation is not requiring proof of Social Security income for many applicants and renewals. See NYC MICSA Alert dated March 5, 2013.

- **Applicants for Medicaid, Family Health Plus, and the Medicare Savings Program** no longer have to submit proof of the amount of their Social Security income on applications and renewals. The Medicaid offices can look this information up electronically.
- For **RENEWALS** of Medicaid, the rules on proof of income vary --
 - ◆ **NO PROOF OF INCOME** is required for Medicaid recipients under age 65 who are not disabled or blind (Non-"DAB"), and for people who are Disabled, Aged 65+ or Blind (DAB) and receive home care, managed long term care or other community-based long-term care services. They may "attest" to the amount of their income.
 - ◆ **NURSING HOME RESIDENTS** do not have to prove the amount of their Social Security income, but must document the amount of other types of income.
- For **renewals of Medicare Savings Program** - no proof of Social Security income required. See 12ADM-04 - Automated Medicaid Renewal Expansion: Medicare Savings Program (MSP) Individuals with Fixed Incomes --PDF + Attachment

Here are the general rules on simplifications of documentation by allowing "attestation" --

DOCUMENTATION OF RESOURCES - who may "attest" and who must prove the amount of resources

- **Medicare Savings Programs** - have **NO** resource limit since 2008.
- Medicaid recipients **under age 65 who are not disabled** -- **have had NO resource limits since January 1, 2010.** GIS 09/MA027 - Elimination of Resource Test for Non-SSI Related Medicaid Applicants/Recipients (Nov. 2009)
- Medicaid recipients who are **Disabled, Age 65+, or Blind** ("DAB" or "SSI-related") have different rules.
 - ◆ **If they do NOT NEED long-term care services** in the community or in a nursing home, and only need primary and acute medical care and other community-based services, they **may "attest"** to their resources. If, later, they need any of the long-term care services, they must verify resources. See NYS DOH 2010-ADM-01 (January 2010).
- **If they DO NEED community-based long term care services** (such as home care), they **must document the amount of their assets** and may not attest. There is no look-back. They may present bank statements showing the balance at the beginning of the month they apply for Medicaid. If they are seeking retroactive coverage, for up to 3 months before the month in which they applied, they must document their assets for the entire 3-month retroactive period.
- **If they need Nursing Home services**, they must document their assets for FIVE YEARS prior to the application - called the lookback period. See articles on Nursing Home Medicaid and transfer of asset penalties for nursing home care.
- On **RENEWAL** (recertification) of Medicaid for Disabled, Aged or Blind Medicaid recipients, they may attest to the amount of resources, and are not required to document them (effective March 2011).

DOCUMENTATION OF INCOME - who may "attest" and who must document all or some income

Family Health Plus and those Medicaid applicants with no resource test (those who are under age 65, not disabled or blind), in applications filed since March 1, 2011 --

- **For Applications --**
 - ◆ **may attest to their interest income.** If based on information available to the district, the amount of reported interest income is questionable and the inconsistent amount could affect eligibility for Medicaid benefits, the applicant may be required to provide follow-up documentation to determine eligibility, as described in Section IV. B. of this ADM.
 - ◆ may since 2013, attest to the amount of their Social Security income and do not need to prove the amount.
 - ◆ Do not have to prove any resources since they have **no resource limit**

- **At renewal**, they may attest to their income, including interest income, and a third party database is used to validate the information.

ALL Medicaid applicants who are age 65+ or who are disabled or blind ("DAB")

- For **applications and renewals**, since 2013, they may attest to the amount of their Social Security income and do not need to prove the amount. If they are not in a nursing home, they may attest to other types of income as well. Nursing home residents must show proof of income other than Social Security.
- For **RENEWALS of Medicaid** since ***March 1, 2011 -- they may attest to income, resources and a change in residency at the time of renewal.*** These individuals are required to document income other than Social Security income and resources at the time of initial application and when applying for Medicaid to pay for nursing home care. SSI-related or "DAB" individuals will also be required to document income other than Social Security and resources when a change in coverage is required in the community (e.g., moving from Community Coverage without Community-Based Long-Term Care to Community Coverage with Community-Based Long-Term Care).
- **NURSING HOME RESIDENTS on RENEWAL of Medicaid** do not have to prove the amount of their Social Security income, but must document the amount of other types of income.
- **Proof of Health Insurance Premiums** must be submitted on application and renewal, if the cost is to be deducted from income. See 11ADM-01 - Expansion of Attestation of Income, Resources and Residence at Renewal, and Attestation of Interest Income at Application for Family Health Plus and Certain Medicaid Applicants

2011 Changes described above in 11-ADM-01 - Expansion of Attestation of Income, Resources and Residence at Renewal, and Attestation of Interest Income at Application for Family Health Plus and Certain Medicaid Applicants (March 11, 2011).

- HRA Alert Implementing Changes (May 3, 2011)

2013 Changes in MICSA Alert March 2013

This article was authored by the Evelyn Frank Legal Resources Program of New York Legal Assistance Group.



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