

The Medicaid Buy-In for Working People With Disabilities (MBI-WPD)

The **Medicaid Buy-in for Working People with Disabilities (MBI-WPD)** expands eligibility for individuals with disabilities under age 65 who have work income. Under MBI-WPD, individuals are eligible for full Medicaid benefits at much higher incomes than individuals who are not working. The income limit is 250% of the Federal Poverty Line, after more than half of gross earned income is disregarded. This allows them to earn more income without the risk of losing health coverage. See how earned income is calculated for anyone with a disability or who is age 65+ [here](#).

The official [State website](#) on this program has basic information, including the current income and resource limits which change every year with the Federal Poverty Line.

Current INCOME and ASSET levels are in Box 5 in the [Medicaid Income and Resource Levels Chart](#).

Use [this NYLAG Medicaid Budget template](#) to calculate income budgeting.

Heads up - Expansion of Eligibility Coming in 2025!

The NYS Legislature and Governor agreed to expand eligibility in 2025 - increasing income and asset limits and removing the age limit of 65. See [this document](#) for more information on these changes, and some recommendations for implementation.

Applications

Applications for MBI-WPD should include the usual components of a Medicaid application, as well as proof of disability, proof of employment, and two additional forms:

- [MAP-101 MBI-WPD prescreening document](#)
- [MAP-628C MBI-WPD documentation checklist](#)

Law, Regulations, and NYS Guidance

LAW: NY Social Services Law Â§ 366(1)(a)(14 - 15), Â§ 367-a(15). State directives include:

- [GIS 15 MA/013 - MBI-WPD Disability Certification and Exception Trusts](#) PDF - This GIS implicitly states that a person whose earned income is too high for MBI-WPD can use a pooled trust or an individual supplemental needs trust (both are types of

"exception trusts") to bring their income down to the MBI-WPD level -- until they reach the age of 65 and can no longer be in MBI-WPD. The GIS says that if an individual is certified as disabled for purposes of MBI-WPD, that same certification also establishes disability for use of a pooled or individual trust. This clarification was needed to avoid a catch-22: A working person cannot generally qualify as "disabled" under Social Security disability insurance rules, with some exceptions. Yet in order to qualify for MBI-WPD, one must be "disabled" and be working. Plus - one must be "disabled" under the Social Security rules to enroll in a pooled/individual supplemental needs trust. This GIS clarifies that a certification of disability meets the disability criteria for both MBI-WPD and for a supplemental needs trust.

- GIS 14 MA/013 - Establishing Medicaid Buy-In Program for Working People with Disabilities Eligibility at Application PDF - emphasizes the importance of identifying applicants who would be eligible for MBI-WPD, including any individual who is certified disabled and working, prior to sending the application to the New York State of Health (NYSOH) for processing because of "excess" income. If applying specifically for the MBI-WPD program, the application should be processed by the district. A disability determination will be needed if the individual does not have certification of disability or blindness.

Further, any referrals to the local district from the NYSOH for a Medicaid eligibility determination because of having income over the MAGI limits should be checked for eligibility under the MBI-WPD program if the individual is certified or potentially disabled and working. These referrals may include people who indicate the need for waiver services, home care or personal care services, or who request eligibility in the spenddown (Excess Income) program.

The MBI-WPD program allows an eligible individual to have higher Medicaid income (up to 250% FPL) and resource limits (\$20,000 for a household of one, and \$30,000 for a household of two) without having to pay a spenddown. "The program also allows for the medical improvement of an individual without the loss of Medicaid coverage. There continues to be a moratorium on premium collection."

- **Oct. 2011** - 11ADM-07 - Medicaid Buy-In Program for Working People with Disabilities: Disregard Retirement Accounts in Determining Resource Eligibility and Increased Resource Standards
 - ◆ PDF
 - ◆ Attachment
 - ◆ Announced effective 10/1/2011, individual resource limit increased to \$20,000 and couples to \$30,000 - however, effective Jan. 2023 this has been further increased. See above.
 - ◆ IRAs and other retirement funds are excluded from resource limits for this program, even if not in distribution status.
- 10 ADM -02 10ADM-02 - Medicaid Buy-In Program for Working People with Disabilities Medical Improvement Group (Mar. 3, 2010)(attachments available here)(concerns continuing eligibility for people no longer eligible for disability under the "basic coverage" group because of medical improvement, but who still have a severe

impairment)

- 09MA015 - Medicaid Buy-In Program for Working People with Disabilities (MBI-WPD) Work Requirement: Documentation Change (local districts may no longer require that an individual document payment of applicable taxes in order to demonstrate work activity. (May 15, 2009)
- GIS 08 MA 027 - Medicaid Buy-In Program for Working People with Disabilities: Work Requirement (9/23/2008) - "There is no minimum number of hours that an individual in the MBI-WPD Basic Coverage group must work per month nor is there a minimum wage requirement... Seasonal work may be considered work for the MBI-WPD program for the duration of the employment. If the work ends, a grace period of up to 6 months in a twelve-month period may be granted if the individual continues to look for employment. If the recipient has not secured employment by the end of the grace period, his or her eligibility for MBI-WPD ends and continued eligibility under other Medicaid programs must be considered."
- DOH GIS 08 MA/004 (February 2, 2008). Among other things, clarifies that Substantial Gainful Activity (SGA) "... is a factor in determining disability for the Aid to Disabled (AD) program and is not considered for the MBI-WPD program because recipients in that program are expected to work."
- 04ADM-05 - Medicaid Buy-In Program for Working People With Disabilities (MBI-WPD): Transition of the MBI-WPD Program to Local District Staff (July 20, 2004),
 - ◆ Attachment I - Explanation of the MBI-WPD Program
 - ◆ Attachment II - Grace Period Request Form
 - ◆ Attachment III - Sample Grace Period Letter for Medical Condition
 - ◆ Attachment IV - Sample Grace Period Letter for Job Loss
 - ◆ Attachment V - Acceptance Notice - English
 - ◇ Attachment VI (Spanish)
 - ◆ Attachment VII MBI-WPD Monthly Report Form
- 03ADM-04 - Interim Implementation of the Medicaid Buy-In Program for Working People with Disabilities (replaced by 04-ADM-05 above)

Advocacy Information and Training Materials

- This training reviews Medicaid disability budgeting and the MBI-WPD program (by The Legal Aid Society Health Law Unit)
- **NYS Disability Manual** - Page 13 says to refer to MBI-WPD if over SGA limits. Page 16 shows a chart that shows that in the first step of the sequential process if the answer is person is over SGA then refer to MBI-WPD.
- **Neighborhood Legal Services, Inc.** in Buffalo has Disability Information Letters online on many topics include MBI-WPD and other Medicaid topics, Social Security and Employment, SSI and Employment, ABLE accounts, and more.

This article was authored by the Empire Justice Center.

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