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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 95 LCM-106

Date: September 26, 1995

Division: Health and Long Term
Care

TO: Local District Commissioners

SUBJECT: Determining Family Size Relating to Medical Assistance
Eligibility for Pregnant Women and Young Children

ATTACHMENTS: None

The purpose of this LCM is to clarify policy regarding the determination of "family size" when the applicant(s) for medical assistance (MA) is a child(ren) born after September 30, 1983 and/or a pregnant woman who are entitled to have their income compared to the appropriate federal poverty line (level). Usually the "Growing Up Healthy" Medicaid/WIC Application for Pregnant Women/Young Children (DSS-2921P) is used for such applicants.

These individuals have the benefit of a larger "family size" by counting other family members (parents, stepparents, siblings, stepsiblings and half-siblings), regardless of whether or not they are applying. (See Informational Letter 90 INF-45, "Questions and Answers from Medical Assistance Regional Meetings on Presumptive Eligibility for Pregnant Women and Expanded MA Eligibility for Pregnant Women and Infants Under Age One", Question 29.) The income of such family members residing in the household must be counted when determining the eligibility of pregnant women and children under the federal poverty levels, with two exceptions: (1) PA and SSI cash recipients and their income are invisible; and (2) income of parents is not considered in determining the income available to a pregnant woman under 21 years of age.

Families are not given the option of excluding minor children and their income from the budget process under "family size" provisions. Families are not required to apply for MA for all children, but the income of all minor children is counted when determining MA eligibility for pregnant women and young children who are entitled to budgeting using federal poverty levels. Since most children do not have income of their own, it should be to the family's advantage to include nonapplying children under the "family size" provision to use the higher poverty levels.

In those rare instances where an older sibling's income places the family income above the applicable poverty level, it should be explained to the parent that the applicants and legally responsible relatives may be

eligible for MA with a spenddown if the income of the "household", which is defined as "the applicants and their legally responsible relatives", is compared to the MA level.

Please note that applicants who are not entitled to have their income compared to the federal poverty level, because they do not fit the criteria of being pregnant or a child born after September 30, 1983, must have the income of the household, as defined in the above paragraph, compared to the MA level.

There are various reasons parents may choose not to apply for MA for all of their children. Two examples are:

1. OLDER CHILDREN - In determining MA eligibility for family members other than children born on or after September 30, 1983 and pregnant women, the longer application (DSS-2921) must be used and the older children are subject to the lower MA income levels, resource levels, and resource documentation requirements. Family resources are not considered in determining MA eligibility for younger children. Therefore, some parents may choose not to apply for MA for older children.

EXAMPLE: The Weston family is composed of two parents and two sons, ages 16 and 9. Mrs. Weston applies for MA for only her nine year old son at an outreach site. The worker at the outreach site compares the family income to a family size of four (the nine year old, his legally responsible relatives and his sibling) at 100% of the poverty level and determines their income to be below the level for a family size of four. Although the 16 year old is not applying, he is in the household, therefore, he is counted in the family size and his income is counted.

2. CHILD HEALTH PLUS ENROLLEES - In determining MA eligibility for children born after September 30, 1983 and pregnant women, children who are enrolled in Child Health Plus may be counted if the DSS-2921P indicates they are not applying for MA.

EXAMPLE: Mrs. Higgins is pregnant and has four children, ages 10, 8, 6 and 3. All of the children are already enrolled in Child Health Plus. However, Mrs. Higgins is applying for MA at a PCAP for herself and her oldest child who is scheduled next month for inpatient surgery, which Child Health Plus does not cover. The PCAP worker lists all five family members who are living in the household on the DSS-2921P, their income and indicates who is applying for MA and who is not. Mrs. Higgins and the oldest child's eligibility for MA is determined using a family size of six (including the unborn).

If you have any questions regarding this LCM, contact Shari Niedbalec at 1-800-343-8859, extension 3-5503.

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