

IC 12-15-3

Chapter 3. Ineligibility; Financial Limitations

IC 12-15-3-0.5

Applicability of chapter

Sec. 0.5. This chapter does not apply to an individual participating in the Medicaid buy-in program beginning July 1, 2002, established under IC 12-15-41.

As added by P.L.287-2001, SEC.7.

IC 12-15-3-1

Medical assistance to aged, blind, or disabled; total cash value of money, stock, bonds, and life insurance owned by applicant or applicant and spouse; limitations

Sec. 1. (a) Except as provided in subsections (b) and (c) and section 7 of this chapter, an applicant for or recipient of Medicaid is ineligible for assistance if the total cash value of money, stock, bonds, and life insurance owned by:

(1) the applicant or recipient is more than one thousand five hundred dollars (\$1,500) for assistance to the aged, blind, or disabled; or

(2) the applicant or recipient and the applicant's or recipient's spouse is more than two thousand two hundred fifty dollars (\$2,250) for medical assistance to the aged, blind, or disabled.

(b) In the case of an applicant who is an eligible individual, a Holocaust victim's settlement payment received by the applicant or the applicant's spouse may not be considered when calculating the total cash value of money, stock, bonds, and life insurance owned by the applicant or the applicant's spouse.

(c) In the case of an individual who:

(1) resides in a nursing facility or another medical institution; and

(2) has a spouse who does not reside in a nursing facility or another medical institution;

the total cash value of money, stock, bonds, and life insurance that may be owned by the couple to be eligible for the program is determined under IC 12-15-2-24.

As added by P.L.2-1992, SEC.9. Amended by P.L.128-1999, SEC.21; P.L.246-2005, SEC.104; P.L.196-2011, SEC.3.

IC 12-15-3-2

Parent of applicant for or recipient of assistance to blind or disabled who is less than 18 years of age; ownership of money, stock, bonds, and life insurance; total cash value limitation

Sec. 2. (a) Except as provided in section 7 of this chapter, if the parent of an applicant for or a recipient of assistance to the blind or disabled who is less than eighteen (18) years of age owns money, stock, bonds, and life insurance whose total cash value is more than one thousand five hundred dollars (\$1,500), the amount of the excess shall be added to the total cash value of money, stock, bonds, and life

insurance owned by the applicant or recipient to determine the recipient's eligibility for Medicaid under section 1 of this chapter.

(b) However, a Holocaust victim's settlement payment received by the parent of an applicant for or a recipient of assistance may not be added to the total cash value of money, stock, bonds, and life insurance owned by the applicant or recipient to determine the recipient's eligibility for Medicaid under section 1 of this chapter.

As added by P.L.2-1992, SEC.9. Amended by P.L.128-1999, SEC.22; P.L.196-2011, SEC.4.

IC 12-15-3-3

Parents of applicant for or recipient of assistance to blind or disabled who is less than 18 years of age; ownership of money, stock, bonds, and life insurance; total cash value limitation

Sec. 3. Except as provided in section 7 of this chapter, if the parents of an applicant for or a recipient of assistance to the blind or disabled who is less than eighteen (18) years of age own money, stock, bonds, and life insurance whose total cash value is more than two thousand two hundred fifty dollars (\$2,250), the amount of the excess shall be added to the total cash value of money, stock, bonds, and life insurance owned by the applicant or recipient to determine the recipient's eligibility for Medicaid under section 1 of this chapter.

As added by P.L.2-1992, SEC.9. Amended by P.L.196-2011, SEC.5.

IC 12-15-3-4

Total cash value limitations on ownership of money, stock, bonds, and life insurance; parent and parents defined

Sec. 4. For purposes of sections 2 and 3 of this chapter, except for an applicant or a recipient who is determined to be eligible for home and community based services under 42 U.S.C. 1396 et seq., the applicant's or recipient's parent or parents are the parent or parents with whom the applicant or recipient resides.

As added by P.L.2-1992, SEC.9.

IC 12-15-3-5

Limitation on total cash value of money, stocks, bonds, and life insurance owned by applicants or recipients not described in

IC 12-15-3-1

Sec. 5. Except as provided in section 7 of this chapter, the office may set the total cash value of money, stock, bonds, and life insurance that an applicant for or a recipient of Medicaid may own without being ineligible for Medicaid in cases not described in section 1 of this chapter.

As added by P.L.2-1992, SEC.9. Amended by P.L.196-2011, SEC.6.

IC 12-15-3-6

Purchase of qualified long term care insurance policy; computation under this chapter

Sec. 6. A computation under this chapter concerning an individual who purchases a qualified long term care insurance policy under

IC 12-15-39.6 must take into consideration the asset disregard established under IC 12-15-39.6-10.

As added by P.L.2-1992, SEC.9. Amended by P.L.24-1997, SEC.47; P.L.1-2006, SEC.187.

IC 12-15-3-7

Effect of certain applicants' assignment of life insurance benefits to state on applicants' Medicaid eligibility

Sec. 7. (a) As used in this section, "value" includes the following:

(1) The face value of a life insurance policy.

(2) The cash value of a life insurance policy.

(b) The value of a life insurance policy that is in force and owned by an applicant or a recipient who is at least fifty-five (55) years of age or permanently institutionalized may not be considered as a resource in determining the applicant's or recipient's eligibility for Medicaid if the applicant or recipient:

(1) makes an irrevocable election to name the state as a beneficiary of the life insurance policy for an amount that is not greater than:

(A) Medicaid benefits provided to the recipient under IC 12-15-5 or IC 12-14-17; plus

(B) premiums or expenses paid by the office to the insurer that issued the life insurance policy; or

(2) collaterally assigned the life insurance policy to the state under a written agreement submitted to and recorded by the insurer that issued the life insurance policy.

(c) Any designation of the state as an irrevocable beneficiary or any collateral assignment in favor of the state is void if the application for Medicaid benefits is not approved.

As added by P.L.196-2011, SEC.7.