

IC 12-15-7

Chapter 7. Personal Allowance

IC 12-15-7-1

Persons entitled to allowance; receipt of care in hospital or nursing home; amount of allowance

Sec. 1. Subject to section 2 of this chapter, an individual eligible to receive Medicaid who is not living in the individual's own home but is receiving care in a:

- (1) hospital; or
- (2) nursing facility;

may retain from the individual's income a personal allowance in an amount to be established by the office.

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

IC 12-15-7-2

Amount of allowance; permissible range

Sec. 2. Fifty-two dollars (\$52) monthly may be exempt from income eligibility consideration.

As added by P.L.2-1992, SEC.9. Amended by P.L.272-1999, SEC.40; P.L.294-2001, SEC.3.

IC 12-15-7-3

Use of allowance

Sec. 3. The money described in section 2 of this chapter may be exclusively used by the recipient for the recipient's personal needs.

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

IC 12-15-7-4

Individuals employed as part of habilitation plan or working in sheltered workshop or day activity center; amount of allowance

Sec. 4. The personal allowance for one (1) month described in sections 1, 2, and 3 of this chapter for an individual whose employment is part of the recipient's individual habilitation plan or who is working in a sheltered workshop or day activity center is the amount that a person would be entitled to retain under sections 1, 2, and 3 of this chapter plus an amount equal to one-half (1/2) of the remainder of:

- (1) gross earned income for the month; minus
- (2) the sum of:
 - (A) sixteen dollars (\$16);
 - (B) the amount withheld from the recipient's paycheck for that month for payment of state income tax, federal income tax, and the tax prescribed by the Federal Insurance Contribution Act (26 U.S.C. 3101 et seq.); and
 - (C) transportation expenses for the month.

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

IC 12-15-7-5

Retention of amount equal to individual's state and local income

tax liability; monthly limitation; exemption from income eligibility consideration; use of amount retained

Sec. 5. (a) In addition to the amount that may be retained as a personal allowance under this chapter, an individual is allowed to retain an amount equal to the individual's state and local income tax liability.

(b) The amount that may be retained during a month may not exceed one-third (1/3) of the individual's state and local income tax liability for the calendar quarter in which the month occurs. This amount is exempt from income eligibility consideration by the office.

(c) The amount retained under this section must be used by the individual to pay any state or local income taxes owed.

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

IC 12-15-7-6

Payment calculation for federal SSI recipient; exemption from income eligibility consideration

Sec. 6. (a) If an individual described in section 1 of this chapter:

(1) is a recipient of assistance under the federal Supplemental Security Income (SSI) program; and

(2) receives an income that is less than the amount described in section 2 of this chapter;

the office shall pay to the individual an amount equal to the difference between the amount of the monthly allowance described in section 2 of this chapter and the amount of income, including assistance under the federal Supplemental Security Income (SSI) program received by the individual.

(b) Money paid to an individual under subsection (a) is exempt from income eligibility consideration.

As added by P.L.294-2001, SEC.4. Amended by P.L.26-2003, SEC.1.