

Indiana Health Coverage Program Policy Manual	
CHAPTER: 3200 ASSISTANCE GROUPS (AG)	SECTION: 3200.00.00 TABLE OF CONTENTS

3200.00.00 ASSISTANCE GROUPS

3205.00.00 ASSISTANCE GROUP DEFINITION

3205.05.00 MAGI ASSISTANCE GROUP DEFINITION

3205.10.00 BASIC MAGI RULES FOR DETERMINING THE AG OF A TAX
FILER

3205.15.00 BASIC MAGI RULES FOR DETERMINING THE AG OF A TAX
DEPENDENT

3205.20.00 BASIC MAGI RULES FOR DETERMINING THE AG OF AN
INDIVIDUAL WHO IS NEITHER A TAX FILER NOR A TAX
DEPENDENT

3206.00.00 PRIMARY RESIDENCE (MED 2, MED 3)

3210.00.00 MEDICAID ASSISTANCE GROUPS (MED 1)

3210.05.00 NON-INSTITUTIONALIZED APPLICANT/RECIPIENT (MED 1)

3210.10.00 APPLICANT/RECIPIENT IN LONG TERM CARE (MED 1)

3210.15.00 CHILDREN APPROVED FOR CERTAIN HCBS WAIVERS (MED 1)

3210.20.00 RCAP MEDICAID AG MEMBERS (MED 1)

3215.00.00 MEDICAID ASSISTANCE GROUPS (MED 2)

3215.10.00 REFUGEE MEDICAL ASSISTANCE GROUPS (MED 2)

3215.10.05 Refugee Mandatory Participating AG Members (MED
2)

3215.10.10 Refugee Optional AG Participants (MED 2)

3215.10.15 Refugee Mandatory Nonparticipating AG Members
(MED 2)

3215.10.20 Refugee Excluded Members (MED 2)

3218.00.00 TRANSITIONAL MEDICAL ASSISTANCE

3220.00.00 MEDICAID ASSISTANCE GROUPS (MED 3)

3220.05.00 LOW INCOME PARENTS/OTHER CARETAKER RELATIVES AND
ADULTS (MED 3)

3220.10.00 AG DETERMINATION/CHILDREN (MED 3)

3220.15.00 AG DETERMINATION/PREGNANT WOMEN (MED 3)

3220.20.00 AG DETERMINATION/NEWBORNS

3220.25.00 AG DETERMINATION/FAMILY PLANNING SERVICES

3225.00.00 QMB/QDW/SLMB/QI ASSISTANCE GROUPS (MED 4)

Indiana Health Coverage Program Policy Manual	
CHAPTER: 3200	SECTION: 3200.00.00
ASSISTANCE GROUPS (AG)	TABLE OF CONTENTS

3200.00.00 ASSISTANCE GROUPS

This chapter contains the following sections:

- Assistance Group Definition (Section 3205);
- Medicaid Assistance Groups (MED 1) (Section 3210);
- Medicaid Assistance Groups (MED 2) (Section 3215);
- Medicaid Assistance Groups (MED 3) (Section 3220);
- QMB/QDW/SLMB Assistance Groups (MED 4) (Section 3230).

The program-specific sections will discuss policy on composition of the assistance groups.

3205.00.00 ASSISTANCE GROUP DEFINITION

The assistance group (AG) is an individual or group of individuals whose income, resources, needs, and/or expenses are considered together in the eligibility determination for an assistance category. For categories of assistance subject to the modified adjusted gross income (MAGI) methodology for income and household size, the AG determination is aligned with tax filing rules, in accordance with the requirements laid out in the Affordable Care Act (ACA) of 2010.¹ For categories of assistance not subject to MAGI methodology, the AG determination is based upon relationship and living arrangement. Within the AG for non-MAGI categories of assistance, individuals may be participating or nonparticipating members, depending upon each program's eligibility requirements.

Participating members are individuals for whom eligibility for a benefit is considered. Nonparticipating members are those individuals whose needs, income, expenses and/or resources are considered in determining the eligibility and benefit level of the participating members, but who are not eligible for benefit consideration on their own behalf. Household members who are not, according to specific program regulations, eligible for membership in the AG as participants or non-participants, are excluded from consideration in the eligibility determination; as such, they are also excluded from any requirement to provide

¹ 42 U.S.C. § 1396a(e)(14)

personal demographic or financial information to the agency.² Please, refer to IHCPPM 2404.00.00. Further, non-applicant/recipient household members who are mandatory non-participating members are not required to provide a Social Security Number (SSN)³, but this does not relieve any applicable requirement to have any financial and/or non-financial information of the mandatory non-participating AG member verified to determine eligibility for the applicant/recipient. For example, a parent who has applied for medical assistance for a child but not for himself is not required to provide his SSN, but he is required to provide proof of his income to determine his child's eligibility.

When applying for Medicaid coverage, an applicant's AG is defined differently depending on the category of assistance under which he or she is being considered for eligibility. An applicant's AG may change as the application moves through the Medicaid eligibility hierarchy and she is considered for different eligibility categories. Some categories are subject to MAGI methodology for determination of the applicant's AG and some are not.

The ACA did not change the AG determination rules for applicants being considered for eligibility for a non-MAGI category of assistance.

3205.05.00 MAGI ASSISTANCE GROUP DEFINITION

The types of individuals who would be likely to be considered for eligibility under categories of assistance subject to the MAGI household size (AG) determination methodology are as follows:

Children under one year of age (MA Y);

Children one to five years of age (MA Z);

Children six to nineteen years of age (MA 2, MA 9, MA 10);

Children 19-20 who meet the low-income converted AFDC standard (MA T);

² 42 CFR 435.907

³ 42 CFR 435.907

Children between nineteen and twenty-one residing in an inpatient psychiatric facility (MA O);

Former foster children up to twenty-one years of age (MA 14);

Parents or caretaker relatives (MAGF);

Pregnant women (MAGP); and

Family Planning Services (MA E).

For eligibility under the Healthy Indiana Plan for uninsured adults between ages 19 and 64, please, refer to IHCPPM Chapter 3500.

A child or adult who is disabled or blind and applying for Medicaid coverage will also be considered for eligibility under a category of assistance that is not subject to MAGI household size (AG) determination rules. Additionally, children under the age of 19 with adoptive assistance, foster children, and former foster children up to age 26 who were enrolled in Medicaid on their 18th birthday are eligible under categories of assistance that are not subject to MAGI household size (AG) determination rules.

Under MAGI methodology, the basic rules for who is counted as part of the household size (AG) of the applicant are aligned with federal tax filing rules. There are different rules for determining the AG of applicants who are tax filers, applicants who are tax dependents and applicants who are neither tax filers nor tax dependents.

3205.10.00 BASIC MAGI RULES FOR DETERMINING THE AG OF A TAX FILER

A "tax filer" as used herein applies to an individual

- Who actually filed a tax return and was not claimed as a tax dependent by anyone else in the year for which eligibility is determined or renewed; or
- Who expects to file a tax return and does not expect to be claimed as a tax dependent by anyone else in the year for which eligibility is determined or renewed. A tax filer's AG when being considered for a MAGI category of assistance

consists of himself/herself and any person(s) that will be claimed as his or her tax dependent(s).⁴

In the case of married couples living together, each spouse will be counted in the other's AG. This rule applies regardless of whether the couple expects to file a joint tax return or whether one spouse expects to claim the other as a dependent.⁵

The types of individuals that could be claimed as a taxpayer's dependents and therefore included in his or her AG include the following:

Taxpayer's spouse;

Taxpayer's biological, adopted, or step child(ren);

Other qualifying children or relatives.⁶

3205.15.00 BASIC MAGI RULES FOR DETERMINING THE AG OF A TAX DEPENDENT

A "tax dependent" as used herein applies to an individual:

- Who was actually claimed as a dependent by someone else in the year for which eligibility is determined or renewed; or
- Who expects to be claimed as a tax dependent in the year for which his or her eligibility is determined or renewed.

Except as set forth below, the general rule for a tax dependent's AG for a MAGI category is the same as that of the tax filer that will claim him or her as a dependent. Generally, the tax dependent's AG will include the tax filer claiming him as a dependent and all other tax dependents claimed by that tax filer. Also, if a person files taxes but is still claimed as a dependent by another person, the person is still considered a tax dependent for MAGI purposes.

There are several exceptions to this general rule. If any of the below listed exceptions apply, the tax dependent's AG is determined in accordance with the rules for individuals who are neither tax filers nor tax dependents

⁴ 42 CFR § 435.603(f)

⁵ 42 CFR § 435.603 (f)

⁶ 26 U.S.C § 152(c) & (d)

(see Section 3205.20.00).⁷

(A) The individual to be claimed as a tax dependent is claimed by someone other than the spouse or a parent (biological, adopted, or step).

For example, if a grandparent claims a grandchild as a tax dependent, the grandchild's AG would be determined in accordance with the rules for individuals who are neither tax filers nor tax dependents.

(B) The individual to be claimed as a tax dependent is under the age of 19 and lives with both parents who do not expect to file a joint tax return, and will be claimed by one parent only as a dependent.

For example, if a mother and her partner live together with their child, the parents may not file a joint tax return since they are not married, and the child can be claimed only by one parent as a tax dependent. In that case, the child's AG would be determined in accordance with the rules for individuals who are neither tax filers nor tax dependents.

(C) The individual to be claimed as a tax dependent is under the age of 19 and will be claimed by a non-custodial parent.

For example, if a child's parents are divorced and the child spends most nights with his father, but his mother will claim him as a tax dependent, the child's AG would be determined in accordance with the rules for individuals who are neither tax filers nor tax dependents.

**3205.20.00 BASIC MAGI RULES FOR DETERMINING THE AG OF AN
INDIVIDUAL WHO IS NEITHER A TAX FILER NOR A TAX
DEPENDENT**

This section applies for the purposes of determining the AG of:

(A) An individual who does not expect to be claimed by anyone else as a tax dependent in the year for which eligibility is being determined or renewed;

⁷ 42 CFR 435.603 (f); 405 IAC 2-2.5-2(e)

(B) An individual who does not expect to file a federal tax return;

(C) A tax dependent who fits one of the exceptions listed in 3205.15.00;⁸ or

(D) Also, when an individual neither expects to file taxes for the year in which eligibility is being determined or renewed nor expects to be claimed as a dependent in the year for which eligibility is being determined or renewed.⁹

In these cases, the individual's AG for a MAGI category consists of himself, and, if living with the individual:

The individual's spouse;

The individual's children (biological, adopted, or step) under the age of 19;

In the case of individuals under the age of 19, the individual's parents (biological, adopted, or step) and siblings under the age of 19 (biological, adopted, or step).

3206.00.00 PRIMARY RESIDENCE (MED 2, MED 3)

When determining the Assistance Group deciding who "lives" together is taken into account.

Sometimes this means that the worker must determine the residence of an individual. The residence of an individual is the address reported by that individual.

Some assistance groups may include members who have multiple addresses, such as children in school or under joint physical custody.

The primary residence is the location where the individual spends the majority of time during the month.

An individual who spends the majority of his/her time away from the residence of the assistance group but who has no consistent alternative location due to employment which requires frequent

⁸ 42 CFR 435.603(f); 405 IAC 2-2.5-2(e)

⁹ 42 CFR 435.603(f); 405 IAC 2-2.5-2(e)

travel, is considered a member of the assistance group. However, if the individual establishes a residence away from the assistance group, then he/she would not be considered as a member. This also applies to students who live away at school and only return home on weekends.

When the entire assistance group has multiple residences, the primary residence is determined in the manner described above.

3210.00.00 MEDICAID ASSISTANCE GROUPS (MED 1)

The MED 1 categories of assistance are not subject to MAGI methodology for the determination of income and household size (AG). For the MED 1 categories, there is one participating AG member. Nonparticipating members are those individuals whose income, resources, and/or expenses must be considered in the eligibility determination and/or in the post-eligibility calculation.

3210.05.00 NON-INSTITUTIONALIZED APPLICANT/RECIPIENT (MED 1)

The policy contained in this section only applies to the MA A, MA B, and MA D categories of assistance.

When the applicant/recipient (participating member) is in a living arrangement other than a Medicaid certified long-term care facility, the AG consists of the applicant/recipient and the nonparticipating members listed below:

The spouse of the applicant/recipient if the couple is living together or separated only for medical reasons;¹⁰

[A spouse receiving HCBS Waiver services will be excluded from non-waiver spouse applicant/recipient;](#)

The biological or adoptive parent(s) of a child applicant/recipient who resides with the parent(s) and who does not qualify for certain Home and Community Based Services (HCBS) waivers as specified in Section 3220.15.00;

The biological, adoptive, or step child of the applicant/recipient who is living in the same home;¹¹

¹⁰ 405 IAC 2-1-1

¹¹ 405 IAC 2-1-1

A child who is a sibling of the child applicant/recipient who lives with the applicant/recipient and his biological or adoptive parent;¹²

The stepparent of a child applicant/recipient living with the applicant/recipient and his biological parent; and

An essential person other than a spouse or parent who lives with the applicant/recipient and who provides essential care and services to him.¹³

As used in this section a "child" is a person who is under the age of 18 or who is a student age 18 - 21.¹⁴

For a complete understanding of the way in which income and resources of nonparticipating AG members are considered, refer to Sections 3455.00 (Budgeting), 2600 (Resources), and 1610.00 (Category description).

3210.10.00 APPLICANT/RECIPIENT IN LONG TERM CARE (MED 1)

The policy stated in this section only applies to the MA A, MA B, and MA D categories of assistance when the applicant/recipient resides in a Medicaid certified facility.

The AG of an applicant/ recipient in long term care consists of:

The applicant/recipient;

The applicant's/recipient's spouse who also resides in a long term care facility or hospital if the couple is separated only for medical reasons;¹⁵

The applicant's/recipient's spouse who does not live in a hospital, nursing facility, ICF/MR, CRF/DD, or psychiatric facility (referred to as the community spouse);¹⁶

The following individuals who live with the community spouse of the applicant/recipient residing in a Medicaid certified facility:

¹² 405 IAC 2-1-1

¹³ 405 IAC 2-1-1

¹⁴ 405 IAC 2-1-1

¹⁵ 405 IAC 2-1-1

¹⁶ Social Security Act (SSA), Section 1924

- Biological or adoptive child under age 21 of either spouse;
- Biological or adoptive child age 21 and over who is claimed as a tax dependent;
- Parents of either spouse, who are claimed as tax dependents; and
- Siblings of either spouse who are claimed as tax dependents.

3210.15.00 CHILDREN APPROVED FOR CERTAIN HCBS WAIVERS (MED 1)

The policy contained in this section only applies to the MA D and MA B categories of assistance.

The only member of the AG is the applicant/recipient if he is under age 21 and approved for Home and Community Based Services (HCBS) under any of Indiana's waivers. Please, refer to IHCPPM 3305.00.00 for waiver types

3210.20.00 RCAP MEDICAID AG MEMBERS (MED 1)

The policy contained in this section only applies to the MA R category of assistance.

The AG consists of the applicant/recipient who has been determined eligible for Residential Care Assistance Program (RCAP) and his/her spouse if the couple is living together or separated only for medical reasons. The spouse's resources are considered in the Medicaid eligibility determination.

3215.00.00 MEDICAID ASSISTANCE GROUPS (MED 2)

The only category of assistance under MED 2 is MA Q, Refugee Medical Assistance (RMA).

3215.10.00 REFUGEE MEDICAL ASSISTANCE GROUPS (MED 2)

Refugee eligibility is determined on the basis of need. A refugee AG is comprised of one or more related refugees of any age who live together. The following sections discuss additional AG requirements.

3215.10.05 Refugee Mandatory Participating AG Members (MED 2)

The Refugee Cash Assistance eligibility determination must include the following mandatory AG participants who live together:

The applicant/recipient;

The applicant's/recipient's dependent child under age 18;

The applicant's/recipient's spouse who has refugee status;
and

The parent of the dependent child if he has refugee status.

3215.10.10 Refugee Optional AG Participants (MED 2)

Any legal or blood relative with refugee status, who is either a dependent child or a caretaker living with the AG, who is not mandatory, may be included in the AG.

3215.10.15 Refugee Mandatory Nonparticipating AG Members (MED 2)

Individuals who live with the AG and are excluded from the AG include:

Individuals who would be mandatory participating members but who are serving a period of ineligibility due to the receipt of a lump sum payment;

Sanctioned individuals;

Non-recipient stepparents;

Stepparent's dependent child;

Non-recipient parent of a minor parent; and

The refugee's spouse who does not have refugee status.

The income of these individuals is counted in the eligibility determination. The resources of lump sum ineligible members, sanctioned members, and a non-refugee spouse are also counted. However, resources of the remaining AG members are not counted.

3215.10.20 Refugee Excluded Members (MED 2)

Individuals who live with the AG, but are excluded from

participation in the AG, include:

SSI recipients;

A child receiving IV-E payments; and

Children for whom foster care maintenance or adoption assistance payments are made, whether provided by a federal, state, or local agency. This does not apply to children receiving adoption assistance if their exclusion results in a reduction in the AG's benefits.

The income, needs, expenses, and resources of these individuals are not counted in the Refugee Cash Assistance eligibility determination.

3218.00.00 TRANSITIONAL MEDICAL ASSISTANCE

Transitional Medical Assistance (TMA) is available to adults who no longer qualify for MAGF due to earnings and certain children who were living with the adult who lost MAGF eligibility while he was receiving MAGF. Please, refer to IHCPM Chapter 3800. The category for TMA is MA F, which is not considered MED 2 or MED 3. MA F, however, is considered a Hoosier Healthwise category.

3220.00.00 MEDICAID ASSISTANCE GROUPS (MED 3)

Individuals whose eligibility is being considered under the MED 3 categories of assistance are subject to MAGI methodology for determination of household size (AG). Refer to sections 3205.05.00, 3205.10.00, 3205.15.00, and 3205.20.00 for the MAGI rules for determining the AG for tax filers, tax dependents, and individuals who do not qualify as either tax filer or tax dependents under this chapter.

3220.05.00 LOW INCOME PARENTS/OTHER CARETAKER RELATIVES AND ADULTS (MED 3)

Low-income parents and caretakers and other adults that are being considered for eligibility under the MAGF, MAHC, MAHN or categories of assistance are subject to MAGI rules for determination of their AG.

Generally, for adult Medicaid applicants or recipients who plan to file a federal tax return, the AG consists of him/herself and all other individuals to be claimed as tax dependents. If the applicant or recipient is married, the AG also includes the spouse regardless of whether the couple will file a joint return

or whether the spouse will be claimed as a tax dependent by the applicant/recipient.

If the adult Medicaid applicant or recipient is to be claimed as a tax dependent, please, refer to IHCPPM 3205.15.00.

EXAMPLE #1

Jenny, who does not plan to file a federal tax return, is applying for Medicaid eligibility, and lives with her husband Shawn, who also does not plan to file. Jenny and Shawn live with their three children: Anna, Joe, and Peter. Anna and Joe are their shared biological children. Peter is Shawn's biological son from a previous relationship. Jenny also has another biological son, David, who does not live with them.

Since neither adult plans to file a federal tax return and are not claimed as tax dependents, their AGs are determined in accordance with the rules for non-filers and non-dependents.

Jenny's AG consists of herself, Shawn, Anna, Joe, and Peter. Her two biological children and one stepchild living with her are all included, but since her other son David does not live with her, he is not.

Shawn's AG consists of himself, Jenny, Anna, Joe, and Peter. His three biological children living with him are all included, but since his stepson David does not live with him, he is not included.

EXAMPLE #2

Karen and her husband Stan live with Karen's elderly and disabled mother, Susan, their 18-year old daughter, Emma, and Emma's infant son, Jeffrey. Karen plans to file a federal tax return and will claim all of them as her dependents.

Karen is applying for coverage for herself and for Jeffrey. Since Karen is a tax filer, her AG consists of herself and all those she will claim as dependents: Susan, Stan, Emma, and Jeffrey. As Karen's tax dependents, Susan, Stan and Emma would all have the same AG as Karen if any of them were to be considered for Medicaid eligibility under a MAGI category of assistance.

Jeffrey, however, has a different AG than Karen because he falls into one of the exceptions for tax dependents, as he is a dependent claimed by someone other than his biological, adopted, or step parent or spouse. His AG is determined in accordance with the rules for non-filers and non-dependents. Therefore, Jeffrey's AG consists of only himself and his mother Emma, since she lives with him and he is under the age of 19.

EXAMPLE #3

Bill and his partner Kim live together with their four children, all under the age of 19: their two shared biological children Lisa and Gabriel, Kim's biological daughter Cindy, and Bill's biological son Levi.

Bill and Kim each plan to file separate federal tax returns. Bill claims Levi and Gabriel as tax dependents, so his AG consists of himself and his two sons. Kim is not a part of his AG because the two are not married. Kim claims Cindy and Lisa as her tax dependents, so her AG consists of herself and her two daughters. Bill is not a part of her AG because the two are not married.

Levi and Cindy's AGs are the same as Bill's and Kim's, respectively, because they are claimed as their parents' tax dependents. However, the AG for Gabriel and Lisa must be determined in accordance with the rules for non-filers and non-dependents. As the two shared biological children of the relationship, Gabriel and Lisa fall into one of the exceptions a tax dependent as "individuals under age 19 living with both parents who do not plan to file a joint return and expect to be claimed as a dependent only by one parent". Therefore, Gabriel's AG consists of himself, both of his parents, and his three siblings with whom he lives (since he is under 19). Similarly, Lisa's AG consists of herself, both of her parents, and her three siblings with who she lives (since she is under 19).

3220.10.00 AG DETERMINATION/CHILDREN (MED 3)

The policy discussed in this section refers to the following Medical Assistance categories:

Children under one year of age (MA Y);

Children one to five years of age (MA Z);

Children six to nineteen years of age (MA 2, MA 9, MA 10);

Children 19-20 who meet the converted AFDC low-income standard (MA T);

Children between nineteen and twenty-one residing in an inpatient psychiatric facility (MA O); and

Former foster children up to twenty-one years of age (MA 14).

All of these categories of assistance are subject to MAGI methodology for household size and composition. Again, there are different rules for tax filers, tax dependents, and those who are neither filers nor dependents.

Most children eligible for Medicaid under these categories of assistance will be subject to the MAGI household size (AG) determination rules for tax dependents, or the rules for those who are neither tax filers nor dependents. These rules are described in Sections 3205.15.00 and 3205.20.00.

Some examples of the AG composition of applicants/recipients eligible under the children's categories of assistance follow. They primarily concern cases in which children are not tax filers nor tax dependents or fall into one of the exceptions for dependents, as these situations are more complex than if the children are simply dependents of their parents.

EXAMPLE #1

Ryan, age nine, and Cora, age seven, are brother and sister and live with their aunt and uncle, Sally and Doug. Sally and Doug have not legally adopted the children, but they claim them as tax dependents. Even though these children are claimed as tax dependents, their AG is not determined in accordance with the rules for tax dependents. This is because they fall into the exception of children who expect to be claimed as tax dependents by someone other than a biological, adoptive, or step parent. Ryan and Cora's AGs are determined using the same rules for people who are non-filers and non-dependents.

According to these rules, the AG includes the individual, and, if living with the individual, his or her spouse; biological, adopted, and step children and parents, and biological, adopted, and step siblings, since they are under the age of 19. Therefore, Ryan's AG consists of himself and his sister Cora, and Cora's AG consists of herself and her brother, Ryan.

EXAMPLE #2

Jill is one year old and lives with her brother, Derek, who is four years old, and her mother, Lori. Lori does not expect to file a federal tax return, so she will not claim her children as tax dependents. Neither will anyone else. Therefore, Jill and Derek's AGs will be determined in accordance with the rules for non-filers and non-dependents. According to these rules, the AG includes the individual, and, if living with the individual, his or her spouse; biological, adopted, and step children; and biological, adopted, and step parents and siblings (if they are under the age of 19).

Jill's AG will consist of herself, her mother, and her brother Derek, since Derek is under the age of 19 and she lives with them both. Similarly, Derek's AG will consist of himself, his mother, and his sister Jill.

EXAMPLE #3

Carol and Steve are divorced and have three year old twins, Molly and Jason. Carol is the custodial parent, as determined by the court, for both of the children, but she allows Steve to claim Molly as a tax dependent. Carol plans to file a federal tax return and will claim Jason. Although Molly is a tax dependent, she is claimed by a non-custodial parent and therefore falls into one of the exceptions. Her AG will be determined in accordance with the rules for non-tax filers and non-dependents.

Molly's AG consists of herself, her mother Carol, and her brother Jason, because they all live together and she is under the age of 19. Jason's AG is the same as Carol's, since she is his custodial parent and will claim him as a tax dependent.

EXAMPLE #4

Mike, age 20, lives with his wife Angela, 19, their infant daughter Madison, and his 15-year old brother, Murray. Mike plans to file a federal tax return and claim Angela, Madison, and Murray as his dependents. Therefore, Mike's AG consists of four people—himself and his three dependents. Angela and Madison's AGs are the same as Mike's AG.

Murray's AG, however, is different. Although he is a tax dependent, he is being claimed by his brother—someone other than his spouse or biological, adopted, or step parent. Therefore, Murray's AG is determined in accordance with the rules for non-filers and non-dependents. Murray's AG consists only of himself—although he is living with his brother Mike, Mike is 20, and siblings are only included in the AG of non-filers and non-dependents if they are under the age of 19.

EXAMPLE #5

Sam, age 6, lives with his parents, Debbie and Duane, and his brother, Tommy, age 4. Duane expects to file a federal tax return. Debbie will not, and Duane cannot claim Debbie as a dependent nor include her in his AG, since the two are not married. Duane will claim both Sam and Tommy as dependents.

Although they are being claimed as dependents, the children fall into the exception of living with both parents who do not expect to file a joint tax return and expect to be claimed only by one parent. Therefore, their AGs are determined in accordance with the rules for non-filers and non-dependents.

Sam's AG consists of himself, both of his parents, and Tommy, and Tommy's AG consists of himself, both of his parents, and Sam. Duane's AG consists of himself and his two sons, since he is a tax filer claiming them. Debbie is a non-filer and non-dependent, so she is subject to those rules. Her AG consists of herself and her two sons, with whom she lives, but it would not include Duane since the two are not married.

3220.15.00 AG DETERMINATION/PREGNANT WOMEN (MED 3)

The policy discussed in this passage refers only to the MAGP category of assistance.

Pregnant women being considered for Medicaid eligibility under MAGP are subject to MAGI methodology for determination of

household size (AG). If the pregnant woman is a tax filer, her AG is determined in accordance with the rules for tax filers; if she is a tax dependent, her income is determined in accordance with the rules for tax dependents, and if she is neither a filer nor a dependent, her AG will be determined in accordance with those rules.

An unborn child or children can only be counted in the AG of the pregnant woman. The unborn child(ren) cannot be counted as a part of the AG of the father or siblings, even if the father and mother are married and the other children all live together. Additionally, if the pregnant woman is claimed as a dependent, the unborn child(ren) cannot be counted in the AG of the filer that claims her.

Some examples of the AG composition of applicants/recipients eligible under MAGP follow.

EXAMPLE #1

Charlotte is pregnant with twins and lives with her parents, Anne and Jack, who file a joint return and claim her as a tax dependent. They also claim her younger brother, Cory, as a dependent. As a tax dependent, Charlotte's AG is the same as the tax filers that claim her. In addition, because she is pregnant, her AG will include her unborn children. Charlotte's AG consists of herself, both of her parents, her brother Cory, and her unborn children.

Anne and Jack are tax filers, so their AG consists of themselves and their dependents, Charlotte and Cory. They cannot include Charlotte's unborn children in their AGs.

EXAMPLE #2

Emily is pregnant with her fourth child and lives with her husband, Scott, and their other three children. Scott and Emily file taxes jointly, so Emily's AG is determined in accordance with the rules for tax filers. Her AG consists of herself, her husband Scott, their three children who they claim as tax dependents, and her unborn child.

Scott's AG consists of himself, Emily, and his three children. He cannot count his unborn child in his AG.

The three children's AGs consist of both of their parents and their siblings. Their mother's unborn child cannot be counted in their AGs.

3220.20.00 AG DETERMINATION/NEWBORNS

The policy in this section applies to the MA X category. (Refer to Sections 1620.75.00 and 2428.00.00 for category description and eligibility information).

The AG consists only of the newborn child.

There is no financial eligibility determination for this category.

3220.25.00 AG DETERMINATION/FAMILY PLANNING SERVICES

The policy in this section applies to the MA E category. (Refer to Section 1620.80.00 and 2410.05.05).

The AG consists of the person requesting Family Planning Services. If the person requesting services is an adult, please, refer to Section 3220.05.00. If the person requesting services is a child, please, refer to Section 3220.10.00.

3225.00.00 QMB/QDW/SLMB/QI ASSISTANCE GROUPS (MED 4)

The members of a Qualified Medicare Beneficiary (QMB), (refer to 1610.30.00 for category description); Qualified Disabled Worker (QDW), (refer to 1610.40.00 for category description); Specified Low-Income Medicare Beneficiary (SLMB) (refer to 1610.35.00 for category description) and Qualified Individuals (QI) (refer to 1610.45.00 for category description) AGs are as follows:

The applicant/recipient;

The spouse of the applicant/recipient when they are living in the community together;

The applicant's/recipient's biological, adoptive, and step child under age 18 or an 18-21 year old student, living with the applicant/recipient; and

The applicant's/recipient's essential person as defined in section 3220.05.00.

For a complete understanding of the way in which income and resources of nonparticipating members are considered in determining eligibility, refer to Chapters 3400 (Budgeting) and 2600 (Resources).