

Document: Proposed Rule

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**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

Proposed Rule
LSA Document #00-208

DIGEST

Amends 405 IAC 2-3-4 to eliminate the requirement to consider the income of a parent in the eligibility determination of an applicant or recipient of Medicaid who is between the ages of 18 and 21 and a student, in accordance with changes made to IC 12-15-4-4. Effective 30 days after filing with the secretary of state.

405 IAC 2-3-4

SECTION 1. 405 IAC 2-3-4 IS AMENDED TO READ AS FOLLOWS:

405 IAC 2-3-4 Income of legally responsible relatives; inclusion

Authority: IC 12-13-5-3; IC 12-13-7-3; IC 12-15-1-10

Affected: IC 12-15-4; IC 12-15-5

Sec. 4. The countable income of an applicant for or recipient includes income of certain legally responsible relatives in the following situations:

(1) Except as provided in subdivision (3), if the applicant or recipient is under eighteen (18) years of age ~~or between eighteen (18) and twenty-one (21) years of age and a student~~, and is living with his or her parent(s), his or her income includes the income of his or her parent(s).

(2) If the applicant or recipient is living with his or her spouse, his or her income includes the income of his or her spouse.

(3) Income of the parent(s) is not included if the applicant or recipient is under eighteen (18) years of age and has been approved from home and community based services under an approved waiver, in accordance with 42 U.S.C.A. 1396n, which specifies the exclusion of parental income.

(Office of the Secretary of Family and Social Services; 405 IAC 2-3-4; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1019, eff Apr 1, 1984; filed Feb 16, 1993, 5:00 p.m.: 16 IR 1784) NOTE: Transferred from the Division of Family and Children (470 IAC 9.1-3-6) to the Office of the Secretary of Family and Social Services (405 IAC 2-3-4) by P.L.9-1991, SECTION 131, effective January 1, 1992.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 4, Indianapolis, Indiana the Office of the Secretary of Family and Social Services will hold a public hearing on proposed amendments to eliminate the requirement to consider the income of a parent in the eligibility determination of an applicant or recipient of Medicaid who is between the ages of 18 and 21 and a student, in accordance with changes made to IC 12-15-4-4. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Katherine Humphreys
Secretary
Office of the Secretary of Family and Social Services