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TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

Proposed Rule LSA Document #02-151

DIGEST

Amends the personal needs allowance amount allowed under room and board assistance income eligibility to increase the amount from \$50 to \$52 pursuant to amended state statute. Effective 30 days after filing with the secretary of state.

460 IAC 5-1-13

SECTION 1. 460 IAC 5-1-13 IS AMENDED TO READ AS FOLLOWS:

460 IAC 5-1-13 Income eligibility

Authority: IC 12-8-8-4; IC 12-10-6-2; IC 12-10-6-3

Affected: IC 12-10-6

Sec. 13. (a) An applicant's or recipient's income eligibility for room and board assistance shall be determined by the procedures in this section.

(b) The following requirements apply to a single applicant or recipient:

- (1) Determine the applicant's or recipient's countable income under section 11 of this rule.
- (2) Subtract from the total amount determined in subdivision (1), ~~fifty~~ **fifty-two** dollars ~~(\$50)~~ **(\$52)** for the personal needs of the applicant or recipient.
- (3) Subtract the established room and board rate from the amount determined in subdivision (2).
- (4) If the remainder is less than zero dollars (\$0), the applicant or recipient is eligible for room and board assistance.
- (5) If the remainder is zero dollars (\$0) or more, the applicant or recipient is ineligible for room and board assistance.

(c) The following requirements apply to married applicants or recipients residing in the room and board facility:

- (1) Determine separately each spouse's countable income under section 11 of this rule.
 - (2) Subtract from each spouse's total amount determined in subdivision (1), ~~fifty~~ **fifty-two** dollars ~~(\$50)~~ **(\$52)** for the spouse's personal needs.
 - (3) Subtract the established room and board rate from the amount determined in subdivision (2) for each spouse.
 - (4) If each spouse's remainder is less than zero dollars (\$0), each spouse is eligible for room and board assistance.
 - (5) If one (1) spouse is ineligible, subtract the amount of his average monthly medical expenses from his remainder determined in subdivision (3).
 - (6) Add the remainder determined in subdivision (5) to the eligible spouse's countable income **in** subdivision (1).
 - (7) Subtract from the total amount determined in subdivision (6), ~~fifty~~ **fifty-two** dollars ~~(\$50)~~ **(\$52)** for personal needs.
 - (8) Subtract the established room and board rate from the amount determined in subdivision (7).
 - (9) If the remainder is less than zero dollars (\$0), the spouse is eligible for room and board assistance.
 - (10) If the remainder is zero dollars (\$0) or more, both spouses are ineligible for room and board assistance.
- (Division of Disability, Aging, and Rehabilitative Services; 460 IAC 5-1-13; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1007, eff Apr 1, 1984; filed Sep 22, 1988, 2:30 p.m.: 12 IR 294; filed Feb 23, 1998, 11:30 a.m.: 21 IR 2385; filed Mar 13, 2000, 7:50 a.m.: 23 IR 1992) NOTE: Transferred from the Division of Family and Children (470 IAC 8.1-3-13) to the Division of Aging and Rehabilitative Services (460 IAC 5-1-13) by P.L.9-1991, SECTION 130, effective January 1, 1992.*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 27, 2002 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451, Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on proposed amendments concerning the personal needs allowance amount allowed under room and board assistance income eligibility to increase the amount from \$50 to \$52 pursuant to amended state statute.

If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting.

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.

Howard Stevenson
General Counsel
Division of Disability, Aging, and Rehabilitative Services