

Income and Resource Limits for New York State Public Health Insurance Programs

Big increases in income and asset limits for Age 65+, Blind & Disabled (ABD) took effect Jan. 1, 2023 - read about how these were rolled out here. and see these DOH directives:

3/1/24 UPDATE - NYS Dept. of Health updated the income and resource limits based on the 2024 Federal Poverty Levels. See **NYS DOH GIS 24 MA/01** - 2024 Federal Poverty Levels and **ATTACHMENT I**. This directive says that the updated figures are to be used for all new and pending applications and for any redeterminations made since Jan. 1, 2024.

The **HRA Income and Resources Level Chart** has been updated for 2024. A second update was posted on March 1, 2024. See explanations of the different boxes on the HRA chart here.

WARNING: Whether to use the income level for 1, 2 or more persons is not intuitive. See rules on household size here.

2024 MEDICAID INCOME LIMITS		
MAGI (<65, Not on Medicare) & Non-MAGI (65+, Disabled, Blind)		
138% Federal Poverty Level		
1	2	3 (MAGI only)**
\$1,732 up from \$1677	\$2,351 up from \$2268	\$2,970
2024 RESOURCE LIMITS - NON-MAGI MEDICAID ONLY		
\$31,175	\$42,312	NA - **
up from \$30,182	up from \$40,821	
2024 ESSENTIAL PLAN INCOME LIMITS		
(should be increasing from 200% to 250% FPL later in 2024! these limits are 200%)		
(Only for those in MAGI Category with Income Above MAGI Medicaid Limits)		
See <u>Essential Plan info here</u>		
\$2,510	\$3,407	\$4,304

** Non-MAGI budgeting for Aged, Blind and Disabled only allows a **Household size of 1 or 2**. See more here. Also, for MAGI -- children < 5 and pregnant women have HIGHER

INCOME LIMITS than those shown. See NYS 2023 Chart [here](#). for larger size MAGI households.

This Budgeting Worksheet can be used to calculate Medicaid eligibility (2024) using various special budgeting strategies. See more about these strategies in [this article](#).

NYS DOH DIRECTIVES with past INCREASES:

- **NYS DOH GIS 23 MA/02 - 2023 Federal Poverty Levels and ATTACHMENT** *New York State Income and Resource Standards for Non-MAGI Population.*
- **GIS 22 MA/11** - Increase of Medicaid Medically Needy Income Level to 138% of the Federal Poverty Level and Related Medically Needy and MBI-WPD Resource Level Changes
 - ♦ **Attachment I** (Form letter DOH will send to Spend-down Recipients in Dec. 2022 of Option to Request Rebudgeting)
- **GIS 22 MA/10** - Changes to Medicare Savings Program (MSP) Income Levels (PDF)
 - ♦ **Attachment I** (Form letter DOH will send to MSP Beneficiaries in Dec. 2022 of Option to Apply for Full Medicaid)
- **GIS 22 MA/14** - *since updated by GIS 23 MA/02 and its attachment.*

COVID-19 NOTE about RESOURCES - Since the ongoing Public Health Emergency ended, all Medicaid recipients have gone through or will go through a "renewal" of their eligibility. The "unwinding" of the Public Health Emergency began in March-April 2023. See more [here](#). The renewals for non-MAGI recipients were done and continue to be done WITHOUT CONSIDERING RESOURCES. This is a special one-time "waiver" that applies only to renewals. New applicants must still show their resources are under the limits. See [this article for tips on renewals](#).

NEED TO KNOW PAST MEDICAID INCOME AND RESOURCE LEVELS?

- See income levels for past years from 2001 through 2022 [here](#).

WHAT IS THE HOUSEHOLD SIZE? See rules here. They are not intuitive!!!!

HOW TO READ THE HRA Medicaid Levels chart -

- Boxes 1 and 2 are **NON-MAGI** Income and Resource levels -- Age 65+, Blind or Disabled and other adults who need to use "spend-down" because they are over the MAGI income levels.

- Box 11 are the **MAGI** income levels -- The Affordable Care Act changed the rules for Medicaid income eligibility for many BUT NOT ALL New Yorkers. People in the "MAGI" category - those NOT on Medicare -- have expanded eligibility up to 138% of the Federal Poverty Line, so may now qualify for Medicaid even if they were not eligible before, or may now be eligible for Medicaid without a "spend-down." They have NO resource limit.
 - Box 3 on page 1 is Spousal Impoverishment levels for Managed Long Term Care & Nursing Homes and Box 9 on page 5 has the Transfer Penalty rates for nursing home eligibility
 - Box 5 has Medicaid Buy-In for Working People with Disabilities Under Age 65
 - Box 6 - Family Planning Benefit Program
 - Box 7-8 are Medicare Savings Program levels along with annual Medicare figures and COBRA, AIDS Health insurance programs.
 - Box 9 are monthly regional Nursing Home rates, used to calculate the transfer penalty for nursing home care. If and when the lookback begins for home care and Assisted Living Program, the same rates will be used for the transfer penalty. See this article
 - Box 10 - Fair Market Regional Rates for Special Standard for Housing Expenses - an extra income disregard for people enrolled in MLTC when they return home after 30+ days in a nursing home or adult home. See this article.
 - Box 11 are the **MAGI** income levels -- for those under 65 NOT on Medicare (with some exceptions) -- have expanded eligibility up to 138% of the Federal Poverty Line. They have NO resource limit.B
 - Box 12 - MAGI limits for children under 18 and pregnant women (CHIP)
 - Box 13 - Child Health Plus limits for children under age 19 who are not Medicaid-eligible
 - Box 14 - Disabled Adult Child (DAC) income limits
 - Box 15 - Congregate Care Levels I, II, and III - these are the income limits used in the Assisted Living Program and in Adult Homes (adult care facilities) and other congregate facilities. These levels are published by the NYS Office of Temporary & Disability Assistance (OTDA) each year - SSI/SSP 2024 Maximum Monthly Benefit Amounts posted at <https://otda.ny.gov/programs/ssp/> or look at OTDA Policy Directives for recent INF directives. Prior years in ARCHIVES link.
- ◆ For 2024, the Medicaid non-MAGI limit is higher than the Congregate Care Level III limit, so the higher limit is used as the Medicaid limit for ALP residents. See **GIS 24 MA/01**. Their income exceeding that limit is "excess income" or a spenddown. They keep a Personal Needs Allowance (\$249 in 2024).
 - Box 16 - SSI levels. The "Allocation Amount" is the difference between the non-MAGI income limit of 1 and limit of 2. This is the amount that the spouse in an MLTC plan or waiver may keep if they and their spouse have Spousal Impoverishment budgeting.

MAGI INCOME LEVEL of 138% FPL applies to most adults who are not disabled and who do not have Medicare, AND MAGI can also apply to adults with Medicare if they have

a dependent child/relative under age 18 or under 19 if in school. 42 C.F.R. Â§ 435.4.

Certain populations have an even higher income limit -

- **224%** FPL for pregnant women and babies < age 1,
- **154%** FPL for children age 1 - 19.
- See all income limits on [MAPDR-01 HRA income limits chart](#) or **GIS 24 MA/01 ATTACHMENT I**.

CAUTION: What is counted as income may not be what you think.

For the **NON-MAGI** Disabled/Aged 65+/Blind, income will still be determined by the same rules as before, explained in this outline and these charts on [income disregards](#). However, for the MAGI population - which is virtually everyone under age 65 who is not on Medicare - their income will now be determined under new rules, based on federal income tax concepts - called "Modified Adjusted Gross Income" (MAGI). There are good changes and bad changes.

GOOD: Veteran's benefits, Workers compensation, and gifts from family or others no longer count as income.

BAD: There is no more "spousal" or parental refusal for this population (but there still is for the Disabled/Aged/Blind.) and some other rules. For all of the rules see:

- State's directive **[13 ADM-03 - Medicaid Eligibility Changes under the Affordable Care Act \(ACA\) of 2010](#)** (PDF) ,
- [PowerPoint by NYLAG on MAGI Budgeting](#)
- [Training materials by Empire Justice Center](#)
- Training materials by [Legal Aid Society](#)
- National Health Law Program [Advocates Guide to MAGI](#)

ALSO SEE [2018 Manual on Lump Sums and Impact on Public Benefits - with resource rules](#)

HOW TO DETERMINE SIZE OF HOUSEHOLD TO IDENTIFY WHICH INCOME LIMIT APPLIES

The income limits increase with the "household size." In other words, the income limit for a family of 5 may be higher than the income limit for a single person. HOWEVER, Medicaid rules about how to calculate the household size are not intuitive or even logical. There are different rules depending on the "category" of the person seeking Medicaid. Here are the 2 basic categories and the rules for calculating their household size.

1. People who are **Disabled, Aged 65+ or Blind** - "DAB" or "SSI-Related" Category -- **NON-MAGI** - See [this chart for their household size](#). These same rules apply to the Medicare Savings Program, with some exceptions explained in [this article](#).
2. **Everyone else** -- **MAGI** - All children and adults under age 65, including people with disabilities who are not yet on Medicare -- this is the new "MAGI" population. Their household size will be determined using federal income tax rules, which are very complicated.

New rule is explained in State's directive **13 ADM-03 - Medicaid Eligibility Changes under the Affordable Care Act (ACA) of 2010** ([PDF](#)) pp. 8-10 of the PDF, This [PowerPoint by NYLAG on MAGI Budgeting](#) attempts to explain the new MAGI budgeting, including how to determine the Household Size. See slides 28-49. Also see [Legal Aid Society](#) and [Empire Justice Center](#) materials

OLD RULE used until end of 2013 -- Count the person(s) applying for Medicaid who live together, plus any of their legally responsible relatives who do not receive SNA, ADC, or SSI and reside with an applicant/recipient. Spouses or legally responsible for one another, and parents are legally responsible for their children under age 21 (though if the child is disabled, use the rule in the 1st "DAB" category). Under this rule, a child may be excluded from the household if that child's income causes other family members to lose Medicaid eligibility. See 18 NYCRR 360-4.2, [MRG](#) p. 573, [NYS GIS 2000 MA-007](#)

- **CAUTION:** Different people in the same household may be in different "categories" and hence have different household sizes AND Medicaid income and resource limits. If a man is age 67 and has Medicare and his wife is age 62 and not disabled or blind, the husband's household size for Medicaid is determined under Category 1/ Non-MAGI above and his wife's is under Category 2/MAGI.

The following programs were available prior to 2014, but are now discontinued because they are folded into MAGI Medicaid:

- [Prenatal Care Assistance Program](#) (PCAP) was Medicaid for pregnant women and children under age 19, with higher income limits for pregnant woman and infants under one year (200% FPL for pregnant women receiving perinatal coverage only not full Medicaid) than for children ages 1-18 (133% FPL).
- **Medicaid for adults between ages 21-65 who are not disabled and without children under 21** in the household. It was sometimes known as "S/CC" category for *Singles and Childless Couples*. This category had lower income limits than DAB/ADC-related, but had no asset limits. It did not allow "[spend down](#)" of excess income. This category has now been subsumed under the new MAGI adult group whose limit is now raised to 138% FPL.
- **Family Health Plus** - this was an expansion of Medicaid to families with income up to 150% FPL and for childless adults up to 100% FPL. This has now been folded into the new MAGI adult group whose limit is 138% FPL. For applicants between

138%-150% FPL, they will be eligible for a new program where Medicaid will subsidize their purchase of Qualified Health Plans on the Exchange.

PAST INCOME & RESOURCE LEVELS --

Past Medicaid income and resource levels in NYS are shown on these old NYC HRA charts for 2001 through 2021, in chronological order. These include Medicaid levels for MAGI and non-MAGI populations, Child Health Plus, MBI-WPD, Medicare Savings Programs and other public health programs in NYS.

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