



Medicaid Buy-In For Workers with Disabilities

How To Maintain Your Medicaid Coverage if you are employed!

What is MBIWD?

Medicaid Buy-In for Workers with Disabilities is an Ohio Medicaid Program that provides health care coverage to working Ohioans with disabilities.

Historically, people with disabilities were often discouraged from working because their earnings made them ineligible for Medicaid Coverage. MBIWD was created to enable Ohioans with disabilities to work and keep their health care coverage.

On June 30th 2007 House Bill 119 was signed into Ohio Law creating the MBIWD program and enrollment began April 1, 2008

To Qualify for MBIWD, a person must

- Be 16 to 64 years old who is also working full or part-time
- Be a U.S Citizen or meet specific noncitizen requirements
- Be disabled as per the Social Security Administration-If you get SSDI or SSI you will be eligible
- If you don't get SSI or SSDI, Ohio's Division of Disability Determination will check to see if your disability qualifies
- Check with your local JFS office as they will require medical documentation (no more than 18 months prior to your application date)

To Qualify for MBIWD, a person must Continued

Be prepared JFS may require for the following verifications:

- Basic Medical JFS form 7302 completed by a doctor to get a detailed picture of your full medical history
- Social Security Report for Disability determination SSA 7004 -The purpose of this form is to provide a record of your earnings history as well as an estimate of how much you have paid into the system and an estimate of benefits you may be eligible for now and in the future
- Mental Functional Capacity Assessment JFS 7308- The purpose of this assessment is to determine if a person is Moderate, Mild or not at all limited in the areas of understanding and memory

How to Qualify for MBIWD Continued

- JFS will require a current Physical and/or Psychological Evaluation
- JFS will also require a Social Summary JFS form number 1111
- The applicant must have a disability that meets Social Security's definition of disability. For adults Social Security says you have a disability if:
 - You have a severe physical or mental impairment or combination of impairments
 - Your condition has lasted or is expected to last for at least 12 months for information visit

<https://www.ssa.gov/disability/professionals/bluebook/AdultListings.htm>

Income Limits

- Countable monthly income must be under 250% (\$3,038 per month) of the Federal Poverty Level
- If your countable income is over 150% FPL or \$1,823 gross per month you will have a premium at this time JFS is currently not collecting those premiums

How to apply?

Contact your local JFS office

https://jfs.ohio.gov/County/County_Directory.pdf

Online at <https://benefits.ohio.gov/>

By phone at 1-800-324-8680

MBIWD Income Disregards Calculation

- Earned income tax credits and child tax credits
- Infrequent or irregular income
- Earned income of student children
- Any portion of the \$20 monthly income exclusion which has not been excluded from unearned income

MBIWD Income Disregards Calculation (Cont.)

- \$65 of earned income
- Impairment Related Work Expense (IRWE)
- $\frac{1}{2}$ the remaining income
- Blind Work Expense and Earned income to an approve PASS
- After all this if income is still above 250% FPL
- An Additional \$20,000 a year for any month over the limit

Resources

All countable resources can't exceed \$14,318 for 2023- this amount changes annually.

What Counts as a resource?

Savings and Checking Accounts, Cash on hand, credit unions, real estate in which one doesn't reside, Stocks, Bonds, IRA's, 401K's from past employers that you can cash out.

Some resources don't count towards MBIWD's resource limit like the home you live in, one car, Term Life Insurance, PASS (Plan to Achieve Self Support), Irrevocable Burial Account and 401K can't be counted as long as you're still working for the company

Stable Account: A great place to deposit cash resources!

As long as your disability began before the age of 26, the money you put in a STABLE account will not be counted as a resource.

If you open a stable account you can put in up to \$17,000 from any source and \$13,590 from your own earned income annually.

For more information on STABLE accounts go to <https://www.stableaccount.com/>

How are MBIWD premiums calculated?

Premiums are determined through a set of calculation based on household income. Family size, and certain standard deductions (medical expenses, impairment-related work expenses, etc.)

MBIWD premiums are calculated by using the following steps:

- 1) Subtracting 150% FPL from the gross family income
- 2) Subtract Impairment-Related Work Expenses, Blind Work Expenses, and Medical and Recurring Expenses. The remainder is the net family income
- 3) Multiply the net family income by 10%
- 4) Subtract the amount of any family health insurance premiums and round down to the nearest dollar to get the MBIWD premium.

How are MBIWD premiums calculated? (Cont.)

In 2023, an individual eligible for MBIWD with income greater than 150% of the Federal Poverty Level (\$21,870 annual income or \$1,823 per month) will be required to pay a monthly premium. Income includes earned and unearned income (ex. Social Security benefits).

MBIWD Calculation Example:

Individual with Impairment-Related Work Expenses

- **Gross income:** \$2000
- **Minus 150%
poverty level** - \$1823
\$177
- **Impairment-
Related Work
Expenses** -\$55
\$122
- **Multiply by 10%** x .10
- **Amount of
monthly
premium** \$12.20

The Federal Poverty Level (FPL) change each year. The calculation above represents the MBIWD Guidelines using the 2023 FPL. To obtain FPL figures based on household size and updated annual figures each year visit <http://aspe.hhs.gov/poverty>

Resource

Disability Benefits 101 (DB101)

- DB101-Ohio is a website with tools and information on employment, healthcare coverage and benefits
- The website can help you and people you work with better understand work and benefit rules
- You can visit <https://oh.db101.org/planning/> to utilize DB101 MBIWD premium estimator to determine an individual's estimated MBIWD premium. Please keep in mind this tool is an estimator only. Job and Family Services determines eligibility and premium amounts.

How does MBIWD make a difference?

- M is 40 years old, has an I/O waiver, and receives \$1,000 in SSDI benefits each month
- She is offered a job with gross earnings of \$1,000 per month which will make her monthly income total \$2,000
- If she **does not** have MBIWD she will have a monthly patient liability/share of cost of \$152. If she **does** have MBIWD she will have \$0 patient liability/share of cost
- She will have a monthly MBIWD premium of approximately \$17 (when premiums are collected again – they are not collecting now)

Resource limit increases from \$2,000 to \$14,318 by adding MBIWD!

How does MBIWD make a difference?

- T is 25 years old, has a SELF waiver, and receives \$1,400 in CDB benefits each month
- He is offered a job with gross earnings of \$1,400 per month which will make his monthly income total \$2,800
- If he does not have MBIWD he will no longer be eligible for the SELF waiver because total income is too high (2023 SIL=\$2,742) *unless* he gets a Qualified Income Trust and deposits all income over the SIL into the Trust each month
- If he has MBIWD he will remain eligible for the SELF waiver without the need for the Trust. He will have a monthly MBIWD premium of approximately \$97 (when premiums are collected again – they are not collecting now)

Resource limit increases from \$2,000 to \$14,318 by adding MBIWD!

Current MBIWD Issues (Cont.)

Monthly Premiums not Collectible

- The business system which sends premium notices has been broken for several years.
- Per law, premiums cannot be collected until premium notices are sent.

Current MBIWD Issues (Cont.)

Monthly Premium Calculation Incorrect

- 11/17/19 revision to OAC 5160:1-5-03(E)(a), changed the premium calculation which exceeded the authority granted by the Ohio legislature in ORC 5163.094 which dictates that the premium is 10% of net family income.
- Although the Ohio Department of Medicaid agreed prior to the Covid-19 Pandemic that the change was not appropriate, the OAC has not yet been corrected.
- If an individual's premium is determined using the incorrect calculation, appeal and use the MBIWD Argument paper that was created by Southeastern Ohio Legal Services (SEOLS).

Supplied as a handout if needed.

Current MBIWD Issues (Cont.)

- If JFS states an individual must apply for SSDI and/or SSI before applying for MBIWD:

OAC 5160:1-05-03(C)(1)(b) states: *To be eligible for MBIWD an individual must meet the definition of disability used by the Social Security Administration (SSA), except that employment, earnings, and Substantial Gainful Activity (SGA) must not be considered when determining whether the individual meets the disability criterion for MBIWD. An individual may be eligible for MBIWD regardless of whether the individual is receiving SSI or SSDI, and.....*

- APPEAL APPEAL APPEAL or
- Obtain a disability denial from SSA (which is a waste of JFS, SSA, yours and the individual's time).

Appealing an MBIWD Denial (Cont.)

Denials can be made for several reasons:

- Not Disabled
- Not Disabled enough
- Requested documentation not submitted
- Countable income over the maximum threshold

Definitely appeal if the individual meets the Social Security definition of having a specific disability.

May need to refer to the eligibility criteria of the Social Security Listing of Impairments sometimes called the "Blue Book".

- Part A – Adult
- Part B - Childhood

Appealing an MBIWD Denial (Cont.)

- Individual will receive a Notice of Action from their county Job & Family Services (JFS) including the date and Case Number.
- Page 2 (typically) states the reason for the denial
- All Notice of Actions have a State Hearing Request form at the end of the letter:
 - If filing by mail, fully complete and mail to the address listed on the last page of the Notice of Action
 - Filing electronically is easy and faster (see next chart). You will receive a confirmation via email when filing electronically

Where / How to File an Appeal

You can ask for a hearing in one of the following ways:

Electronically – Submit the hearing request to the Bureau of State Hearings SHARE Portal at <https://hearings.jfs.ohio.gov/SHARE/>. Log into the SHARE Portal using your Ohio Benefits ID and password to submit your request. (If you do not have an Ohio Benefits account, sign up at ssp.benefits.ohio.gov.)

Email – bsh@jfs.ohio.gov. In the subject line, put “State Hearing Request”. In the Message, include your name, case number, and reason for requesting a hearing, or attach a copy of this completed form.

Phone – Call the ODJFS Consumer Access Line at 866-635-3748. Follow the instructions for State Hearings, and mention this notice.

Fax – Complete and sign this form, and fax it to (614) 728-9574.

Mail – Complete and sign this form, and mail it to Bureau of State Hearings, P.O. Box 182825, Columbus, Ohio 43218-2825. Keep a copy for your records.

Contact your county DJFS office -- It is better to send this form using one of the methods above. But, you may complete and sign this form, and contact your local CDJFS.

How/Where to file an Appeal (Cont.)

- Appeals are normally held by telephone. The State Hearing officer will send a notice to the individual and the Authorized Representative (if one is listed).
- The individual denied must write and sign a short informal letter stating “John Doe” is authorized to represent me during the appeal process. Include the Case Number and individual’s full name on the letter.
- Send with the paper copy or Email to bsh@jfs.ohio.gov

Key Take Aways

Medicaid Buy-In for Workers with Disabilities:

- Age limit is 65
- Must be working:
 - **Disabled individuals who are working and may not be eligible for regular Medicaid due to earnings level.**
 - **Disabled individuals working not eligible for regular Medicaid, receiving SSDI but not yet eligible for Medicare.**
 - **Disabled individuals working who do not receive SSI or SSDI and have Medicaid Waiver services and incur a Patient Liability (PL) for those services.**
- Must meet Social Securities definition of disabled
- Has income and resource/asset limits
- May have a premium **(not being collected at this time)**