

## **Table of Contents**

**State Name:** Virginia

**State Plan Amendment (SPA) #:** 13-20

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
150 S. Independence Mall West  
Suite 216, The Public Ledger Building  
Philadelphia, Pennsylvania 19106-3499



Region III/Division of Medicaid and Children's Health Operations

SWIFT #010820144035

SEP 19 2014

Cynthia B. Jones, Director  
Department of Medical Assistance Services  
600 East Broad Street, Suite 1300  
Richmond, VA 23219

Dear Ms. Jones:

We have reviewed State Plan Amendment (SPA) 13-20, Update to Medicaid Works Income Limit. This SPA proposes to increase the maximum allowable gross annual earnings to \$75,000 for participants in the Medicaid Buy-In (MBI) program, Medicaid Works. This SPA also adjusts Medicaid Works policy to mitigate the negative impact (loss of Medicaid eligibility) of higher earned income or higher unearned income as a result of participating in this work incentive program.

This SPA is acceptable. Therefore, we are approving SPA 13-20 with an effective date of December 20, 2013. Enclosed are the approved SPA pages and signed CMS-179 form.

If you have further questions about this SPA, please contact Margaret Kosherzenko of my staff at 215-861-4288.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis McCullough".

Francis McCullough  
Associate Regional Administrator

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF  
STATE PLAN MATERIAL**  
IR: CENTERS FOR MEDICARE & MEDICAID SERVICES

1. TRANSMITTAL NUMBER  
1 3 - 2 0

2. STATE  
Virginia

TO: REGIONAL ADMINISTRATOR  
CENTERS FOR MEDICARE & MEDICAID SERVICES  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)

4. PROPOSED EFFECTIVE DATE  
December 20, 2013

5. TYPE OF PLAN MATERIAL (Check One)  
 NEW STATE PLAN  
 AMENDMENT TO BE CONSIDERED AS NEW PLAN  
 AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION  
42 CFR Part 435

7. FEDERAL BUDGET IMPACT  
a. FFY 2013 \$ 0  
b. FFY 2014 \$ 0

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT  
Supplement 8a to Attach. 2.6-A, Pages 2-3 of 3

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable)  
Replacement Page 2 of 2, Add Page 3

10. SUBJECT OF AMENDMENT  
Update to Medicaid Works Income Limit

GOVERNOR'S REVIEW (Check One)  
 GOVERNOR'S OFFICE REPORTED NO COMMENT<sup>2013</sup>  
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED  
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL  
 OTHER, AS SPECIFIED  
Secretary of Health and Human Resources

12. SIGNATURE OF STATE AGENCY OFFICIAL  
*Cynthia Jones*

13. TYPED NAME  
Cynthia B. Jones

14. TITLE  
Director

15. DATE SUBMITTED  
12/20/13

16. RETURN TO  
Dept. of Medical Assistance Services  
600 East Broad Street, #1300  
Richmond VA 23219  
Attn: Regulatory Coordinator

FOR REGIONAL OFFICE USE ONLY  
17. DATE RECEIVED  
12/30/2013

18. DATE APPROVED  
SEP 19 2014

9. EFFECTIVE DATE OF APPROVED MATERIAL  
12/20/2013

20. SIGNATURE OF REGIONAL OFFICIAL  
*Francis McCullough*

22. TITLE  
Associate Regional Administrator / DMCHO

1. TYPED NAME  
FRANCIS McCullough

3. REMARKS



STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

MORE LIBERAL INCOME DISREGARDS

F. For all Categorically Needy and Medically Needy individuals covered under the Family and Children covered groups [§§1902(a)(10)(A)(i)(III), 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI), 1902(a)(10)(A)(i)(VII), 1902(a)(10)(A)(i)(VIII), and 1902(a)(10)(C)(i)(III) of the Act], the Commonwealth will disregard the fair market value of all in-kind support and maintenance as income in determining financial eligibility. In-kind support and maintenance means food, clothing or shelter or any combination of these provided to an individual.

G. Working individuals with disabilities eligible for assistance under § 1902(a)(10)(A)(ii)(XV) of the Act who wish to increase their earnings while maintaining eligibility for Medicaid must establish Work Incentive (WIN) accounts (see Attachment 2.6-A, Supplement 8b (12 VAC30-40-290)).

1. The Commonwealth shall disregard any increase in the amount of unearned income in Social Security Disability Insurance (SSDI) payment resulting from employment as a worker with disabilities eligible for assistance under 1902(a)(10)(A)(ii)(XV) of the Act, or as a result of a COLA adjustment to the SSDI payment, if this additional amount of unearned income in SSDI payment from work and/or COLA is deposited into the individual's designated WIN account.

2. The Commonwealth shall disregard any amount of unearned income of an enrollee as a result of the receipt of unemployment insurance benefits due to loss of employment through no fault of his own, if this unearned income from unemployment insurance payments is deposited into the individual's designated WIN account. This disregard shall only apply while an enrollee is in the six month safety net, or "grace" period.

3. The Commonwealth shall disregard earned income up to \$75,000 for workers with disabilities eligible for assistance under § 1902(a)(10)(A)(ii)(XV) of the Act. To be eligible for this earned income disregard, the income is subject to the following provisions:

a. Only earnings that are deposited into a Work Incentive Account can be disregarded for eligibility purposes.

b. All funds deposited and their source will be identified and registered with the Department, for which prior approval has been obtained from the Department, and for which the owner authorizes regular monitoring or reporting of these earnings and other information deemed necessary by the Department for the proper administration of this provision.

c. Income from the individual's spouse or, if under age 21, the individual's parents with whom he lives, will not be deemed to an applicant for MEDICAID WORKS or to an existing enrollee in MEDICAID WORKS when determining whether or not the individual meets the financial eligibility requirements for eligibility under this section.

TN No. 13-20  
Supersedes  
TN No. 09-04

Approval Date

SEP 19 2014

Effective Date 12/20/13

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State of VIRGINIA

MORE LIBERAL INCOME DISREGARDS

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H. For aged, blind, disabled medically needy individual, with the exception of the special income level categorically needy individual, (§§ 1902(a)(10)(A)(i)(V) and (VI), and individuals eligible under the hospice group (§ 1902(a)(10)(A)(ii)(VII)), the Commonwealth of Virginia shall disregard the value of income derived from temporary employment with the United State Census Bureau for a Decennial Census.

I. For all categorically needy and medically needy individuals covered under the family and children covered groups ((§§ 1902(a)(10)(A)(i)(III), 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI), 1902(a)(10)(A)(i)(VII), 1902(a)(10)(A)(i)(VIII), 1902(a)(10)(C)(i)(III) of the Act), the Commonwealth will disregard income derived from the temporary employment with the United State Census Bureau for a Decennial Census.

TN No. 13-20  
Supersedes  
TN No. 09-04

Approval Date

SEP 18 2014

Effective Date 12/20/13

HCFA ID: 7985E