

**From:** [Jennifer Ouellette](#)  
**To:** [Iraida Orr](#); [Erica Haas](#)  
**Subject:** FW: Protected Income Limit Information  
**Date:** Thursday, November 8, 2018 4:50:25 PM  
**Attachments:** [129\\_129\\_Department\\_of\\_Health\\_and\\_Environment\\_Div\\_of\\_Health\\_Care\\_Finance\\_2016\\_KAR\\_Supp.pdf](#)  
[Long Term Care Support Services - Policy Paper.docx](#)  
[Long Term Care Support Services.docx](#)

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FYI.

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**From:** Jon Hamdorf [KDHE] <[Jonathan.Hamdorf@ks.gov](mailto:Jonathan.Hamdorf@ks.gov)>  
**Sent:** Thursday, November 8, 2018 4:48 PM  
**To:** Laura Kelly <[Laura.Kelly@senate.ks.gov](mailto:Laura.Kelly@senate.ks.gov)>; Jennifer Ouellette <[Jennifer.Ouellette@KLRD.ks.gov](mailto:Jennifer.Ouellette@KLRD.ks.gov)>  
**Cc:** Dan Hawkins <[Dan.Hawkins@house.ks.gov](mailto:Dan.Hawkins@house.ks.gov)>  
**Subject:** Protected Income Limit Information

Governor-elect Kelly, Chairman Hawkins and Jen,

You asked for the breakdown by state for protected income limit (PIL). I have attached that document, a policy document that my team worked on and the current regulation. Here they are:

1. HCBS PIL - KAR 129-6-103 (13) (c)

Here is the text:

(c) Home- and community-based services arrangements. For each person in the HCBS program, including any person in the PACE program who is in a noninstitutional living arrangement in accordance with K.A.R. 129-6-83(b), the monthly income standard for purposes of determining the client obligation shall be \$727. (Authorized by and implementing K.S.A. 2013 Supp. 65-1,254 and 75-7403; effective, T-129-10-31-13, Nov. 1, 2013; effective Feb. 28, 2014.)

2. Long Term Care Support Services Policy Paper outlining NF and HCBS PIL information.
3. Long Term Care Support Services – List of 50 states and protected income levels

Thanks,

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## Long-Term Services and Supports Needs Allowances – Policy Paper

04/27/2018

### 1. Kansas Long Term Care Needs Allowances:

- (a) **Nursing Home Personal Needs Allowance** – The nursing home personal needs allowance is currently \$62/month. The allowance had been \$30 since the beginning of the program. The amount was increased by state statute (K.S.A. 39-972) to \$50 effective July 1, 2006, then to \$60 effective July 1, 2007. The statute allowed, but did not mandate, an annual increase in the allowance based on the annual average increase in the chained consumer price index for all urban consumers (CPI-U). Accordingly, the allowance was increased to \$62 effective January 1, 2009. There has been no adjustment to the allowance since then.

#### Notes:

- i. Assuming the allowance had been updated each year since 2009 based on the change in the consumer price index (CPI), the current amount would be \$67.80/month.
- ii. The same statute authorizing the allowance increase also authorized the state supplemental payment program (SSPP). That program makes a monthly supplemental payment to nursing home residents whose SSI benefit has been reduced to \$30. The amount of the payment is equal to the difference between the nursing home personal needs allowance and the reduced SSI amount. That current supplemental payment amount is \$32/month ( $\$62 \text{ PNA} - \$30 \text{ SSI} = \$32$ ). A change in the nursing home personal needs allowance will therefore necessitate a comparable change in the state supplemental payment.

- (b) **HCBS Maintenance Needs Allowance** – The HCBS maintenance needs allowance is currently \$727/month. The allowance has been this amount since it was increased from \$716 effective July 1, 2008.

#### Notes:

- i. Each applicant is entitled to at least a \$20 income disregard from countable income making the effective maintenance needs allowance \$747 ( $\$727 + \$20 \text{ disregard} = \$747$ ).
- ii. For comparison purposes, when enacted (2008), the \$727 allowance was 114% of the SSI benefit level (\$637) and 84% of the federal poverty level (\$867). Today (2018), the allowance is 97% of the SSI benefit level (\$750) and 72% of the federal poverty level (\$1,005).

### 2. Needs allowances of other states:

- (a) **Nursing Home** – The personal needs allowance for the 50 states run from a low of \$30 (Alabama, Illinois, North Carolina, and South Carolina) to a high of \$200 (Alaska). The nationwide average is

\$56.22. This puts Kansas somewhat above the national average. The personal needs allowance of the five states surrounding Kansas:

- i. Colorado: \$84.41 (\$90 if VA is reduced)
- ii. Iowa: \$50
- iii. Missouri: \$50
- iv. Nebraska: \$60 (\$90 if VA is reduced)
- v. Oklahoma: \$50

(b) **HCBS** – The maintenance needs allowance runs from a low of \$525 (Montana) to a high of \$2,250 (25 states). There are six states (Alabama, Arkansas, Mississippi, Nevada, New Mexico, and Wyoming) which effectively have an unlimited maintenance needs allowance because income in excess of \$2,250 is sheltered in a special Qualifying Income Trust (QIT). The maintenance needs allowance of the five states surrounding Kansas:

- i. Colorado: \$2,250 (300% of the SSI benefit level)
- ii. Iowa: \$2,250 (300% of the SSI benefit level)
- iii. Missouri: \$1,311
- iv. Nebraska: \$750 (100% of the SSI benefit level)
- v. Oklahoma: \$1,125 (150% of SSI benefit level)

Notes:

- i. All five of the surrounding states use an indexed base amount, adjusted annually, to establish the maintenance needs allowance.

Long-Term Services and Supports Needs Allowances – 50 States

04/27/2018

	Nursing Home PNA	HCBS MNA	Methodology to Calculate HCBS MNA
Alabama	\$30 (\$120 if VA)	\$2,250	300% of SSI (Miller Trust* = \$0 Obligation)
Alaska	\$200	\$1,656	none
Arizona	\$112.50	\$2,250	300% of SSI
Arkansas	\$40	\$2,250	300% of SSI (Miller Trust* = \$0 Obligation)
California	\$35	\$2,250	300% of SSI
Colorado	\$84.41 (\$90 if VA)	\$2,250	300% of SSI
Connecticut	\$60	\$2,250	300% of SSI
Delaware	\$99	\$1,875	250% of SSI
District of Columbia	\$70	\$2,250	300% of SSI
Florida	\$130	\$1,005	100% of FPL
Georgia	\$50	\$750	100% of SSI
Hawaii	\$50	\$1,005	100% of FPL
Idaho	\$40	\$750	100% of SSI
Illinois	\$30	\$750	100% of SSI
Indiana	\$52	\$2,250	300% of SSI
Iowa	\$50	\$2,250	300% of SSI
Kansas	\$62	\$727	none
Kentucky	\$40	\$750	100% of SSI
Louisiana	\$38	\$2,250	300% of SSI
Maine	\$70	\$1,005	100% of FPL
Maryland	\$77	\$2,250	300% of SSI
Massachusetts	\$72.80	\$2,250	300% of SSI
Michigan	\$60	\$2,250	300% of SSI
Minnesota	\$99	\$990	none
Mississippi	\$44 (\$90 if VA)	\$2,250	300% of SSI (Miller Trust* = \$0 Obligation)
Missouri	\$50	\$1,311	none
Montana	\$50	\$525	Medically Needy PIL
Nebraska	\$60 (\$90 if VA)	\$1,005	100% of FPL
Nevada	\$35	\$2,250	300% of SSI (Miller Trust* = \$0 Obligation)
New Hampshire	\$70 (\$90 if VA)	\$2,250	300% of SSI
New Jersey	\$50	\$2,250	300% of SSI
New Mexico	\$69	\$2,250	300% of SSI (Miller Trust* = \$0 Obligation)
New York	\$50	\$842	none
North Carolina	\$30	\$1,005	100% of FPL
North Dakota	\$65	\$835	Medically Needy PIL
Ohio	\$45	\$1,463	65% of 300% of SSI
Oklahoma	\$50	\$1,125	150% of SSI
Oregon	\$61.38 (\$90 if VA)	\$2,000	none
Pennsylvania	\$45	\$2,250	300% of SSI
Rhode Island	\$50	\$1,005	100% of FPL
South Carolina	\$30	\$2,250	300% of SSI
South Dakota	\$60	\$750	100% of SSI
Tennessee	\$50	\$2,250	300% of SSI

Texas	\$60	\$2,250	300% of SSI
Utah	\$45	\$1,005	100% of FPL
Vermont	\$47.66	\$1,025	Medically Needy PIL
Virginia	\$40	\$2,250	300% of SSI
Washington	\$58.43	\$1,005	100% of FPL
West Virginia	\$50 (\$90 if VA)	\$750	100% of SSI
Wisconsin	\$45	\$2,250	300% of SSI
Wyoming	\$50	\$2,250	300% of SSI (Miller Trust* = \$0 Obligation)

\* A Miller Trust [also known as a Qualified Income Trust (QIT)] allows an individual whose income is in excess of the 300% SSI level to still qualify for Long Term Care coverage, including HCBS. The individual's income is paid into the trust and then the trust only pays out an amount equal to the 300% SSI level. Any "excess" income is retained in the trust.