



Office of
Medical Assistance

John R. Kasich, Governor

John B. McCarthy, Director

Medicaid Eligibility Procedure Letter No. 101

Effective Date: June 26, 2015
To: All Medicaid Eligibility Manual Holders
From: John B. McCarthy, Director
Subject: Medicaid: Same-Sex Marriage

Reason for Change: Pursuant to the U.S. Supreme Court decision in *Obergefell v. Hodges*, rendered on June 26, 2015, all states are required to license such marriages between same-sex couples and to recognize all marriages that were lawfully performed out of state.

New Policy: Recognition of same-sex marriages for determining eligibility for Medicaid.

Action Required: Effective immediately, when determining Medicaid eligibility, the administrative agency shall recognize same-sex marriages that have been or will be legally performed in this or any other state.

Processing Medicaid applications involving such same-sex marriages will differ between the Ohio Benefits Worker Portal and CRIS-e.

For applications processed in the Ohio Worker Benefits Portal:

The system is already programmed to accept the relationship of ‘spouse’ for same-sex couples. Per current Medicaid policy, an individual’s marriage status and tax-filing status is self-attested and does not require further verification. If a couple attests that they are married, complete the relationship and tax detail screens as declared and process eligibility accordingly.

For applications processed in CRIS-e:

CRIS-e only accepts a relationship of ‘husband’ or ‘wife’ and there are sex edits in place preventing a case worker from listing the individuals in a same-sex couple as spouses to each other. Since relationships cannot be adjusted to reflect the appropriate relationship status for same-sex couples, the system will be unable to create a proper budget.

Case workers should list same-sex married couples as ‘OTR’ related individuals on the household relationship screen, AEIHH.

When processing ABD eligibility for community Medicaid, the worker will need to complete manual budgets using the Spouse-to-Spouse deeming calculator to determine if the individual is eligible for ABD with or without a spend down. The calculator also can be located on our County Resources page on the InnerWeb at:

<http://innerweb.odjfs.state.oh.us/ohp/countyRes/CountyEligTA.stm>. The individual's Medicaid eligibility results will need to be adjusted in CRIS-e with a fiat (add in spend down, remove spend down or adjust spend down).

Likewise, when processing ABD eligibility for LTC or Waiver Medicaid, the worker will need to complete manual budgets to determine the Monthly Income Allowance for the community spouse as well as the Patient Liability amount for the institutionalized spouse. In addition, the manual resource assessment will need to be completed to determine resource eligibility for the institutionalized spouse. The forms needed to complete these manual computations can be found on the ODM website at

<http://medicaid.ohio.gov/RESOURCES/Publications/MedicaidForms.aspx> and include:

- ODM 04076, Resource Assessment Worksheet
- ODM 04077, Resource Transfer Worksheet
- ODM 04078, Monthly Income Allowance (MIA) Computation Worksheet
- ODM 04206, Family Allowance (FA) and Family Maintenance Needs Allowance (FMNA) Computation Worksheet
- ODM 07318, Medicaid Institutional Budget and Resource Computation Worksheet

Please contact ODM Eligibility Technical Assistance at Medicaid_Eligibility_TA@Medicaid.Ohio.gov for further assistance or clarification on processing specific cases. If additional assistance is needed in processing fiats for cases involving a spend down or patient liability, please contact the CRIS-e Help Desk at CRISE_HELPDESK@jfs.ohio.gov

A CRIS-E View Flash Bulletin (CLVB) and Ohio Benefits message will be issued with this information.

This information is also available on the Internet and may be accessed at:

www.medicaid.ohio.gov.