

13876, (eff 2-21-24)

Readopt with amendment He-W 841.03, effective 5/25/2022 (Document # 13380) to read as follows:

He-W 841.03 Medicaid for Employed Adults with Disabilities (MEAD).

(a) In accordance with RSA 167:3-i, RSA 167:3-c, XII, RSA 167:6, IX, and 42 USC 1396a(a)(10)(A)(ii)(XV) relative to medical assistance for employed adults with disabilities, medical assistance shall be provided to any applicant who:

- (1) Meets the general and technical requirements for aid to the permanently and totally disabled (APTD) or aid to the needy blind (ANB) as specified in He-W 600 and He-W 800;
 - (2) Is age 18 through 64;
 - (3) Meets the medical criteria for medicaid for employed adults with disabilities (MEAD) pursuant to He-W 504.02;
 - (4) Is employed for pay pursuant to He-W 841.03(b), or self-employed for pay pursuant to He-W 841.03(c), on the date of application, during the time of MEAD eligibility determination, and during the retroactive period, should the individual request this medical coverage period;
 - (5) Has net income determined by applying the APTD or ANB treatment and disregards to the applicant's gross income, and if applicable, to the spouse's gross income pursuant to He-W 654 and He-W 854, that when combined with spousal net income does not exceed 450% of the federal poverty guidelines, as published annually in the Federal Register and effective no later than the first of the month following the first complete month after the federal poverty income guidelines have been published in the federal register; and
 - (6) Has countable resources that do not exceed the 2002 limit of \$20,000 for an individual or \$30,000 for a married couple, the amounts of which shall be updated annually in accordance with (a)(5) above by the percentage that applies pursuant to the Consumer Price Index.
- (b) To be considered employed for pay, an individual shall:
- (1) Receive remuneration and contribute to the Federal Insurance Contributions Act (FICA); and
 - (2) Not be paid for participation in a program designed to enhance an individual's ability to obtain paid employment.
- (c) To be considered self-employed for pay, an individual shall:
- (1) Meet the requirements of (b)(2) above; and
 - (2) Provide documentation that the individual makes regular payments based on earnings as required pursuant to the Self-Employment Contributions Act (SECA).
- (d) The items listed below shall not be counted as a resource when determining MEAD eligibility:
- (1) Retirement plans;
 - (2) Medical savings accounts established pursuant to 26 USC 220; and

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(3) MEAD employability accounts specifically designated and set aside by the individual for the purpose of purchasing certain goods or services that:

a. Will enhance an applicant's employability; and

b. Are not:

1. Covered by the medicaid program;

2. Otherwise reimbursable;

3. Specifically excluded pursuant to He-W 856; or

4. Already allowed as a deduction pursuant to He-W 654 or He-W 854.

(e) Goods or services for which MEAD employability accounts may be designated and set aside pursuant to (d)(3) above shall include, but not be limited to:

(1) Equipment, supplies, operating capital, and inventory required to establish a business;

(2) Any cost associated with an educational or occupational training facility, including, but not limited to, tutoring or counseling;

(3) Work-related attendant care services to enable the individual to prepare for work, including, but not limited to, bathing and dressing, or services provided in the workplace;

(4) Medical devices, which enable the applicant to work, including, but not limited to:

a. Wheelchairs;

b. Prosthetics;

c. Pacemakers; and

d. Respirators;

(5) Equipment or tools either specific to an applicant's condition or designed for general use;

(6) Uniforms, specialized clothing, and safety equipment;

(7) Least costly transportation cost(s) to and from work, such as weekly or monthly bus passes;

(8) Purchase of a private vehicle;

(9) Operational or accessibility modifications to buildings or vehicles to accommodate disability;

(10) Routine drugs or medical services to ameliorate disability that are not covered by medicaid;

(11) Diagnostic procedures related to evaluation, control, or treatment of a disabling condition;

(12) Prescribed non-medical appliances and devices essential for controlling the disabling condition at home or work such as air filtering equipment;

(13) Expendable medical supplies; and

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(14) Guide dogs, dog food, licenses, and veterinary services.

(f) If an applicant uses funds in a MEAD employability account for items other than those described in He-W 841.03(d)(3), the remaining funds in the account shall be counted as a resource.

(g) Applicants who have been determined eligible for medical assistance pursuant to He-W 841.03(a) and who subsequently become unemployed but who intend to return to work shall remain eligible for MEAD for a 6-month extension period beginning with the date the individual becomes unemployed, if:

(1) The recipient was involuntarily terminated from employment, or seasonal work ended, and is currently seeking new employment; or

(2) The recipient voluntarily terminated employment with good cause in accordance with (i) below.

(h) A recipient who has completed the 6-month extension may obtain one additional 6-month extension if the recipient provides either:

(1) A written statement provided by a licensed medical professional regarding the individual's medical condition as it relates to their inability to work; or

(2) Written documentation of proven job search through contacts made to employers, or employment agencies such as one-stops, vocational rehabilitation, or employment networks.

(i) The bureau of family assistance shall determine if good cause for leaving employment exists, in accordance with RSA 167:82, III(c)(1), (2), (4), (6), (7), and (8).

(j) A recipient shall be terminated from MEAD when 3 consecutive occurrences of employment by a recipient indicate that the date of hire occurred during the last month of each of the 6-month periods.

(k) Recipients who are eligible for private health insurance through employment or membership in an organization, at no cost to them, shall be enrolled in those insurance plans in order to remain eligible for MEAD.

APPENDIX

Rule	Specific State Statute the Rule Implements
He-W 841.03	RSA 167:3-I; RSA 167:3-c, XII; RSA 167:6,IX; 42 USC 1396a(a)(10)(A)(ii)(XV) [Section 1902(a)(10)(A)(ii)(XV) of the Social Security Act]