

## 2133 – DEEMING WAIVER (KATIE BECKETT)

<b>POLICY STATEMENT</b>	<p>Deeming Waiver is a class of assistance (COA) available to children under age 18 who are financially ineligible for SSI.</p> <p>These individuals are determined to be in need of institutionalized care, but have chosen to remain at home because they can be cared for at a lower cost. Deeming Waiver allows the deeming of the income and resources of the child's parents to be <i>waived</i> when determining ABD Medicaid eligibility.</p>
<b>BASIC CONSIDERATIONS</b>	<p>To be eligible under the Deeming Waiver COA, an A/R must meet the following conditions:</p> <ul style="list-style-type: none"> <li>• The A/R is under 18 years of age.</li> <li>• The A/R is chronically impaired to the extent of being a suitable candidate for institutionalized care.</li> <li>• The A/R is financially ineligible for SSI in a private living arrangement (LA-A, B or C) due to his/her own income and/or resources or income/resources deemed from his/her parent(s).</li> <li>• The A/R meets the Level of Care (LOC) basic eligibility criteria.</li> <li>• The A/R meets all other basic and financial eligibility criteria.</li> </ul> <p><b>NOTE:</b> Length of Stay (LOS) is <b>not</b> a requirement for this COA.</p> <p>In some situations, a child may be eligible for either CCSP or Deeming Waiver. The benefits of each COA should be explained to the parent(s) or other personal representative. Also, the availability of CCSP services should be considered.</p>
<b>PROCEDURES</b>	<p>Follow the steps below to determine ABD Medicaid eligibility under the Deeming Waiver COA.</p> <p><b>Step 1</b> Accept the A/R's Medicaid application.</p> <p><b>Step 2</b> Conduct a face-to-face interview.</p> <p><b>Step 3</b> Screen for SSI financial eligibility in one of the following ways:</p> <ul style="list-style-type: none"> <li>• Complete a SSI trial budget in the system, deeming the income and resources of the child's parent(s). Refer to Section 2508, Deeming.</li> <li>• Obtain a current SSI denial letter, if available.</li> </ul> <p>If the child is financially eligible for SSI, deny the ABD Medicaid application and refer the child to SSA for a SSI determination.</p>

**PROCEDURES****(cont.)****Step 3  
(cont.)**

If the child is financially ineligible for SSI, proceed with the Deeming Waiver application.

**NOTE:** Review any reduction in the income or resources that makes the child eligible for SSI. Schedule interim reviews if changes are anticipated and terminate Deeming Waiver Medicaid if the child becomes eligible for SSI.

**Step 4**

Determine basic eligibility, including Level of Care (LOC) and establishing the child's disability using the SMEU process. If the child is determined not to be disabled by SMEU, deny the Deeming Waiver application for failure to meet the disability criteria. Refer to Chapter 2200, Basic Eligibility Criteria.

The LOC is obtained by completing Form DMA-6 and submitting to the Georgia Medical Care Foundation (GMCF) for approval.

The A/R's family, the attending physician and eligibility worker (EW) have roles in completing a DMA-6 on the A/R.

- Include the EW's name, county address and telephone number Section A, Number 1.
- Include the A/R's family address and telephone number Section A, Numbers 5 and 6.
- The primary physician in Section B, Number 18, must sign the DMA-6.
- The DMA-6 must be received at GMCF within 30 days of the date signed by the physician in Section B, Number 20.

Thoroughly complete a Social Data Report, Form 188. It must be signed and dated by the EW and received at GMCF within 90 days of the date on the form. A Social Data Report from another social worker familiar with the child's situation is also acceptable. The parent(s) should not complete Form 188.

The A/R's family, physician, and therapist (if the A/R is receiving any therapies) complete a care plan that outlines how the child's needs are met and the desired outcomes.

If developmental delay is indicated as a diagnosis, a psychological evaluation is completed by a Ph.D., M.Ed., Child Development Specialist (Babies Can't Wait), Developmental Pediatrician or School Psychologist to accompany the other forms which are sent to GMCF. At initial application, this evaluation must have been completed within the last year from the date received at GMCF.

**PROCEDURES****(cont.)**

Send the following completed items to GMCF:

- DMA-6
- Care Plan
- Social Data Report, Form 188

**PROCEDURES  
(cont.)**

**Step 6** Approve Medicaid on the system by entering all pertinent data if the A/R meets all eligibility criteria, including any retroactive months. The system will determine financial eligibility using the Medicaid Cap. There is no patient liability for this COA.

**Follow-Up** Complete a review of eligibility annually and document any anticipated change in resources, income or potential SSI eligibility.

Submit a new Form DMA-6 and new care plan to GMCF to obtain a LOC. If development delay has previously been indicated as a diagnosis, a psychological evaluation is required by GMCF every third year of receipt of Medicaid under this COA. Submit current therapy notes if therapy is indicated on the DMA-6.

Obtain a new Physician's Referral Form to ensure that the cost of in-home care continues to be less than the cost of institutionalized care in order for eligibility to continue.

If the A/R becomes ineligible for Deeming Waiver Medicaid, terminate the case and complete a CMD. Refer to Section 2052, Continuing Medicaid Determination.

**SPECIAL  
CONSIDERATIONS**

SSI regulations allow a child who has received SSI in a LA-D situation to continue receiving SSI in a private living arrangement. The income and resources of the parent(s) are not considered if the child is approved under a state home health plan. In Georgia, the relevant home health plans are CCSP, Deeming Waiver and Model Waiver.

- Determine and verify a LOC and eligibility for the appropriate home health plan for SSI on these children. Refer to Step 5 in this section.
- Do not approve Deeming Waiver Medicaid for these children for any month that they are SSI eligible.