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## **Table of Contents**

**State/Territory Name:** Utah

**State Plan Amendment (SPA) #:** UT-09-006

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  
1600 Broadway, Suite 700  
Denver, CO 80202-4967



## Region VIII

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March 29, 2010

David N. Sundwall, MD  
Utah Department of Health  
288 North 1460 West  
PO Box 143102  
Salt Lake City, UT 84114

RE: Utah #09-006

Dear Dr. Sundwall:

This is your official notification that Utah State Plan amendment 09-006 "Treatment of Census Takers and Burial Fund Clarification" has been approved effective October 1, 2009.

This SPA excludes the earned income for Medicaid recipients that are employed as temporary census takers. It also clarifies how burial funds are treated if the person removes the funds from an excluded burial fund account.

If you have any questions concerning this amendment, please contact Betty Strecker at (303) 844-7028.

Sincerely,

/s/

Richard C. Allen  
Associate Regional Administrator  
Division for Medicaid and Children's Health

CC: Michael Hales, Medicaid Director, UT  
Craig Devashrayee, UT

**TRANSMITTAL AND NOTICE OF APPROVAL OF  
STATE PLAN MATERIAL  
FOR: HEALTH CARE FINANCING ADMINISTRATION**

TO: REGIONAL ADMINISTRATOR  
HEALTHCARE FINANCING ADMINISTRATION  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

5. TYPE OF PLAN MATERIAL (Check One)

☐ NEW STATE PLAN ☐ AMENDMENT TO IT, 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

Section 1902(r)(2) of the Social Security Act

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

Page 2 of SUPPLEMENT 8a TO ATTACHMENT 2.6-A  
Page 1 of SUPPLEMENT 8b TO ATTACHMENT 2.6-A  
Page 1b of SUPPLEMENT 12a TO ATTACHMENT 2.6-A  
Page 3 of SUPPLEMENT 12a TO ATTACHMENT 2.6-A

1. TRANSMITTAL NUMBER  
09 035 UT

2. STATE  
Utah

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

4. PROPOSED EFFECTIVE DATE  
October 1, 2009

7. FEDERAL BUDGET IMPACT

a. FFY 2010 \$0  
b. FFY 2011 \$0

9. PAGE NUMBER OF THE SUPPLEMENT, PLAN SECTION  
OR ATTACHMENT (If Applicable)

~~Addendum-SUPPLEMENT 8a TO ATTACHMENT 2.6-A~~  
Page 1 of SUPPLEMENT 8b TO ATTACHMENT 2.6-A  
Page 1b of SUPPLEMENT 12a TO ATTACHMENT 2.6-A  
Addendum-SUPPLEMENT 12a TO ATTACHMENT 2.6-A

10. SUBJECT OF AMENDMENT

Treatment of Census Takers and Burial Fund Clarification

11. GOVERNOR'S REVIEW (Check One)

☒ GOVERNOR'S OFFICE REPORTED NO COMMENT  
☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED  
☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

☐ OTHER, AS SPECIFIED

12. SIGNATURE OF STATE AGENCY OFFICIAL

13. TYPE

David N. Sundwall, MD

14. TITLE

Executive Director, Utah Department of Health

15. DATE SUBMITTED

December 30, 2009

16.

17. DATE RECEIVED

12/30/09

18. RETURN TO:

Craig Devashrayee, Manager  
Technical Writing Unit  
Utah Department of Health  
PO Box 143102  
Salt Lake City UT 84114-3102

18. DATE APPROVED

10/1/09 3/29/10

FOR REGIONAL USE ONLY

19. EFFECTIVE DATE OF APPROVED MATERIAL

10/1/09

21. TYPED NAME

Richard C. Allen

22. SIGNATURE OF REGIONAL OFFICIAL

Associate Regional Administrator

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: UTAH

MORE LIBERAL METHODS OF TREATING INCOME  
UNDER SECTION 1902(r)(2) OF THE ACT

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To determine eligibility for the following eligibility groups, all wages paid by the Census Bureau for temporary employment related to census taking activities, including any preliminary activities carried out by temporary census takers in preparation of the census, are excluded.

- X Qualified children and pregnant women under 1902(a)(10)(A)(i)(III)
- X Poverty level pregnant women and infants (133% -185% FPL) under 1902(a)(10)(A)(i)(IV)
- X Poverty level children aged 1 up to age 6 (133% FPL) under 1902(a)(10)(A)(i)(VI)
- X Poverty level children aged 6 up to age 19 (100% FPL) under 1902(a)(10)(A)(i)(VII)
- X Optional categorically needy groups under 1902(a)(10)(A)(ii) as listed below:
  - 1902(a)(10)(ii)(I): caretaker relatives defined by 1905(a)(ii), pregnant women defined by 1905(a)(viii), (42 CFR 435.210) and children defined by 1905(a)(i) (42 CFR 435.222)
  - 1902(a)(10)(A)(ii)(IV) (42 CFR 435.211)
  - 1902(a)(10)(A)(ii)(X)
  - 1902(a)(10)(A)(ii)(XIII)
  - 1902(a)(10)(A)(ii)(XVII)
- X Medically Needy under 1902(a)(10)(C)(i)(III)
- X QMBs, SLMBs, and QIs under 1905(p)

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T.N. # 09-006

Approval Date 3/29/10

Supersedes T.N. # New

Effective Date 10-1-09

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: UTAH

MORE LIBERAL METHODS OF TREATING RESOURCES  
UNDER SECTION 1902(r)(2) OF THE ACT

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   Section 1902(f) State   X   Non-Section 1902(f) State

1. For AFDC-related cases, Utah applies SSI methodologies for exempting income-producing property.
2. For AFDC-related Medicaid cases, retirement accounts owned by a disabled parent or disabled spouse will be excluded from available resources when the disabled parent or disabled spouse is not included in the AFDC-related Medicaid coverage.
3. Funds an individual contributes to a demonstration Individual Development Account and any interest accrued on those funds will be excluded from available resources.
4. For individuals who are eligible under 1902(a)(10)(A)(ii)(XIII), the following resource provisions apply:
  - Retirement accounts the individual owns will not be counted as an available resource.
  - A second vehicle that is needed by a spouse or child to get to work will be excluded from countable resources.
  - The individual may have up to \$15,000 in countable resources. This limit includes resources deemed from a spouse or from a minor individual's parents.
5. To determine eligibility under Aged, Blind or Disabled Medicaid programs other than Sec. 1902(a)(10)(A)(ii)(XIII), retirement accounts and the second vehicle needed for a working spouse or child that were excluded while the individual was eligible under 1902(a)(10)(A)(ii)(XIII) will continue to be excluded for the lifetime of the individual.
6. For AFDC-related cases, the state excludes from resources for nine months, lump sum payments of retroactive benefits from Social Security Administration and from Railroad Retirement Board.
7. For AFDC-related cases, the state excludes from resources for nine months, payments received consisting of Earned Income Tax credits and Child Tax credits.
8. For the eligibility groups listed below, the state will disregard funds set aside and specifically designated for the individual's burial to the extent that such funds, when combined with the value of other resources designated for the individual's burial do not exceed \$1,500. Interest earned and left to accumulate on excluded burial assets is not counted as income or as an available resource. If excluded burial funds are used for some other purpose, the amount removed becomes a countable resource; the remaining amount, if any, counts as a resource unless the individual redesignates it as burial funds or replenishes it up to the original excluded amount. The eligibiity groups are: 1902(a)(10)(A)(i)(III); 1902(a)(10)(A)(i)(IV); 1902(a)(10)(A)(i)(VII); 1902(a)(10)(ii)(I): caretaker relatives defined by 1905(a)(ii), pregnant women defined by 1905(a)(viii), and children defined by 1905(a)(i); 1902(a)(10)(A)(ii)(IV); and 1902(a)(10)(C)(i)(III).

T.N. # 09-006

Approval Date 3/29/10

Supersedes T.N. # 05-016

Effective Date 10-1-09

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: UTAH

ELIGIBILITY CONDITIONS AND REQUIREMENTS

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ELIGIBILITY UNDER SECTION 1931 OF THE ACT (Cont.)

- X The agency uses less restrictive income and/or resource methodologies than those in effect as of July 16, 1996, as follows:

Interest accrued on funds an individual contributes to a demonstration Individual Development Account will be excluded from countable income.

For 1931 Medicaid, retirement accounts owned by a disabled parent or disabled spouse will be excluded from available resources when the disabled parent or disabled spouse is not included in the 1931 Medicaid coverage.

Funds an individual contributes to a demonstration Individual Development Account and any interest accrued on those funds will be excluded from available resources.

The state will deduct from the family's combined earned and unearned income an amount equal to the amount by which the family's income standard would increase if each household member who is ineligible due to the qualified alien status requirements was included.

The state will exclude the following types of income:

- (a) income excluded by 1612b(20) of the Social Security Act, which refers to Hostile Fire Pay or Imminent Danger Pay received by a household member who is on active duty in the armed forces serving in a combat zone.
- (b) income excluded by 1612b(23) of the Social Security Act, which refers to interest and dividends received on certain resources.

The state excludes the following resources for nine months:

- (a) Lump sum payments of retroactive benefits from Social Security, the Supplemental Security Income Program and Railroad Retirement benefits.
- (b) Payments of Earned Income Tax credits and Child Tax credits.

The state will disregard from resources up to \$1,500 in funds set aside and specifically designated for the individual's burial to the extent that such funds, when combined with the value of other resources designated for the individual's burial, do not exceed \$1,500. Interest earned and left to accumulate on excluded burial assets is not counted as income or as an available resource. If excluded burial funds are used for some other purpose, the amount removed becomes a countable resource; the remaining amount, if any, counts as a resource unless the individual redesignates it as burial funds or replenishes it up to the original excluded amount.

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T.N. # 09-006

Approval Date 2/29/10

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Effective Date 10-1-09

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: UTAH

ELIGIBILITY CONDITIONS AND REQUIREMENTS

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ELIGIBILITY UNDER SECTION 1931 OF THE ACT (Cont.)

The State covers low-income families and children under section 1931 of the Act.

- X The agency uses less restrictive income and/or resource methodologies than those in effect as of July 16, 1996, as follows:

All wages paid by the Census Bureau for temporary employment related to Census activities are excluded.

- \_\_\_\_\_ The income and/or resource methodologies that the less restrictive methodologies replace are as follows:

T.N. # 09-006

Approval Date 3/29/10

Supersedes T.N. # New

Effective Date 10-1-09