

**GENERAL INFORMATION SYSTEM**

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**TO:** Local District Commissioners, Medicaid Directors

**FROM:** Brian Wing, Deputy Commissioner  
Office of Medicaid Management

**SUBJECT:** Revised Federal Poverty Levels for January 1, 2006

**EFFECTIVE DATE:** January 1, 2006

**CONTACT PERSON:** Local District Liaison:  
Upstate: (518)474-8887      New York City: (212)417-4500

This is to inform social services districts of revised federal poverty levels (FPLs) effective immediately. The estimated FPLs were effective January 1, 2006, pending the actual poverty levels published in the Federal Register. The Department implements the estimated levels to ensure more stable periods of eligibility. The actual annual FPLs have been announced. The actual FPLs are different from the estimated levels. The actual levels differ by \$3,400 annually as household size changes. The estimated levels differed by \$3,300 annually as household size changed. The actual FPLs are effective for all new applications and renewals immediately.

The new FPLs are effective with budget From Dates of January 1, 2006 or later. The revised figures will be available on MBL effective February 13, 2006. For all new and pending applications, income must be compared to the revised FPLs. A chart with the new FPLs is attached to this GIS.

All spousal impoverishment cases involving a family member entitled to the family member allowance, which were active on or after January 1, 2006, and which were budgeted using the estimated family member allowance, must be rebudgeted using the new family member allowance. In addition, the increased family member allowance must be used effective January 1, 2006, in determining any requested contribution of income from a community spouse or from a spouse living apart from an SSI-related applicant/recipient.

For households of one (1) through three (3), the estimated FPL was higher than the actual FPL. Cases already determined eligible under the estimated levels must have eligibility redetermined at next renewal or contact, whichever occurs first.

For household sizes of four (4) and up, the actual FPL standard has increased. When districts are aware of cases that may have been negatively affected, or if cases are brought to the districts' attention, such cases should be rebudgeted using the revised FPLs. If eligible, covered medical expenses paid by an individual as a result of the improper calculations must be reimbursed under the provisions of Seittelman v. Sabol.

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Those individuals whose eligibility may be affected are:

- Children under 19
- Medicaid Buy-In for Working People with Disabilities
- Pregnant Women/Infants
- Qualified COBRA
- Continuation Beneficiaries
- Family Health Plus applicants
- AIDS Health Insurance Program (AHIP)
- Medicare Savings Programs:  
(QMB), (SLIMB), (QI-1), (QDWI)

Social services districts must revise the notice "Notice to Potential Qualifying COBRA Continuation Beneficiaries" for one and two person households to reflect the January 1, 2006 change in the federal poverty level to \$817 for an individual and \$1,100 for a couple. This notice can be found in 91 ADM 53. For other notices, usual procedures apply.

Effective immediately, in calculating a family member allowance for spousal impoverishment cases, social services districts must use \$1,650 (150% of the federal poverty level for a family of two, divided by twelve) instead of \$1,669 as previously directed in GIS 04 MA/032. If the family member has no otherwise available income, the family member allowance is \$550. Budget adjustments should be made at next contact or renewal.

An ADM is forthcoming on the 2006 Medicaid income and resource guidelines and federal poverty levels. Please direct any questions to your local district liaison.