

I am asking for help regarding a matter of utmost importance to those who contribute to society in spite of the odds. A change in the financial eligibility criteria for Ohio WorkAbility. I am hoping for this change to be included in the upcoming biennial state budget.

Since becoming paralyzed (C 6-7 quadriplegic) in 1984, I have required daily hands on nursing care to survive. I have worked all of my adult life, excluding the months in which I was in the ICU followed by intensive physical rehabilitation. In effort to maintain independence and minimally rely on assistance, I went on to successfully obtain my Ohio Licensure as a Social Worker (LSW) in 1993. My history includes four years as Director of Social Services at Heartland of Hillsboro and eight years as an ODJFS case worker. Thankfully since 2008 I have maintained a work from home position in customer relations which continues to allow me financial independence. I hope to reside in my own home as long as possible.

As you know, Ohio WorkAbility is the new category of Medicaid that went into effect in October 2024. It allows certain employed disabled individuals who turn 65 while on MBIWD to continue working and to receive in-home nursing care services at an affordable out-of-pocket cost.

Coverage for Ohio WorkAbility and MBIWD is consistent, and the eligibility requirements are similar. I have attached an informative Ohio Department of Medicaid (ODM) slide presentation regarding the two programs.

MBIWD has enabled me to receive in-home nursing services since 2014. Since turning 65 in July 2024, I have continued to be employed, and thankfully, due to the MBIWD age threshold removal, Ohio WorkAbility (and My Care Ohio waiver) has enabled me to continue to receive in-home care nursing services with a monthly premium of around \$200.

However, when I reach full retirement age (FRA) of 66 years and 10 months in May 2026, I will lose eligibility for Ohio WorkAbility and my contribution for the nursing care necessary for my survival will increase to a cost of \$3,489 per month when I have to go on a Special Income Level (SIL) waiver.

With Ohio WorkAbility the monthly premium increases as one's income does, but by a reasonable amount. Whereas, with a (SIL) waiver, such as Passport, any income above \$1,886 (less a \$65 earned income disregard) has to be paid to receive (SIL) waiver services. Even increasing my work hours would not benefit me, it would just increase the amount I would have to pay monthly for (SIL) waiver services.

I will become eligible for an increase in Social Security benefit when I reach FRA. My Social Security Retirement will no longer be offset due to my OPERS benefit as my SSDI is currently. I have checked and I am unable to decline this increase in unearned benefits. An increase of income would be good news, if I were not severely disabled and in need of daily nursing care for survival. Yet, those extra dollars will cost me far more than the money can buy.

The increase in income will put me above the 250% Federal Poverty Level (FPL) of countable income for Ohio WorkAbility. Unless the **\$20,000 UNEARNED INCOME DISREGARD** becomes law this will cost me the freedom of living in my own home and result in my spending the remainder of my life in a nursing home.

As noted on page 7 of the ODM slide presentation, Ohio WorkAbility already has a \$20,000 EARNED INCOME DISREGARD but we are striving to get a **\$20,000 UNEARNED INCOME DISREGARD**.

Upon losing Ohio WorkAbility, I would remain eligible for a (SIL) waiver, such as Passport, but as noted, it would come with a \$3,489 monthly premium/share of cost/patient liability. I would not have enough remaining money to cover shelter costs and the other bare necessities of remaining in my home. My rent is \$1,600 and that does not include utilities. I would have to leave my home, end my employment, and move to a nursing home in order to receive the daily care I need to survive.

I live in Waynesville and my state representative was Scott Lipps. He was very supportive in getting the age threshold removed for MBIWD and has more recently been involved in our efforts in getting the **\$20,000 UNEARNED INCOME DISREGARD** for Ohio WorkAbility. He was a member of the Joint Medicaid Oversight Committee (JMOC); he addressed the other members during the April 2024 JMOC meeting (he spoke the last five minutes of the meeting). He has also met with ODM staff, including Brooke O'Neil and Maureen Corcoran. Unfortunately, his term ended in early January 2025.

I would appreciate any help you can offer in getting the **\$20,000 UNEARNED INCOME DISREGARD** for Ohio WorkAbility. I, as well as others in this situation, are in desperate need of this **\$20,000 UNEARNED INCOME DISREGARD**. Without this disregard the level of independence that we have been able to maintain will be taken from us.

I would be grateful if you could express your support for this initiative.

In addition to the ODM slide presentation, please find the two charts reflecting implications in my situation if there is an unearned income disregard versus if there is not.

Thank you for your valuable time and considering my request.

Connie Fraley

CONNIE’S FINANCIAL IMPLICATION AT FULL RETIREMENT AGE (66 YR. 10 MO.) IF WORKING AND OHIO WORKABILITY COUNTABLE INCOME INCLUDES/ALLOWS A \$20,000 UNEARNED INCOME DISREGARD

	Wages	OPERS Draw	Social Security Retirement	Gross Monthly Income (wages/earnings, OPERS and Social Security Retirement)	Minus MBIWD Monthly Premium	Connie’s Monthly Income After Ohio Workability Premium Paid
Connie – At Full Retirement Age (FRA) which is 66 yr. 10 mo. for Connie	\$1569	\$1898	\$1973	\$5440	\$265	\$5175

Since the age threshold for MBIWD was lifted, which led to Ohio Workability being created for those 65 and older, Connie aged into Ohio Workability as the financial criteria is almost the same for both programs. However, when Connie’s SSDI converts to Social Security Retirement when she is 66 yr. 10 mo. her social security benefit will no longer be offset due to OPERS and her countable income will be over 250% of the Federal Poverty Level (FPL), thus no longer eligible for Ohio Workability UNLESS A \$20,000 UNEARNED INCOME DISREGARD IS ALLOWED

CONNIE’S FINANCIAL IMPLICATION AT FULL RETIREMENT AGE (66 YR 10 MO.) IF WORKING BUT **NO** ELIGIBILITY FOR OHIO WORKABILITY DUE TO COUNTABLE INCOME OVER 250% FPL

***CONNIE CANNOT FORFEIT THE INCREASE IN SOCIAL SECURITY UPON REACHING FULL RETIREMENT AGE AND WILL NO LONGER BE ELIGIBLE FOR OHIO WORKABILITY BUT WILL HAVE TO PAY A SHARE OF COST/PATIENT LIABILITY OF ALMOST TWO-THIRDS OF HER GROSS INCOME FOR MEDICAID WAIVER

WAGES	OPERS DRAW	Social Security at Full Retirement Age	Gross Monthly Income (wages/earnings, OPERS and Social Security Retirement)	Share of Cost/Patient Liability	Connie’s Monthly Income After Patient Liability/Share of Cost
\$1569	\$1898	\$1973	\$5440	\$3489	\$1886 (plus \$65 earned income disregard)

If there is not a \$20,000 unearned disregard for Ohio Workability once Connie is full retirement age, she will lose eligibility for the program and would be eligible for a Medicaid waiver but instead of having a premium of \$265 for waiver coverage her Share of Cost/Patient Liability will be \$3489, leaving her unable to afford to live in the community and at high risk of institutionalization/nursing home.

Chart updated January 2025



**Ohio Department
of Medicaid**

Ohio WorkAbility

For Those Aged 65 and Older



Background

- The federal Ticket to Work and Work Incentives Improvement Act of 1999 allows states to provide Medicaid to workers with disabilities. In 2007 Ohio passed House Bill 119 creating the Medicaid Buy-In for Workers with Disabilities (MBIWD) program. MBIWD program began in April 2008.
- H.B. 33, the biennial state budget bill, authorizes the Ohio Department of Medicaid (ODM) to provide coverage to working disabled individuals aged 65 and older consistent with the coverage provided to individuals eligible for MBIWD.
- Ohio WorkAbility is the name of the new Medicaid eligibility category.
- Federal regulations outline differences in the eligibility criteria between the current MBIWD category and the new Ohio WorkAbility category.
- The Centers for Medicare & Medicaid Services (CMS) permits states to align the eligibility criteria for both categories to ensure a seamless transition for individuals when they reach age 65.

What is Medicaid Buy-In for Workers with Disabilities (MBIWD)?

- MBIWD is a Medicaid category that enables employed disabled individuals to increase their income and resources without the risk of losing Medicaid coverage.
- Individuals applying for Medicaid will be evaluated for all Medicaid categories, including MBIWD, based on non-financial and financial eligibility criteria.
- A separate application or form is not required for MBIWD.
- Ohio Administrative Code 5160:1-5-03.

What is Ohio WorkAbility?

- Ohio Workability is the new Medicaid category that provides Medicaid coverage to employed disabled individuals aged 65 and older.
- Very similar eligibility criteria as MBIWD.
- Provides the same coverage as MBIWD.
- Ohio Administrative Code 5160:1-5-04 effective October 6, 2024.

MBIWD vs. Ohio WorkAbility: Nonfinancial Eligibility Criteria

- MBIWD

- Be aged 16-64.
- Be a U.S. citizen or qualified non-citizen.
- Be an Ohio resident.
- Have a disability as defined by the Social Security Administration.
- Working full-time, part-time, or self-employed from which state or federal income and payroll taxes are paid or withheld.
- An individual can meet the eligibility criteria for MBIWD and another category of Medicaid.

- Ohio WorkAbility (NEW)

- Be aged 65 or older.
- Be a U.S. citizen or qualified non-citizen.
- Be an Ohio resident.
- Have a disability as defined by the Social Security Administration.
- Be working with no specific employment requirements.
- Does not meet the eligibility criteria for another category of Medicaid.
 - Long-term care services such as home and community-based services will be companion coverage with Ohio WorkAbility.

MBIWD vs. Ohio WorkAbility: Financial Eligibility Criteria - Income

- MBIWD

- Individual net income compared to 250% FPL for family size of one.
 - Effective March 1, 2024, the 250% FPL is \$3,138.
- Ohio applies the following income disregards:
 - Disregards applicable to Supplemental Security Income (SSI).
 - Income of household members.
 - Census Bureau Wages for all Census activities.
 - Annually up to \$20,000 of earned income if an individual's countable income exceeds 250% FPL.
 - Norfolk Southern Railroad train derailment compensation payments.

- Ohio WorkAbility (NEW)

- Step 1 -Family net income compared to 250% FPL for the family size.
 - Ohio will only compare the individual's net income to 250% FPL for family size of one.
 - Ohio will apply the following disregards:
 - Disregards applicable to Supplemental Security Income (SSI).
 - Income of household members.
 - Census Bureau Wages for all Census activities.
 - Annually up to \$20,000 of earned income if an individual's countable income exceeds 250% FPL.
 - Norfolk Southern Railroad train derailment compensation payments.
- Step 2 - Individual net unearned income is less than or equal to the Supplemental Security Income (SSI) or Residential State Supplement (RSS) income standard.
 - Ohio will apply a less restrictive income methodology.

MBIWD vs. Ohio WorkAbility: Financial Eligibility Criteria - Resources

- MBIWD

- Resource limit \$14,848 as of January 1, 2024, and increases annually.
- Only the individual's resources are considered.
- Ohio applies the following resource disregards:
 - Disregards applicable to Supplemental Security Income (SSI).
 - Real or personal property listed for sale.
 - MBIWD premium refunds.
 - Norfolk Southern Railroad train derailment compensation payments.
 - Qualified Long-Term Care Partnership equal to the amount of the insurance benefit payments made to or on behalf of the individual from the partnership policy.

- Ohio WorkAbility (NEW)

- Resource limit \$14,848 and will increase annually when the MBIWD resource limit increases.
- Only the individual's resources are considered.
- Ohio will apply the following resource disregards:
 - Disregards applicable to Supplemental Security Income (SSI).
 - Real or personal property listed for sale.
 - MBIWD premium refunds.
 - Norfolk Southern Railroad train derailment compensation payments.
 - Qualified Long-Term Care Partnership equal to the amount of the insurance benefit payments made to or on behalf of the individual from the partnership policy.

Ohio WorkAbility Premiums

Premiums will apply to Ohio WorkAbility and will be calculated in the same manner as for MBIWD.

- 1. Total the family’s monthly gross income.
- 2. Subtract 150% of FPL for the family size.
- 3. Subtract monthly impairment-related work expenses, blind work expenses, or medical and remedial expenses you pay.
- 4. Subtract monthly medical insurance premiums the family pays.
- 5. The lesser of 7.5% of the individual’s gross monthly income **and** 10% of the family’s countable monthly income is the monthly premium amount.

The following chart contains the 2024 150% FPL guidelines effective March 1, 2024.

2024 Monthly 150% FPL Income Guidelines for Premium Calculation	
Family Size	150% FPL
1	\$1,883
2	\$2,555
3	\$3,228
4	\$3,900
5	\$4,573
6	\$5,245

Ohio WorkAbility – Connie’s Story

- In July 2024, Connie was at risk of losing her Medicaid coverage under MBIWD with a \$142 monthly premium. She was working, on the MyCare Ohio waiver, and turning age 65. The loss of MBIWD would have resulted in Connie moving to special income level (SIL) Medicaid on the MyCare waiver with an almost \$1,900 monthly patient liability or quitting her job; however, implementation of Ohio WorkAbility has allowed Connie to work and retain her Medicaid coverage.
- Connie was one of several individuals who shared their hardship stories of losing MBIWD coverage at age 65. Their stories, along with the work of advocates like Christine Brown and state legislatures, were the driving force behind Ohio WorkAbility.
- To ensure continuity of care, individuals aged 65 or older prior to the effective date of Ohio WorkAbility will maintain their MBIWD coverage until their next Medicaid renewal. If the eligibility criteria for Ohio WorkAbility are met at renewal, those individuals will move to Ohio WorkAbility.

QUESTIONS?

MBIWDQuestions@medicaid.ohio.gov



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