NATIONAL HEALTH LAW PROGRAM

The World According to MAGI

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Housekeeping

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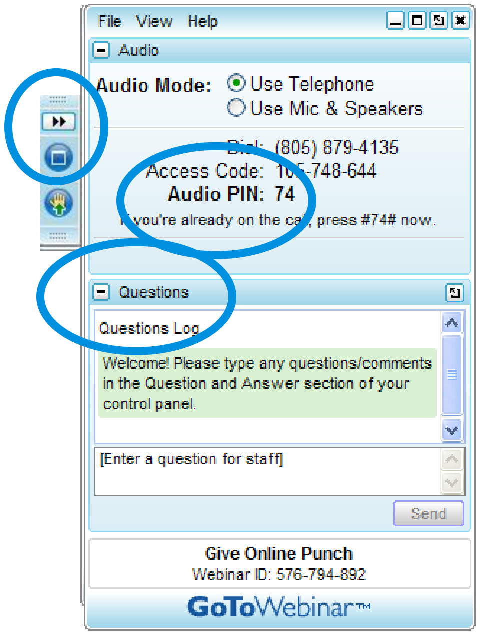

What is MAGI?

- Modified Adjusted Gross Income is a methodology for determining:
  - Who is in household
  - Household size
  - Household income
- Replaces existing income counting and disregards and household rules for most Medicaid eligibility categories
- Not every nuance of income/household rules will be covered in this presentation – see NHeLP's *The Advocate's Guide to MAGI* (available on our website: www.healthlaw.org)

Why MAGI?

- Used to streamline eligibility determinations across multiple Insurance Affordability Programs (IAPs)
  - Medicaid
  - CHIP
  - Marketplace coverage
    - Advance Premium Tax Credits (APTCs)
    - Cost Sharing Reductions (CSRs)
- Based upon the household income as a percentage of the Federal Poverty Level (FPL) for a household of that size

Statutory/regulatory citations

- ACA Sec. 2002 – INCOME ELIGIBILITY FOR NONELDERLY DETERMINED USING MODIFIED GROSS INCOME: Soc. Sec. Act Section 1902(e)(14)
- 42 U.S.C. § 1396a(e)(14)
- **42 C.F.R. § 435.603** -- Medicaid
- 42 C.F.R. § 457.315 – CHIP (refers to 435.603)
- 45 C.F.R. § 155.305(f)(i) – APTCs (refers to Internal Revenue Code 26 I.R.C § 36B(d)(2))

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The key questions for MAGI

- ✓ What income is counted? What income is <u>not</u> counted?
- ✓ Who is in the "household" for each family member?
- ✓ What is the family size (number)?
- ✓ Whose income is counted?
- ✓ Does the new 5% income disregard apply?
- ✓ Do you look at current income or annual income?

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The key question that is NOT asked for MAGI

How much money do you have in the bank???

There is no asset/resource test under MAGI.

[Resource limits continue as before for non-MAGI categories.]

To whom does MAGI apply?

MAGI	Non-MAGI
Childless adults 19-64	Aged
Pregnant women	Blind
Children up to age 19 (or 21 if full time student, at state option)	Disabled
Parent/Caretaker Relative	Long-Term Care
Disabled (prior to disability determination)	Medically Needy
	Foster Care
	QMB/SLMB/QI
	Express Lane Eligibility *Not a complete list

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What income is counted?

- IRS tax rules (mostly) govern what income is counted
- Start with Adjusted Gross Income (AGI)
- **STEP 1**: Determine Adjusted Gross Income (AGI) from tax form:
    1. Add all income on Form 1040, Lines 7 to 21
    2. Subtract all adjustments on Lines 23 to 35
    3. Total = Adjusted Gross Income (AGI) on Line 37
- **STEP 2**: Make adjustments to AGI to calculate Modified Adjusted Gross Income (MAGI)

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Income					
	7	Wages, salaries, tips, etc. Attach Form(s) W-2		7	
	8a	**Taxable** interest. Attach Schedule B if required		8a	
Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld.	b	**Tax-exempt** interest. **Do not** include on line 8a	8b		
	9a	Ordinary dividends. Attach Schedule B if required		9a	
	b	Qualified dividends	9b		
	10	Taxable refunds, credits, or offsets of state and local income taxes		10	
	11	Alimony received		11	
	12	Business income or (loss). Attach Schedule C or C-EZ		12	
	13	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐		13	
If you did not get a W-2, see instructions.	14	Other gains or (losses). Attach Form 4797		14	
	15a	IRA distributions	15a	b Taxable amount 15b	
	16a	Pensions and annuities	16a	b Taxable amount 16b	
	17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E		17	
	18	Farm income or (loss). Attach Schedule F		18	
	19	Unemployment compensation		19	
	20a	Social security benefits	20a	b Taxable amount 20b	
	21	Other income. List type and amount		21	
	22	Combine the amounts in the far right column for lines 7 through 21. This is your **total income** ▶		22	
Adjusted Gross Income	23	Educator expenses	23		
	24	Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ	24		
	25	Health savings account deduction. Attach Form 8889	25		
	26	Moving expenses. Attach Form 3903	26		
	27	Deductible part of self-employment tax. Attach Schedule SE	27		
	28	Self-employed SEP, SIMPLE, and qualified plans	28		
	29	Self-employed health insurance deduction	29		
	30	Penalty on early withdrawal of savings	30		
	31a	Alimony paid b Recipient's SSN ▶	31a		
	32	IRA deduction	32		
	33	Student loan interest deduction	33		
	34	Tuition and fees. Attach Form 8917	34		
	35	Domestic production activities deduction. Attach Form 8903	35		
	36	Add lines 23 through 35		36	
	37	Subtract line 36 from line 22. This is your **adjusted gross income** ▶		37	

AGI to MAGI

AGI (From Line 37 of 1040)

+ Excluded Foreign Income

+Tax Exempt Interest

+ Non-taxable Social Security benefits*

= MAGI

*You just need to know that all Social Security benefits count as part of MAGI.

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What income is counted?

Counted

- Taxable wages/salary
- Self-employment
- Social Security benefits (SSDI, retirement)
- Unemployment benefits
- Alimony received
- Most retirement benefits (incl. VA pensions)
- Interest (including tax-exempt interest)
- Rental income

Not Counted

- Child support received
- Supplemental Security Income (SSI)
- Workers' compensation payments
- Veteran's benefits (service-related disability)
- Gifts/Inheritances

What income is counted?
Special Medicaid exceptions

Certain additional types of scholarship/fellowship income excluded for Medicaid

Certain additional types of American Indian income excluded for Medicaid

Lump Sum Income: only counted in month received for Medicaid; included in annual income for APTC calculation

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MAGI v. non-MAGI (current Medicaid income rules)

Type of Income	MAGI	Non-MAGI
Earned Income (Wages)	Excludes Some Pre-Tax Deductions; No Disregards	Total Gross Income; Significant Disregards
Self-employment Income	Profit (from Schedule C)	Generally Revenue Minus Business Expenses (but may vary by state)
Some Veteran's Benefits	NO	YES
Social Security	YES	YES
Workers' Comp	NO	YES
Child Support - Received	NO	YES (Less Small Disregard)
Child Support - Paid	YES	NO
Alimony - Received	YES	YES (Less Disregard?)
Alimony - Paid	NO	NO
Gifts/Inheritances	NO	YES

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Whose income counts?

- Basic rule: Once you identify who is in the "household" for each individual, you count the income of each household member.
- BUT……you do NOT count the income of a child or other dependent IF he/she is NOT <u>required</u> to file a tax return.
  - 2013 minimums for filing requirement for most dependents:
    - Unearned income of more than $1000
    - Earned income of more than $6100
    - Both: Gross income is more than larger of $1000 or earned income (up to $5750) plus $350
  - Requirements differ for blind, aged, married dependents – see IRS Pub. 501
- This rule applies to both Marketplaces and Medicaid

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Annual income or current income?

- **Marketplace Eligibility** (APTCs/CSRs): Projected annual income
- **Medicaid Eligibility**: Current Income (Point-in-time)
    - **Applicants:** Current monthly income & family size
    - **Recipients**: State may use current monthly income/family size or projected for remainder of calendar year
    - **Applicants/Recipients**: State may adopt method to included prorated future income or increases or decreases in income/family size. Adequate evidence must be provided.

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Federal Poverty Levels: Which Ones to Use?

- Health Insurance Marketplace: For APTC/CSR eligibility determination, use the most recently published FPLs at the beginning of open enrollment (e.g., 2013 FPLs will be used for 2014, until next open enrollment period).

- Medicaid/CHIP: Use current FPLs, updated each January (may be delayed implementation by states).

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Does the 5% income disregard apply?

- All previous deductions and disregards for MAGI categories eliminated
- For Medicaid, only applies if necessary to determine eligibility for <u>any</u> category
  - i.e., only gets applied for the <u>highest</u> FPL limit for which a person might qualify
- Does <u>not</u> apply to APTC/CSR eligibility or amount determination

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MAGI conversion

- Federal Poverty Levels for eligibility have been converted to account for loss of deductions/disregards
- Conversion done by averaging historical data on deductions/disregards by eligibility category
- Conversion done on an “aggregate” basis, so there will be winners and losers
- CMS provided calculations for states, which they could accept or could substitute with state data or an alternate methodology, subject to CMS approval

MAGI conversion levels examples from California

Eligibility Group	Current FPL Limit	Converted FPL Limit
Children < 19	250% FPL	261% FPL
Pregnant Women & Infants <1	200% FPL	208% FPL
Pregnant above 200% or undocumented (AIM)	300% FPL	317% FPL
1931 Families	100% FPL	109% FPL

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QUESTIONS??

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Why household size matters

- **Household composition** = identifying individuals who are members of the household
- **Household size** = sum total of individuals in the household
- However, there are <u>different rules</u> for determining who is in the household and how to count them for Marketplace and Medicaid

It can get complicated!

General principles

- **Conduct** a person-by-person analysis
- **Determine** the Marketplace and Medicaid household for each individual
  - Marketplace household will be the same for all members
  - Medicaid household may vary
- **Ask**: Who is seeking an eligibility determination?
  - Remember: You can apply on behalf of someone else
  - Remember: You do not have to be eligible for an IAP to be counted as a member of a Marketplace or Medicaid household

Marketplace v. Medicaid

- **Marketplace household** - based upon IRS (tax) law:
  - Tax filer(s) + dependents = tax household
    - Not lawfully present excluded
- **Medicaid household** - generally the same as the Marketplace household, with important exceptions…
  - Designed to facilitate eligibility
  - Address complex family situations
  - Necessary because very low income persons do not need to file taxes

Analyzing the Marketplace household

1. Who is seeking an eligibility determination?
2. Does this person expect to file federal income taxes?
3. Is this person married and filing jointly?
4. Does this person expect to claim dependents or be claimed as a dependent by another tax filer?
5. Are the tax filer(s) and dependent(s) lawfully present?

Tax filer(s)

- A tax filer is someone who expects to file a federal income tax return <u>and</u> who claims a personal exemption
  - Currently at $3,900 per individual
- Spouses filing jointly are both considered tax filers*
  - One spouse cannot claim another as a dependent
  - Must file jointly to be eligible for APTCs/CSRs
  - A spouse who is separated and raising a child alone may be considered "unmarried" and thus eligible for APTCs/CSRs
- Some individuals may file a federal income tax return but be claimed by someone else as a dependent
  - e.g., a child w/a summer job who files to get a refund
- Who <u>must</u> file depends on age, filing status, income

Who can be a tax dependent?

- Qualifying child
- Qualifying relative
- Note:
  - Only one person (or spouses filing jointly) can claim someone as a dependent
  - A dependent cannot have dependents
  - If you claim the personal exemption for yourself, you cannot be claimed as a dependent by someone else

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Qualifying child

- **Relationship**
  - son, daughter, stepchild, foster child, brother, sister, half brother, half sister, stepbrother, stepsister, or a descendant of any of them
- **Age**
  - Be under 19, or under 24 for full time students
  - Can be any age if “permanently and totally” disabled
- **Residence**
  - Must live with you for more than ½ the year*****
- **Support**
  - The child must not provide more than 50% of own support

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Qualifying relative

- Cannot be a qualifying child
- Gross income less than exemption amount ($3,900)
- The tax filer provides more than 50% of support for the year
- Related to the tax filer (as specified)
- OR, someone not related to you, but who lives with you full time

The Marketplace household

- **General rule: Tax filer(s) + dependents**
  - Includes qualifying child and/or qualifying relative
  - Includes dependents who expect to file federal income taxes
  - Not lawfully present not included in household
  - Spouses must file jointly to qualify for APTCs/CSRs
  - All Marketplaces <u>must</u> recognize valid same sex marriages

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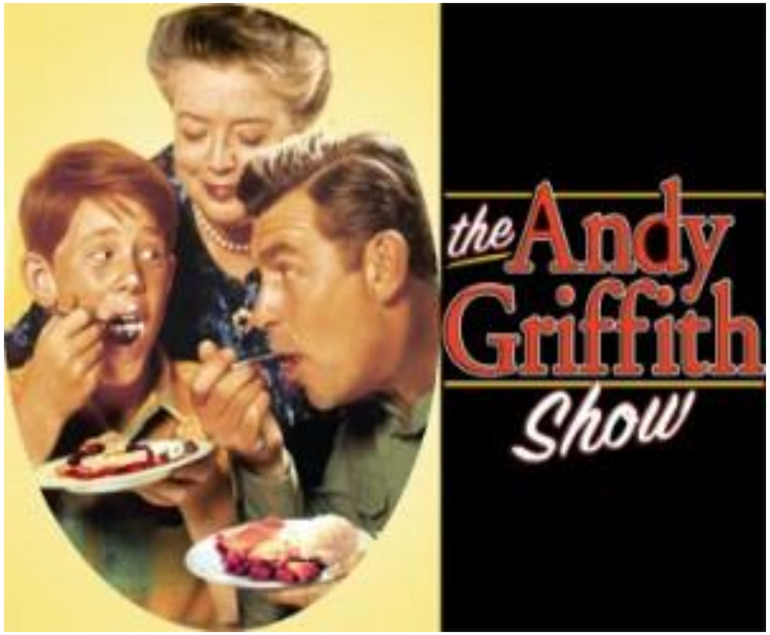
Example #1 –
Tax filer and dependents – Marketplace

Andy and Opie are father and son, who live with Aunt Bee. Andy is a tax filer who claims Opie as a dependent (qualifying child) and Aunt Bee as a dependent (qualifying relative).



Andy's Marketplace household is three (Andy, Opie, Aunt Bee)
Opie's Marketplace household is three (Andy, Opie, Aunt Bee)
Aunt Bee's Marketplace household is three (Andy, Opie, Aunt Bee)

The Medicaid household

- **General rule** – the Medicaid household is the same as the Marketplace household
  - **Tax filer(s) + dependents**

But there are separate Medicaid rules and exceptions that may apply!

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Be on the alert for…

- Individuals who do not expect to file federal income taxes or be claimed as a dependent (aka non-filers/non-dependents)
  - Separate rules apply to determine their Medicaid household
- Pregnant women – two sets of rules on how to count them!
- Same sex married couples
  - Medicaid programs do not have to recognize their marriages
- Married couples who live together, but file taxes separately
  - Under Medicaid rules they are in the same household
- Three big Medicaid exceptions to the general rule:
  - Child claimed by only one parent when:
    - Both parents live together, or
    - The child is claimed by the non-custodial parent
  - Dependent relatives (other than spouse or child)

➢ **For these, apply the separate Medicaid rules for non-filers/non-dependents**

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Analyzing the Medicaid household

1. Who is seeking an eligibility determination?
2. Is this person a tax filer or claimed as a dependent?
   - If neither, apply the separate Medicaid rules for non-filers/non-dependents
3. Do any exceptions or other separate rules apply?
   - Dependents
     - Children claimed by only one parent
     - Dependent relatives
   - Same sex married couples
   - Married couples filing separately
   - Pregnant women

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Example #2 – Medicaid: General Rule -- tax filer(s) + dependents

George and Louise are married. They file a joint federal income tax return. They have one teenage child, Lionel, whom they claim as a dependent (qualifying child).

Marketplace household is three (George, Louise, Lionel)

George's Medicaid household is three (George, Louise, Lionel)
Louise's Medicaid household is three (George, Louise, Lionel)
Lionel's Medicaid household is three (George, Louise, Lionel*)*

Separate Medicaid rules for non-filers/non-dependents (apply also to special exceptions for dependents)

For **adults**, the Medicaid household consists of:

- The individual;
- The individual's spouse if living with the individual;
- The individual's children* if living with the individual.

For **children,*** the Medicaid household consists of:

- The child;
- The child's parent(s) if living with the child;
- The child's sibling(s)***** if living with the child;
- The child's spouse, if living with the child;
- The child's children,* if living with the child.

***Under 19, or under 21 for full time students (at state option)**

Example #3 – Non-filers/non-dependents

George and Louise are married and live together. They have one teenage child, Lionel, who also lives with them. None expects to file federal income taxes, and no one will claim any of them as a tax dependent.

George, Louise, and Lionel do not have a Marketplace household.

George's Medicaid household is three (George, Louise, Lionel)
Louise's Medicaid household is three (George, Louise, Lionel)
Lionel's Medicaid household is three (George, Louise, Lionel*)*

Exception to the general rule – Child claimed as a dependent by one parent

- When a child lives with both parents, but is claimed as a dependent by only one parent
- Apply the separate rules for non-filers/non-dependents:
  - The child’s Medicaid household consists of:
    - The child;
    - The child’s parent(s) (if living with the child);
    - The child’s siblings (if living with the child);
    - The child’s spouse (if living with the child);
    - The child’s children (if living with the child).

Example #4 – Child claimed by one parent - unmarried filing separately

George and Louise are unmarried and live together. They file separate federal income tax returns. They have one teenage child, Lionel, who lives with them. George claims Lionel as a dependent (qualifying child). Louise files her own tax return.

George's Marketplace household is two (George, Lionel)
Louise's Marketplace household is one (Louise)
Lionel's Marketplace household is two (George, Lionel)

George's Medicaid household is two (George, Lionel)
Louise's Medicaid household is one (Louise)
Lionel's Medicaid household is three (George, Louise, Lionel)

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Example #4 – explanation

George and Louise are unmarried and live together. They file separate federal income tax returns. They have one child teenage child, Lionel, who lives with them. George claims Lionel as a dependent (qualifying child). Louise files her own tax return.

George is a tax filer with a dependent.
Louise is a tax filer with no dependents.

Lionel is claimed as a dependent by one parent, which is his Marketplace household. However, for Medicaid apply the rules for non-filers/non-dependents.

Lionel’s Medicaid household includes the parent(s) he lives with.

Example #5 – Child claimed by one parent - married filing separately

George and Louise are married and live together. They file separate federal income tax returns. They have one teenage child, Lionel, who lives with them. George claims Lionel as a dependent (qualifying child). Louise files her own tax return.

George, Louise, and Lionel are not eligible for APTCs/CSRs

George's Medicaid household is three (George, Louise, Lionel)
Louise's Medicaid household is two (George, Louise)
Lionel's Medicaid household is three (George, Louise, Lionel)

Example #5 – Explanation

George and Louise are married and live together. They file separate federal income tax returns. They have one teenage child, Lionel, who lives with them. George claims Lionel as a dependent (qualifying child). Louise files her own tax return.

Married couples who live together are in the same Medicaid household, regardless of whether they file separate federal income tax returns.

Lionel is claimed by one parent – apply the rule for non-filers/non-dependents. His Medicaid household includes the parents he lives with – George and Louise

Exception to the general rule – Child claimed by a non-custodial parent

- Children who live with one parent, but who are claimed as a tax dependent by the non-custodial parent…
- Apply the special rules for non-filers
- The child's Medicaid household consists of:
  - The child;
  - The parent that the child is living with;
  - The child's siblings (if living with the child);
  - The child's spouse (if living with the child);
  - The child's children (if living with the child).

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Example #6 – Child claimed by non-custodial parent

George and Louise are divorced and live apart. They file separate federal income tax returns. They have one child, Lionel. George claims Lionel as a dependent (qualifying child). Lionel lives with Louise, but spends weekends with George. Louise files her own tax return and does not claim any dependents.

George's Marketplace household is two (George, Lionel)
Louise's Marketplace household is one (Louise)
Lionel's Marketplace household is two (George, Lionel)

George's Medicaid household is two (George, Lionel)
Louise's Medicaid household is one (Louise)
Lionel's Medicaid household is two (Louise, Lionel*)*

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Example #6 – explanation

George and Louise are divorced and live apart. They file separate federal income tax returns. They have one child, Lionel. George claims Lionel as a dependent (qualifying child). Lionel spends weekends with George. Louise files her own tax return and does not claim any dependents.

Lionel is in the Marketplace household with George because George claims him as a tax dependent.

Lionel is claimed as a tax dependent by a non-custodial parent. Apply the rules for non-filers/non-dependents. His Medicaid household includes the parent he lives with – Louise.

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Exception to the general rule – Dependent relatives

- Generally, dependents are in the same household of a tax filer, except when…
- The dependent is someone other than “a spouse or a child” of the tax filer
- Apply the special rule for non-filers
  - The individual’s Medicaid household consists of:
    - The individual;
    - The individual’s spouse, if living with the individual;
    - The individual’s children, if living with the individual.

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Example #7 –
Dependent relatives – Medicaid household

Andy and Opie are father and son, who live with Aunt Bee. Andy is a tax filer who claims Opie as a dependent (qualifying child) and Aunt Bee as a dependent (qualifying relative).

Marketplace household is three (Andy, Opie, Aunt Bee)

Andy's Medicaid household is three (Andy, Opie, Aunt Bee)
Opie's Medicaid household is three (Andy, Opie, Aunt Bee)
Aunt Bee's Medicaid household is one (Aunt Bee)

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Example #7 – explanation

Andy and Opie are father and son, who live with Aunt Bee. Andy is a tax filer who claims Opie as a dependent (qualifying child) and Aunt Bee as a dependent (qualifying relative).

Why? Because Aunt Bee is claimed as a tax dependent, but is neither a spouse nor a child of the tax filer (Andy).

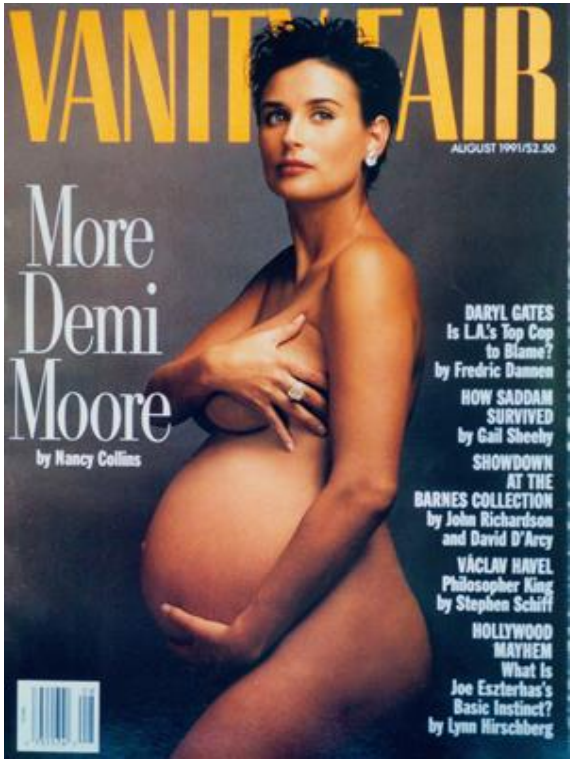
Apply the rules for non-filers/non-dependents. Aunt Bee's Medicaid household consists of just her (since she has no spouse or minor children).

Special rules for pregnant women

- Marketplace rule – a pregnant woman is counted as one person
- In Medicaid, a pregnant woman is counted as one person plus the number of babies she is expecting if she is seeking an eligibility determination for herself
- However, if a pregnant woman is in the household of someone who is seeking an eligibility determination, states can opt to count her as one person, two people, or one person plus the number of babies she is expecting

Example #9 – pregnant woman seeking eligibility determination

Demi is pregnant and expecting triplets. She lives in Beverly Hills with boyfriend Ashton, whom she claims as a dependent (qualifying relative), and her daughter Rumer, who is claimed as a dependent (qualifying child) by Demi's ex husband Bruce, who lives in Malibu.



Demi's Marketplace household is two (Demi, Ashton)

Demi's Medicaid household is five (Demi, three unborn children, Ashton)

Example #10 – pregnant woman in the household of someone else seeking an eligibility determination

Demi is pregnant and expecting triplets. She lives in Beverly Hills with boyfriend Ashton whom she claims as a dependent (qualifying relative), and her daughter Rumer, who is claimed as a dependent (qualifying child) by Demi's ex husband Bruce, who lives in Malibu.

Their state Medicaid program counts pregnant women as two people, regardless of how many babies are expected, when someone else in the household seeks an eligibility determination.

What is Rumer's household size?

Answer

Rumer's Marketplace household is two (Bruce, Rumer)

Rumer's Medicaid household is three (Demi, unborn child, Rumer)

Why?

Rumer is claimed as a dependent by her father Bruce and is thus in his Marketplace household.

Because Rumer is claimed by a non-custodial parent, apply the rules for non-filers/non-dependents. Her Medicaid household includes the parent she lives with (Demi).

Demi is counted as two people when someone else in the household seeks an eligibility determination (but as four people when Demi seeks the eligibility determination).

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Pop quiz - what about Ashton?

Demi is pregnant and expecting triplets. She lives in Beverly Hills, CA with boyfriend Ashton, whom she claims as a dependent (qualifying relative), and her daughter Rumer, who is claimed as a dependent (qualifying child) by Demi's ex husband Bruce, who lives in Malibu.

Their state Medicaid program counts pregnant women as two people, regardless of how many babies are expected, when someone else in the household seeks an eligibility determination.

Ashton's Marketplace household is two

What is Ashton's Medicaid household?

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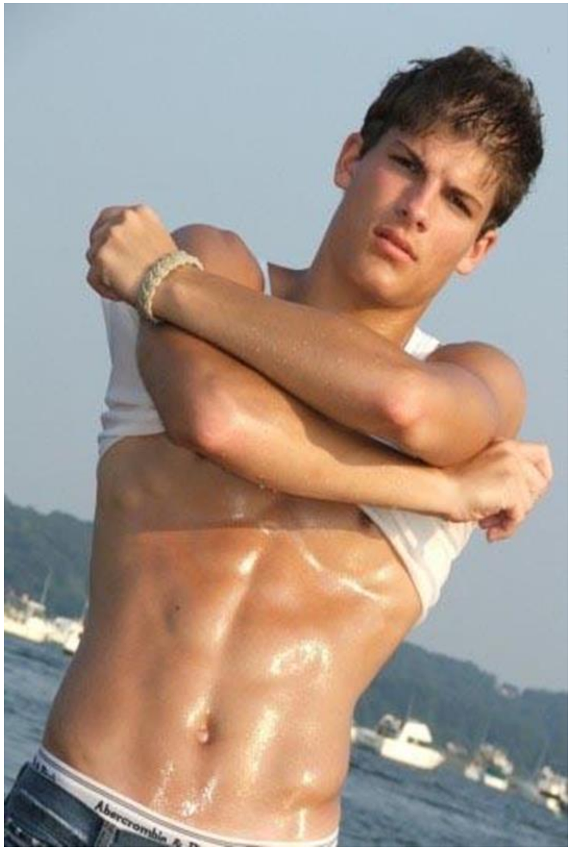
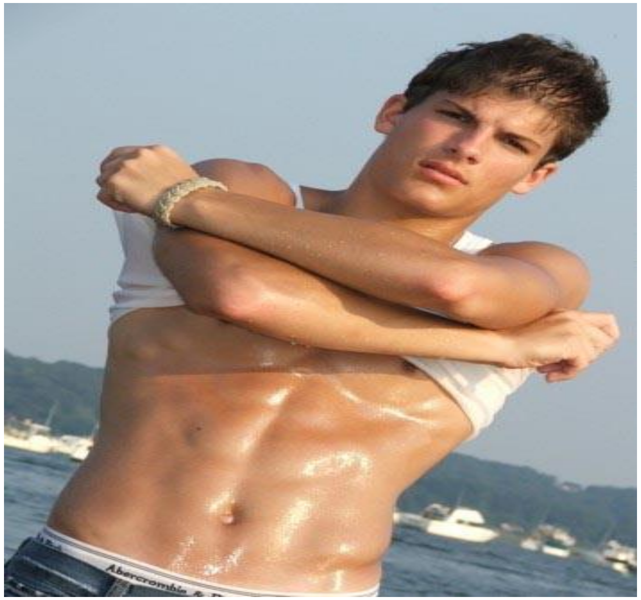
Ashton's Medicaid household is one



(Ashton)

Why?



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Ashton is Aunt Bee!

- Not a tax filer
- Claimed as a dependent
- Is neither a spouse nor a child of the tax filer who claims him as a dependent
- Apply the rules for non-filers/non-dependents

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Ten questions to determine the MAGI household

1. Who is seeking an eligibility determination for an IAP?
2. Who expects to file federal income taxes and/or be claimed as a dependent by someone else?
3. How are individuals related to each other?
4. Who lives in the household at least half the year and year round?
5. Is anyone a full time student? How old?
6. Is anyone pregnant?
7. How many babies are expected?
8. Is anyone married?
9. Is anyone not lawfully present?
10. What are the state's Medicaid rules for:
    - same sex marriage,
    - full time students, and
    - counting pregnant women?

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Questions?

Resources:

NHeLP's ***The Advocate's Guide to MAGI***, available at www.healthlaw.org

Contact:

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