

USDA Discrimination Financial Assistance Program (DFAP) Awards and Medicaid

The information below is for the farmers and ranchers who applied for and received a one-time, lump-sum award from the United States Department of Agriculture (USDA) under the USDA Discrimination Financial Assistance Program (DFAP). DFAP was created to address the consequences of prior discrimination by USDA in USDA farm lending. This general information will help people who receive these USDA DFAP awards understand the potential impact of such money on Medicaid coverage.

The USDA DFAP Award may affect your Medicaid eligibility. Everyone's situation is different. Be sure to consult an attorney or advocate knowledgeable about Medicaid in your state for advice.

See below for a list of resources.

What is Medicaid?

Medicaid is a joint federal and state program that helps cover medical costs for some people with limited income and resources. The federal government has general rules that all state Medicaid programs must follow, but each state runs its own program. This means eligibility requirements and benefits can vary from state to state.

How could my USDA DFAP award affect my Medicaid?

Your USDA DFAP award will increase your income and resources in the month you receive it. Your Medicaid eligibility is based on having limited income and, for some categories, resources. Depending on the category in which you are eligible for Medicaid, the DFAP award may have a small or large effect on your Medicaid eligibility.

When is my USDA DFAP award considered “income?”

The USDA DFAP award is “income” in the month you receive it. Income is any item an individual receives in cash or in-kind that can be used to meet their need for food or shelter. Medicaid eligibility depends on both earned and unearned income. Earned income includes payment for work. Unearned income is all other income, such as retroactive benefits or a settlement payment. The DFAP award is unearned income in the month you receive it. This is unlikely to have any practical effect on you if you are already getting Medicaid.

When is my USDA DFAP award considered a “resource” or “asset?”

A resource or asset is something you own, such as a bank account, land or personal property that could be used or sold to get money for food or shelter. Some categories of Medicaid count your assets on the first moment of the first day of the month. If the value of your assets is greater than the maximum allowed in your state, you are not eligible for Medicaid in that category that month. The unspent portion of your USDA DFAP award will count as a resource on the first day of the month following the month you receive it.

What are the Medicaid income and asset limits in my state for different Medicaid eligibility categories?

How the USDA DFAP award affects your Medicaid eligibility depends on the category of your Medicaid eligibility.

- If you are eligible for Medicaid and are under age 65, not disabled and not pregnant (Medicaid expansion), there is no asset limit in these categories, so your Medicaid is not at risk.
- If you receive a Modified Adjusted Gross Income (MAGI) class of assistance, there is no asset limit. MAGI classes of assistance and those following the MAGI rules include: Parent/Caretaker; Children under 19; Newborn; Low Income; Pregnancy; Transitional; Four months Extended; Planning for Healthy Babies; PeachCare; Pathways; Women’s Health Medicaid; and Katie Beckett.
- If you are eligible for Medicaid because you are on SSI (Supplemental Security Income), or over age 65 or disabled, the asset limit for SSI and SSI-linked Medicaid

is \$2,000 for one person living alone; \$3,000 if you live with your spouse; \$4,000 if living with a minor child who gets SSI; or \$5,000 if you and your spouse live with a minor child getting SSI. In Georgia, the specific programs include:

	Individual	Couple
SSI	\$2,000	\$3,000
Adult Medically Needy	\$2,000	\$4,000
Qualified Disabled Working	\$4,000	\$6,000
Family Medically Needy*	\$2,000	\$4,000

*Add \$100 for each additional family member.

- If you or your spouse are in a nursing home or receiving home and community-based services, much higher income and asset limits apply. In a couple with an individual living in a nursing home or receiving home and community-based services (HCBS), and a spouse in the community or not receiving HCBS, the nursing home resident may have \$2,000 in resources, and the community spouse may have \$154,140.00 in resources.
- If you are on Medicare and Medicaid pays ONLY your Medicare premiums, the asset limits are also higher: \$9,430 for an individual and \$14,130 for a family of two. The income limits also may be higher, depending on your state.

WARNING: If the USDA DFAP award increases your assets, AND you are receiving Medicaid because you are over age 65, blind or disabled, AND you do not spend down to the allowable limit, you will become ineligible for Medicaid.

What can I do to avoid or lessen the impact of the USDA DFAP award on my Medicaid?

If you are receiving Medicaid because you are over age 65, blind or disabled, you can avoid or lessen the impact of the USDA DFAP award by spending the money on an exempt resource. Examples of exempt resources include buying a home, car, household good or personal item, property essential for supporting yourself, life insurance, burial plot and burial insurance.

For example, if you use the DFAP award to pay off a mortgage, pay off credit card or other debt, make home improvements or repairs, purchase a burial plot/plan, or trade in a car for a new one, you can spend down the amount of money necessary to be under

the resource limit. DO NOT GIVE THE MONEY AWAY. This could make you ineligible for some Medicaid services for up to five years.

Do I need to report the USDA DFAP award to Medicaid?

Yes. You should report to Medicaid the amount of the award as soon as you receive the money. If you do not report the award to Medicaid, you will have to pay back money you should not have received for covered health care expenses, and you may face other penalties or sanctions.

How do I get information from Medicaid about my benefits?

Call 1-877-423-4746; find your local DFCS office at <https://dfcs.georgia.gov/locations>; email customer service at customerservice.DHS@dhs.ga.gov; create an account on Gateway at <https://gateway.ga.gov> or <https://m.gateway.ga.gov>.

Where can I find more resources related to the impact of the USDA DFAP award on my Medicaid?

For all counties except the metro Atlanta area (Fulton, DeKalb, Gwinnett, Clayton and Cobb) you can call Georgia Legal Services Program at 1-833-GLSP LAW (457-7529) Monday through Friday from 9:00 a.m. to 5:00 p.m. You can begin the application process online at https://gaoi.legalserver.org/modules/matter/extern_intake.php?pid=108&h=5c2a5f&, but you will still need to complete a telephone intake during regular business hours.

USDA DFAP payment recipients in the metro Atlanta area can also contact the legal aid office that serves your community. Not all legal aid programs can assist with these kinds of questions, and they only serve people who meet financial eligibility requirements. You can look up your local legal aid at <https://www.lsc.gov/about-lsc/what-legal-aid/i-need-legal-help>.

USDA DFAP payment recipients in the metro Atlanta area and others can request brief legal advice through the ABA Free Legal Answers platform at <https://abafreelegalanswers.org/>. You will need to select the state where you live and provide income and asset information to determine eligibility for free legal advice, which is generally available to people with household income below 250 percent of the federal poverty guidelines. When answering questions about your assets, do not include your USDA DFAP award. Once you are approved, you can create an account to ask a question and get advice from a volunteer attorney.

BEFORE you call – if your Medicaid is terminated, you have the right to request a fair hearing through the Division of Family and Children Services. If you do so within 10 days of the date on the notice, you can ask that your Medicaid continue until the fair hearing is resolved. Simply complete the page called “Fair Hearing Request” included with your notice, and take it to your local DFCS office. Be sure to get a date-stamped copy for your records.

BE SURE to keep all letters from USDA and all notices from DFCS.

Additional resources and information are available at <https://www.nlada.org/USDA-DFAP/award-recipients>.

For general questions about your USDA DFAP award, contact the DFAP Call Center at 1-800-721-0970.