

# 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 and not receiving Medicare (Medicaid expansion), there is no asset limit for your program, so your Medicaid is not at risk.
- If you are eligible for Medicaid because you are (1) on SSI (Supplemental Security Income), or (2) over age 65 with no income, or (3) a disabled adult child, the asset limit is \$2,000 for one person and \$3,000 if you live with your spouse.
- If you are eligible for Medicaid because you are over the age of 65 or have Medicare, and your monthly income is under \$1,275 for an individual or \$1,724 for a couple, the asset limit is \$4,000 for one person and \$6,000 if you live with your spouse.

- If you are eligible for Medicaid because you are disabled and working, and enrolled through the NJ WorkAbility program, there is no asset limit and your Medicaid is not at risk.
- If you or your spouse are in a nursing home or assisted-living facility, or receiving home and community-based care through the Managed Long Term Services and Supports (MLTSS) program, much higher income and asset limits apply. The spouse on the MLTSS program has an asset limit of \$2,000, but the community/non-MLTSS spouse's asset limits start at \$30,828 and go up to \$154,140. You should consult with an attorney to discuss how much of the award can be retained by the non-MLTSS spouse.
- 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 monthly income limits for New Jersey are \$1,695 for an individual and \$2,300 for a family of two.

**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 or 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 NJ FamilyCare at 800-701-0710.

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

You can 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 and other eligibility requirements. You can look up your local legal aid at <https://www.lsc.gov/about-lsc/what-legal-aid/i-need-legal-help>.

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.