

### **249.3 Eligibility.**

The persons eligible to receive state supplementary assistance under section 249.1, subsection 5, paragraph "b", are:

1. Any person whose needs were taken into account in computing the grant of a recipient, who was eligible for and was receiving assistance under a previous categorical assistance program during the month of December 1973, because the person was deemed essential to the well-being of the recipient in maintaining a living arrangement in the recipient's own home, so long as the person continues to act in the capacity of essential person to the former recipient and to be in financial need according to standards established by the department.

2. Any person who meets the criteria established by paragraphs "a", "b", and "c" of this subsection:

*a.* Is receiving either:

(1) Care in a licensed adult foster home, boarding home or custodial home, as defined by section 135C.1, or in another type of protective living arrangement as defined by the department; or

(2) Nursing care in the person's own home, certified by a physician as being required, so long as the cost of the nursing care does not exceed standards established by the department.

*b.* Is in fact receiving or would, except for income in excess of applicable maximums, be receiving federal supplemental security income.

*c.* Does not have sufficient income to meet the cost of care in one of the living arrangements defined in paragraph "a" of this subsection, which cost of care shall not exceed the amount established by the rules of the department for each of those living arrangements.

3. Any person living in any living arrangement other than as a patient or resident of a facility licensed under chapter 135C, who meets the criteria established by paragraphs "a", "b", and "c":

*a.* Lives with a dependent spouse, parent, child or adult child who is sharing the recipient's living arrangement, so long as the person continues in the relationship of dependent spouse, parent, child or adult child to the recipient and to be in financial need according to standards established by the department.

*b.* Is in fact receiving or would, except for income in excess of applicable maximums, be receiving federal supplemental security income.

*c.* Does not have sufficient income to meet the cost of providing for the dependent spouse, parent, child or adult child, according to standards established by the department.

4. At the discretion of the department, persons who meet the criteria listed in all of the following paragraphs:

*a.* Are either of the following:

(1) Sixty-five years of age or older.

(2) Disabled as defined by 42 U.S.C. § 1382c(a)(3), except that being engaged in substantial gainful activity shall not preclude a determination of disability for the purpose of this subparagraph.

*b.* Live in one of the following:

(1) The individual's own home.

(2) The home of another individual.

(3) A group living arrangement.

(4) A medical facility.

*c.* Would be eligible for supplemental security income benefits but for having excess income or but for being engaged in substantial gainful activity and having excess income.

*d.* Are not eligible for another state supplementary assistance group.

*e.* Receive full medical assistance benefits under chapter 249A and are not required to meet a spend-down or pay a premium to be eligible for such benefits.

*f.* Are currently eligible for Medicare part B.

*g.* Have income of at least one hundred twenty percent of the federal poverty level but not exceeding the medical assistance income limit for the eligibility group for the individual person's living arrangement.

[SS15, § 2722-i, -j, -k; C24, 27, 31, § 5379; C35, § 5296-f9, -f12, 5379; C39, § **3684.02, 3828.007, 3828.008**; C46, 50, 54, 58, § 241.2, 249.5, 249.6; C62, 66, 71, 73, § 241.2, 241A.2, 249.5, 249.6; C75, 77, 79, 81, § 249.3]

2004 Acts, ch 1085, §4, 10, 11; 2005 Acts, ch 175, §108