

2810.55.00 Structured Family Caregiving (SFC)

Income received from an HCBS waiver to care for HCBS waiver members from the SFC program is exempt for all Medicaid categories and will not count in the Medicaid budget. This applies only to specific SFC program income and not to all caregiver arrangements (such as difficulty of care payments). Structured Family Caregiving payments are paid through the HCBS waiver to assist caregivers to care for an HCBS waiver member. Verification of the Structured Family Caregiver agreement from the waiver provider must be sent to the DFR for review. Workers need to be sure to code the income correctly for the deduction to be applied.

Difficulty of Care Payments (DCPs) are exempt for MAGI categories, but count for non-MAGI categories, which use SSI rules for income-counting unless there is a specific disregard (such as for SFC).⁸ It is important to verify the type of income from an official source. If questionable, more information should be obtained. For more information, see IHCPPM 2800.10.00.

Note: Verification of the caregiver's work relationship with provider (i.e., employer of agency or member, or independent contractor) **and an attestation that income is excludable under IRS Notice 2014-7, 2014 Internal Revenue Bulletins (I.R.B.) 445, or Section § 131 of the Internal Revenue Code must be provided and included in case notes.**

If the worker is unsure if the payment type is exempt, please send to PAL for review

⁸ IRS.gov Internal Revenue Bulletin (IRB) Notice 2014-7 and 26 U.S. Code §131