



People with Disabilities Can Keep Waiver by Qualifying for MAWD!

Home and Community Based Services (HCBS) are also known as “waiver” programs. Waivers are Medicaid programs that help people with disabilities get services to help them stay in their homes and communities.

Pennsylvania has six (6) HCBS waiver programs. They include:

1. Community HealthChoices (CHC) waiver
2. OBRA waiver
3. Adult Autism waiver
4. Community Living waiver
5. Consolidated waiver
6. Person/Family Directed Supports (P/FDS) waiver

How do I qualify for HCBS waivers?

Each waiver has different clinical eligibility rules. The financial eligibility rules are the same for all waivers. Financial eligibility rules include income and resource limits. The 2024 income limit for all waiver programs is **\$2,829 a month**. This is gross income, before any taxes or deductions come out. Only the income of the person seeking waiver counts toward this income limit.

The resource limit for all waivers is **\$8,000** for a single person. Married individuals have a higher resource limit. The County Assistance Office will review the couple’s combined

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resources to decide how much counts toward the limit.¹ There is no resource limit for people who live with their children under age 21. The table below lists the 2024 HCBS waiver income and resource limits:

Table 1: HCBS Income and Resource Limits (2024)

Household Size	Monthly Income Limit	Resource Limit
1	\$2,829	\$8,000

What if my income is over the waiver limit?

If your income is over the waiver limit, but you meet the income and resource limits for another program called Medical Assistance for Workers with Disabilities (MAWD), a special rule allows you to get or keep waiver services!

To qualify for MAWD, you must:

- Be between the ages of 16 and 64;
- Be working;
- Have disability or serious health condition; and
- Have income and resources under the MAWD limits.

The table below lists the 2024 MAWD income and resource limits based on whether the applicant is single (household of 1) or married (household of 2). The income and resources of both the applicant and their spouse count toward the limit.

Table 2: MAWD Income and Resource Limits (2024)

Household Size	Monthly Income Limit	Resource Limit
1 (single)	\$3,138	\$10,000
2 (married)	\$4,259	\$10,000

To meet the MAWD work requirement, it is enough to work even a few hours a month. If you are working and getting paid for that work, that is enough for MAWD. Your employer will need to document your work and income to include with your application.

¹ See DHS Long Term Care Eligibility Handbook Chapter 440.9, Spousal Impoverishment, http://services.dpw.state.pa.us/oimpolicymanuals/ltc/Long-Term_Care_Handbook.htm.

To meet the MAWD disability standard, you do not need to receive Social Security Disability benefits. Your doctor can provide a form or letter explaining your health condition(s) or disability and the expected duration of the condition(s).

For a full overview of MAWD eligibility, see PHLP's [MAWD fact sheet](#).

Why is this special rule so helpful?

Qualifying for MAWD allows you to get or keep waiver, even if your income or resources go above the waiver limits! Additionally, people who are already on a waiver can work and their income can go over the waiver income limit. They will still be eligible for the waiver if they are eligible for MAWD.

MAWD has more generous income counting rules than the waiver programs. The waiver allows very few disregards from income—it counts nearly the entire amount of gross (before deductions) income.

On the other hand, MAWD has two important income disregards that make it easier for people to qualify. The County Assistance Office will apply these disregards so that not all the income you get counts toward the limit:

- **“Unearned” Income Disregard:** MAWD does not count \$20 from the applicant’s monthly “unearned” income (e.g. Social Security Disability)
- **“Earned” Income Disregard:** MAWD does not count more than half of earned income. The earned income disregard is \$65 per month, plus half of the remainder. If the amount left over after these disregards is less than the MAWD income limit, the applicant can qualify for MAWD.

Example: MAWD Income Counting Rules (Savannah)

Savannah is 55 years old, single, and receives \$3,020 a month in Social Security Disability. She also works a few hours each week, earning \$165 before taxes (gross) per month. She needs help with activities of daily living and wants to apply for the Community HealthChoices (CHC) waiver. Savannah’s income is above the waiver limit. However, if she is eligible for MAWD, she would be eligible for the CHC waiver! Here’s how:

Savannah's Social Security Disability is considered "unearned income". MAWD disregards \$20 per month from unearned income. Savannah's income from her job is considered "earned income". MAWD disregards the first \$65 of earned income and then disregards half of what's left. The income left over after the disregard(s) is called "countable income". This is how we calculate Savannah's countable income for MAWD:

- Social Security Disability: $\$3,020 - \$20 = \mathbf{\$3,000}$ countable "unearned" income
- Income from job: $\$165 - \$65 / 2 = \mathbf{\$50}$ countable "earned" income

After combining the countable unearned and earned income (**$\$3,000 + 50$**), Savannah's total countable income is **$\$3,050$** a month. Savannah is eligible for MAWD because:

- Her total countable income of $\$3,050$ is less than the MAWD income limit;
- Her resources are under the MAWD resource limit;
- She is working; and
- She has a disability.

Since Savannah is eligible for MAWD based on the above rules, she can qualify for waiver even though her income is over the waiver limit!

How do I make sure my caseworker applies this special rule?

These rules about how MAWD and waiver can work together are not new. Still, County Assistance Office caseworkers often do not apply the rules correctly when reviewing someone's waiver application. As a result, people are often denied Waiver even when they qualify for MAWD.

When applying for Waiver under these special rules, make a note somewhere on the application that alerts your caseworker to apply the special rules. You can write something like: *"Please review my Waiver application using the higher MAWD income and resource limits."*

Even when caseworkers attempt to apply the special rules correctly, there can be problems with the state's computer system that make it difficult to put people in both MAWD and Waiver at the same time. As a result, even people who have been on MAWD and a Waiver for years can be wrongly terminated from the Waiver.

Next Steps

PHLP is working with the Department of Human Services (DHS) to help address the problems with enrolling people in both MAWD and Waiver.

People who are denied Waiver and are age 16 to 64 and working should file an appeal right away and call PHLP's Helpline at 1-800-274-3258. Instructions on how to file an appeal can be found on the Waiver denial notice.

This publication is intended to provide general legal information, not legal advice. Each person's situation is different. If you have questions about how the law applies to your situation, please consult a lawyer or call PHLP's Helpline at 1-800-274-3258.