

INCOME**PERSONS IN MEDICAL FACILITIES****BUDGETING FOR INSTITUTIONALIZED SPOUSES IN SPECIFIED HOME AND COMMUNITY BASED WAIVERS (HCBS)**

Policy: Spousal budgeting procedures used for institutionalized spouses in permanent absence status who are also participants in the Traumatic Brain Injury (TBI) and Nursing Home Transition and Diversion (NHTD) Waivers differ from those used in all other permanent absence status situations including other HCBS waivers.

References:

SSL Sect.	366-c (4)
Dept. Reg.	360-4.9 360-4.10
ADMs	95 ADM-19 92 ADM-32 89 ADM-47
GISs	08 MA/024 01 MA/021

Interpretation: An institutionalized spouse as defined in the **GLOSSARY** is in permanent absence status as of the month s/he begins receiving home and community-based waived services. For participants in the TBI and NHTD waiver, spousal impoverishment eligibility rules are used to determine the waiver participant's eligibility but post eligibility/chronic care deductions are not applied...

To determine the waiver participant's eligibility for Medicaid and the amount of his/her income to be applied to the cost of care, deductions are made from the waiver A/R's income in the following order:

- a) Deduct all applicable SSI-related disregards (See **INCOME SSI-RELATED DISREGARDS**).

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- b) Compare the resulting figure to the Medicaid Income Level for One or the Medicaid Standard and MBL Living Arrangement Chart, as appropriate, whichever is most beneficial. (See **REFERENCE** MEDICALLY NEEDY INCOME LEVELS AND FEDERAL POVERTY LEVELS for Medicaid Standard and MBL LIVING ARRANGEMENT CHART for Congregate Care Levels).

NOTE: In instances where 2 spouses are participating in the waiver, the resulting income of the two spouses is compared to the appropriate household for two.

- c) Income of the non-waiver spouse is not considered available.
- d) No income is deducted to bring the non-waiver spouse's income up to the Minimum Monthly Maintenance Needs Allowance (MMMNA).
- e) No family member allowance is deducted.

If there is any remaining available income, the waiver participant may spend down (See **INCOME EXCESS**).

A non-waiver spouse or family member who is also applying for Medicaid must have their eligibility determined as a separate household from the waiver participant.