

RESOURCES

ASSESSMENT/DETERMINATION

If either spouse establishes that the income generated from the community spouse resource allowance is inadequate to raise the community spouse's income (including any income from the institutionalized spouse) to the Minimum Monthly Maintenance Needs Allowance (MMMNA) (See **REFERENCE** MINIMUM MONTHLY MAINTENANCE NEEDS ALLOWANCE (MMMNA)), the local district establishes, pursuant to a fair hearing or court order, a community spouse resource allowance adequate to provide the additional necessary income.

NOTE: The policy of raising the community spouse's income to the MMMNA does not apply in instances when the institutionalized spouse is a participant in certain waiver programs. (See **INCOME PERSONS IN MEDICAL FACILITIES BUDGETING FOR INSTITUTIONALIZED SPOUSES IN SPECIFIED HOME AND COMMUNITY BASED WAIVERS (HCBS)**).

If the institutionalized spouse does not make the community spouse income allowance available to the community spouse, an additional community spouse resource allowance **cannot** be established.

NOTE: A community spouse who refuses to make his or her resources (in excess of the community spouse resource allowance) available to the cost of care for the institutionalized spouse is allowed the appropriate community spouse monthly income allowance. If the community spouse refuses to provide information concerning his/her resources, the community spouse is not entitled to a monthly income allowance, because the amount of income generated by the resources is not known.

See **REFERENCE** MINIMUM/MAXIMUM COMMUNITY SPOUSE ALLOWANCE.

References:

ADMs 06 OMM/ADM-4
05 OMM/ADM-5
05 OMM/ADM-2
04 OMM/ADM-5
04 OMM/ADM-2
03 OMM/ADM-4
02 OMM/ADM-7
02 OMM/ADM-1

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99 OMM/ADM-3
98 OMM/ADM-28
96 ADM-11
91 ADM-33
89 ADM-47

GISs 08 MA/024
06 MA/029
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05 MA/013
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