

**OTHER ELIGIBILITY REQUIREMENTS
LEGALLY RESPONSIBLE RELATIVES**

SPOUSE

Description: A spouse is an A/R's legal husband or wife. (See definitions in the **GLOSSARY**) A spouse is a legally responsible relative (LRR).

Policy: The spouse of a person in need of Medicaid, if of sufficient financial ability, is responsible for that person's medical needs. (See **RESOURCES THIRD PARTY RESOURCES** for utilization of third party health insurance benefits.)

References:

SSL Sect.	101 366(3)(a)
Dept. Reg.	360-1.4(h) 360-4.3(f) 360-4.10 360-7.11(b)(ii)
ADMs	OMM/ADM 97-2 91 ADM-37 91 ADM-31 90 ADM-29 89 ADM-47 82 ADM-20 82 ADM-6
GIS	08 MA/024

Interpretation: Spouses Living Together
When an A/R is **living with** his/her spouse, the spouse's income and resources are generally considered available to the A/R (See **OTHER ELIGIBILITY REQUIREMENTS HOUSEHOLD COMPOSITION and OWNERSHIP AND AVAILABILITY** for budgeting methodologies and availability).

When the spouse asserts that his/her income/resources are not available to the A/R, the eligibility determination depends on whether: (a) the spouse provides financial information; or (b) the spouse refuses to provide the requested financial information. In both instances, at a minimum, a notation is entered into the case record. (See **OTHER ELIGIBILITY REQUIREMENTS LEGALLY RESPONSIBLE RELATIVES** for general treatment of legally responsible relatives.