

OTHER ELIGIBILITY REQUIREMENTS

OWNERSHIP AND AVAILABILITY

- (b) When the LRR refuses to provide financial information, eligibility is generally indeterminable. However, if the A/R provides complete information concerning his/her own income and resources, including any jointly held resources, eligibility is determined based on the available information. If an LRR refuses to make his/her income and/or resources available for the A/R's medical care a dollar amount is budgeted for any non-medical needs that the LRR is meeting. For example, the LRR may be providing the A/R with food, shelter, and clothing. The value of these items would be considered income. The non-contributing LRR is not included in the household size.

The resources of a legally responsible relative, residing with the A/R, are considered in the eligibility process. However, if the legally responsible relative refuses to make his/her resources available to the A/R, Medicaid is provided to the A/R, if s/he is otherwise eligible. The provision of assistance to such persons creates an implied contract with the legally responsible relative and the local social services district may initiate legal action to recover the cost of medical care provided. (See **OTHER ELIGIBILITY REQUIREMENTS** OWNERSHIP AND AVAILABILITY)

For married couples, at the time of initial eligibility, when one is an institutionalized spouse (See **INCOME** CHRONIC CARE BUDGETING METHODOLOGY FOR INSTITUTIONALIZED SPOUSES), all countable resources are combined and considered available to the institutionalized spouse, regardless of which spouse owns the resource. The community spouse is allowed to retain resources up to the maximum community spouse resource allowance. The resources, which comprise the community spouse resource allowance are then transferred to the community spouse. These resources are no longer considered available to the institutionalized spouse. After the month eligibility is established for the institutionalized spouse, none of the community spouse's resources are considered available to the institutionalized spouse.

When the value of an A/R's countable resources exceed the appropriate resource level, the A/R is ineligible for Medicaid. (See **RESOURCES** EXCESS RESOURCES)