

INCOME

ASSESSMENT/DETERMINATION OF INCOME AVAILABLE FOR THE COST OF CARE

When the community spouse's otherwise available monthly income exceeds the MMMNA plus any family member allowance(s), the community spouse is requested to contribute twenty-five percent (25%) of the excess income to the cost of care for the institutionalized spouse.

An institutionalized spouse will not be denied Medicaid because the community spouse refuses or fails to make his/her **income** available to meet the cost of necessary care or assistance. **However**, the local social services district may seek to recover the cost of any Medicaid provided for the institutionalized spouse from the community spouse.

An A/R or his/her community spouse may request a fair hearing if either is dissatisfied with the determination of the community spouse monthly income allowance, the family allowance or the amount of monthly income otherwise available to the community spouse. If either spouse establishes that the community spouse needs income above the MMMNA, based upon exceptional circumstances which result in significant financial distress, the local district, pursuant to a fair hearing or court order, substitutes an amount adequate to provide additional necessary income from the income available to the institutionalized spouse. When the MMMNA is increased, based on exceptional needs, the case is closely monitored. If the exceptional need decreases or ceases, the case is re-evaluated, the appropriate adjustment made to the MMMNA and both spouses adequately and timely notified of the change.