
INSTITUTIONALIZATION

SPOUSAL IMPOVERISHMENT

**B. IS/CS
RESOURCE
COMPUTATION**

In order to determine spousal shares of resources owned by an IS/CS, determine the couple's countable resources in the month of institutionalization. The first month the IS enters LTC, compute resources as follows:

**1. Combine
Countable
Resources**

To determine resource eligibility for an IS with a CS, combine the value of all countable resources belonging to the IS and/or CS whether owned separately by each spouse or jointly by both spouses. Countable resources include all resources that are counted under ongoing liberalized resource policy.

If a CS or IS own resources jointly with another person or persons, count the proportionate share of the IS or CS ownership interest per ongoing policy for the type of resource involved.

**2. Verify
Resources**

The couple must provide complete resource verification of all countable resources owned as of the month the IS entered LTC. Verify resources per ongoing policy for the type of resource owned. Failure by the CS to verify resources owned by the CS will result in a Medicaid denial for the IS.

**3. CS Share
of Resources
Based on
the Federal
Maximum**

The CS share of total countable resources is the maximum allowed under federal law. In order for a CS to receive a share larger than the federal maximum, a court order would be required granting the CS a greater share of total resources after Medicaid has made a decision regarding spousal shares.

The resource maximum applicable is the resource maximum in effect in the month of institutionalization of the IS, Spousal Impoverishment Resource Maximums in effect since 10-01-89 are located in the Appendix, Page 1.

The CS is assigned his/her share of total countable resources as of the month of IS institutionalization. If total resources are less than the federal maximum, the CS is entitled to all of the total resources owned by the IS/CS.

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If total resources are greater than the federal maximum, the IS entitled to the amount in excess of the maximum. The IS resource limit is equal to \$3000; therefore, if the IS share of total resources exceeds \$3000, the IS is ineligible for Medicaid until the IS share is equal to \$3000 or under.

Note: The CS resource maximum is enforceable only at the time of application. Once an IS is determined eligible for Medicaid under SI rules, the CS resource maximum no longer applies. This means a CS can acquire resources in excess of the maximum after eligibility for the IS is established without affecting eligibility for the IS.

**4. Protected
Period for
Transfer
of Resources**

The IS can transfer resources to the CS to bring resources up to the federal maximum with no penalty. Allow up to 90 days after application or longer if court action is required to complete a transfer. Resources that are not transferred out to the IS name within 90 days (or longer-if good cause exists) will be used to determine eligibility for the IS. The 90-day period begins after the IS/CS or representative is informed in writing of the need to transfer resources to the CS.

The exception for requiring resources to be transferred to the CS is when the IS dies prior to transferring resources to the CS.

During the 90-day period, the case may be approved and a tickler set for 90 days after approval. Also, during the 90-day grace period, do not count as income to the IS any income generated by a resource that is being transferred to the CS. If the resource is not transferred to the CS by the end of the 90-day period (and no good cause exists), then resources and income are counted toward the IS.

Exception for Long Term Hospitalization Applicants. Require resources of the IS to be transferred to the CS prior to approval of the LTC application.

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- 5. Undue Hardship** If the CS holds resources at the time of application that exceed the CS maximum and does not make the excess resources available to the IS, the excess will continue to be counted as the IS share of resources unless undue hardship exists. That is, if a denial of Medicaid eligibility for the IS would result in life sustaining services being denied, counting the excess toward the IS share may be waived.
- Undue hardship situations must be reviewed individually. A statement for the CS is required in this situation citing the reason for the refusal to make resources available as required under federal law.
- The statement must be submitted to the State Office along with other pertinent income and resource information for a review of the circumstances.
- 6. SI Rules for CS Living Out of State** There is no requirement for a CS to live in Mississippi; however, SI resource/income rules are more restrictive in that:
- home property located out of state must be transferred to the CS' name during the 90-day protected period for transferring resources.
 - any income allocated to the CS must be closely monitored to ensure the allocation is actually sent to the CS.