

Transforming
Lives

LTC resources and a spouse

**An overview of LTC resources Benefit Planner Network
5/16/2022**



Program standard for income and resources | Washington State Health Care Authority (institutional standards)

HCS Waivers at home PNA with CS (1/1/22)	\$841
HCS Waivers at home PNA without CS (4/1/22)	\$1,133
Housing Maintenance Allowance Maximum (4/1/22)	\$1,133
CS Maintenance Needs Allowance Maximum (1/1/22)	\$3,435
CS & Dependent Allowance (7/1/21)	\$2,178
Standard Utility Allowance (10/1/21)	\$459
CS Excess Shelter (7/1/21)	\$654
Home Equity Limit (1/1/22)	\$636,000
TSOA Resources (9/7/17)	\$53,100
TSOA Resources with CS (7/1/21)	\$112,990
State Spousal Resources (7/1/21)	\$59,890
Federal Spousal Resource Maximum (1/1/22)	\$137,400

LTC resources – Community Spouse

- **Single client**
 - \$2,000
- **Client with a community spouse**
 - \$2,000 for the client
 - \$59,890 State Spousal Resources for the community spouse
 - \$137,400 Federal Spousal Resource Maximum based on the date of institutionalization, this is a way to set a spousal resource standard higher if the applicant is in a medical institution

At application we add the \$2,000 plus the state spousal resources for the community spouse together. The medicaid recipient has one 1 year from the opening to transfer all resources in excess of the \$2,000 in the spouse's name.

LTC Resources – Both applying for LTC

- \$3,000, Both Spouses applying for LTC in the same month
- \$2,000 each, One spouse on LTC and the 2nd spouse subsequently applies for LTC
- If a client is on LTC and their spouse applies for non-institutional medicaid, those rules apply [WAC 182-512-0960](#):

Resources and those on MAGI and HWD

- MAGI clients do not have a resource test and can receive MPC, CFC only or NF care.
- HWD clients do not have a resource test and can receive MPC, CFC only, CFC with HCBS Waiver, HCBS Waiver and 30 days of NF care. If an HWD client is in a NF 30 days or more, we must redetermine under institutional rules that have a resource test. It is important for HWD clients to set up a separate account in case they end up in a NF 30 days or more. [WAC 182-512-0550](#): (23) Resources accumulated in a separate account, designated by the client, that result from work activity during the client's enrollment in apple health for workers with disabilities (HWD) program under chapter [182-511](#) WAC.

Spousal impoverishment standards apply to institutional, HCBS Waivers and Community First Choice (CFC)

- **Count all resources of:**

- Either spouse; or
- Both spouses;
- Regardless whether owned jointly or separately

Let's take a deeper look into the WACs.....

Definitions WAC 182-500-0100:

- **"Spouse"** means a person who is legally married to another person. Washington state recognizes other states' determinations of legal and common-law marriages between two persons.
- (1) **"Community spouse"** means a person who:
 - (a) Does not reside in a medical institution; and
 - (b) Is legally married to a client who resides in a medical institution or receives services from a home and community-based waiver program. A person is considered married if not divorced, even when physically or legally separated from his or her spouse.
- (2) **"Eligible spouse"** means an aged, blind or disabled husband or wife of an SSI-eligible person, who lives with the SSI-eligible person, and is also eligible for SSI.
- (3) **"Essential spouse"** means a husband or wife whose needs were taken into account in determining old age assistance (OAA), aid to the blind (AB), or disability assistance (DA) for a client in December 1973, who continues to live in the home and remains married to the client.
- (4) **"Ineligible spouse"** means the husband or wife of an SSI-eligible person, who lives with the SSI-eligible person, and who has not applied or is not eligible to receive SSI.
- (5) **"Institutionalized spouse"** means a legally married person who has attained institutional status as described in chapter [182-513](#) WAC, and receives services in a medical institution or from a home or community-based waiver program described in chapter [182-515](#) WAC. A person is considered married if not divorced, even when physically or legally separated from his or her spouse.
- (6) **"Nonapplying spouse"** means an SSI-related person's husband or wife, who has not applied for medical assistance.

Definitions WAC 182-513-1100 (institutional chapter):

- **"Community spouse (CS)"** means the spouse of an institutionalized spouse.
- **"Institutionalized spouse"** means a person who, regardless of legal or physical separation:
 - (a) Has attained institutional status under WAC [182-513-1320](#); and
 - (b) Is legally married to a person who is not in a medical institution
- **"Spousal impoverishment protections"** means the financial provisions within Section 1924 of the Social Security Act that protect income and assets of the community spouse through income and resource allocation. The allocation process is used to discourage the impoverishment of a spouse due to the other spouse's need for LTSS. This includes services provided in a medical institution, HCB waivers authorized under 1915(c) of the Social Security Act, and through September 30, 2023, services authorized under 1115 and 1915(k) of the Social Security Act.
- **"Spousal impoverishment protections community (SIPC) spouse"** means the spouse of a SIPI spouse.
- **"Spousal impoverishment protections institutionalized (SIPI) spouse"** means a legally married person who qualifies for the noninstitutional categorically needy (CN) Washington apple health SSI-related program only because of the spousal impoverishment protections under WAC [182-513-1220](#).
- **"State spousal resource standard"** means the minimum CSRA standard for a CS or SIPC spouse.

LTC Resources WAC 182-513-1350:

Married couples

- When both spouses apply for LTC services, the resources of both spouses are available to each other through the month in which the spouses stopped living together.
- When both spouses are institutionalized, the agency determines the eligibility of each spouse as a single person the month following the month of separation.
- If the agency has already established eligibility and authorized services for one spouse, and the community spouse needs LTC services in the same month, but after eligibility has been established and services authorized for the institutionalized spouse, then the agency applies the standard under subsection (2)(a) of this section to each spouse. If doing this would make one of the spouses ineligible, then the agency applies subsection (2)(b) of this section for the couple.
- The resources of the community spouse are unavailable to the institutionalized spouse the month after eligibility for LTC services is established, unless (v) or (vi) of this subsection applies.
- When a single institutionalized individual marries, the agency redetermines eligibility applying the resource and income rules for a legally married couple.
- A redetermination of the couple's resources under this section is required if:
 - The institutionalized spouse has a break of at least thirty consecutive days in a period of institutional status;
 - The institutionalized spouse's countable resources exceed the standard under subsection (2)(a) of this section, and WAC [182-513-1355](#) (2)(b) applies; or
 - The institutionalized spouse does not transfer the amount, under WAC [182-513-1355](#) (3) or (5), to the community spouse by either:
 - The end of the month of the first regularly scheduled eligibility review; or
 - A reasonable amount of time necessary to obtain a court order for the support of the community spouse.

Allocating resources to a community spouse when determining resource eligibility for LTC WAC 182-513-1355:

- Based on most recent period of institutionalization. If the applicant is in a nursing facility, we evaluate to see if the spouse can have more resources up to the federal standard
- Resources are counted on the first day of the month
- If the applicant is applying for Community First Choice or HCBS Waiver, we always use the state spousal resource standard
- The institutionalized spouse has until the end of the month of the first regularly scheduled eligibility review to transfer countable resources in excess of \$2000 to the community spouse
- If there is no break in institutionalization, we don't look at the spouse's resources again
- If there is a break in institutionalization of 30 days or more, resources will need to be re-evaluated as a couple

First annual review when there is a community spouse

- It is very important that client's make sure they have transferred resources in excess of \$2,000 to their community spouse by their 1st review.
- If this process is not done, the case may be terminated as the client would be over resources

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Questions?

Lori Rolley, Financial Policy Analyst
Aging and Long Term Supports Administration
Washington State Department of Social and Health Services
(O) 360-725-2271 Lori.Rolley@dshs.wa.gov
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