



COMBINED MEDICAID 803-1 Institution and Waiver Resource Assessments

Supersedes: MA 803-1 (07/01/2016)

Reference: 42 U.S.C. 1396; 42 CFR 435.601; ARM 37.82.101, .1330, .1331, .1336, .1337 and .1338

Overview: The Community Spouse Resource Maintenance Allowance (CSRMA) is determined based on resources a married couple owns individually or jointly on the 1st day of the month one spouse is admitted to a residential medical institution for a continuous period and has Medicaid involvement. Only one resource assessment is completed for each spouse, no matter how many applications are filed or how many times the individual is institutionalized.

A resource assessment is not completed if both spouses are enrolled in a waiver program and/or institutionalized. Each spouse is treated as an individual in these situations. **NOTE:** Pre- and post-nuptial agreements do not change the resource assessment process, as all resources the couple owns, whether individually or jointly, must be considered when completing a resource assessment.

A resource assessment is not completed if the Waiver spouse is determined eligible for ACA Medicaid with a waiver until the Waiver spouse is no longer eligible for ACA and will be moving to an ABD Medicaid type with Waiver. They can request a resource assessment earlier as long as there is Waiver and any type of Medicaid involved.

CONTINUOUS PERIOD OF INSTITUTIONALIZATION:

A continuous period of institutionalization or waiver eligibility consists of 30 or more consecutive days of expected residence in an institution or waiver coverage. The 30 days may include days of hospitalization.

COMMUNITY SPOUSE RESOURCE MAINTENANCE ALLOWANCE (CSRMA):

The CSRMA amount is the greater of:

1. One-half (not to exceed maximum CSRMA – see CMA 001 General Resource Limits) the combined resources;
2. Montana's minimum resource maintenance allowance (see CMA 001 General Resource Limits);
3. An amount a hearings officer designates; or
4. A court-order amount.

Example: Client enters the nursing home (Medicaid) or requests HCBS waiver services (and meets level of care) in October 2014, but did not request a resource assessment until February

2016. The resource assessment is completed based on assets owned In October 2014 and the CSRMA is calculated using 2016 standards.

REVISING THE CSRMA:

The CSRMA amount can only be changed when:

1. The community spouse's income, including the Spousal Income Maintenance Allowance, is less than the minimum spousal income allowance; **NOTE:** A hearings officer must determine the additional amount of resource allocated to the community spouse; the institutionalized/waiver spouse must agree to the amount.
2. A hearings officer confirms the allegation that the initial assessment was incorrect; or **NOTE:** Hearings to appeal CSRMA determinations must be conducted within 30 days of hearing request.
3. Eligibility staff received inaccurate information (from any source).

TRANSFER OF RESOURCES COMPRISING THE CSRMA:

All resources that comprise the CSRMA must be legally transferred to the community spouse within 90 day of Medicaid approval.

NOTICE:

Both spouses must receive notice of the CSRMA, and both have the right to appeal the resource maintenance allowance determination.

Real property excluded as a "home" under the resource assessment is not required to be transferred to the community spouse as it is not included in the CSRMA.

INSTITUTIONALIZED/WAIVER SPOUSE GAINS ADDITIONAL RESOURCES:

If the institutionalized/waiver spouse receives additional resources after institutional/waiver coverage is established:

1. The new resources are combined with the institutionalized/waiver spouse's other resources, and do not affect eligibility if the new total does not exceed the \$2,000 resource limit.
2. If the institutionalized/waiver spouse intends to transfer the new resources to the community spouse, AND the community spouse's initial CSRMA is less than the Montana minimum, the new resources are exempt for 90 days. To allocate new resources, the institutionalized/waiver spouse must:
 - a. report the new resources within 10 days; and
 - b. provide a statement showing their intent to transfer the new resources to the community spouse.
3. The resources are included in the institutionalized/waiver spouse's resource determination if the community spouse's initial CSRMA is at least equal to the Montana minimum resource maintenance allowance. If the institutionalized/waiver spouse diverts or transfers the new resources anyway, the diversion/transfer is treated as an uncompensated asset transfer.

COMMUNITY SPOUSE GAINS ADDITIONAL RESOURCES:

If, after Medicaid is approved for the institutionalized/waiver spouse, the community spouse receives additional resources, the additional resources do not affect the institutionalized/waiver spouse's eligibility. However, if the new resources will generate income, the community spouse's income maintenance allowance is recalculated.

REAPPLICATION AFTER CLOSURE:

When the Medicaid eligibility of an institutionalized spouse ends for any reason and a new Medicaid reapplication is submitted after the effective date of the closure, the individual may be considered a spouse or an individual for Medicaid eligibility determination purposes, depending on the length of the break in Medicaid eligibility and whether there was a break in institutionalization.

If, after Medicaid is approved for the institutionalized/waiver spouse, the community spouse receives additional resources, the additional resources do not affect the institutionalized/waiver spouse's eligibility. However, if the new resources will generate income, the community spouse's income maintenance allowance is recalculated.

Effective Date: May 1, 2024