



APPLE HEALTH (MEDICAID) MANUAL REVISION

Revision #	072
Chapter / Section	Long Term Services and Supports –Available income
Issued Date	<u>07/01/2022</u>
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[Available income | Washington State Health Care Authority](#)

Summary of Revision

Brief summary of the revision.

Revision are made to reflect the current Personal Needs Allowance for in home, medical institutions and residential clients receiving Long-Term Services and Supports (LTSS)

Apple Health (Medicaid) Manual revision via track changes:

~~Attach PDF of the word document with track changes. This was requested by field staff so they are aware of what has changed in the manual.~~

Purpose: This section describes determining available income for an SSI-related single client for long-term care and determining available income for legally married couples for long-term care services.

[WAC 182-513-1325 Determining available income for an SSI-related single client for long-term care \(LTC\) services.](#)

[WAC 182-513-1330 Determining available income for legally married couples for long-term care \(LTC\) services.](#)

Clarifying Information

1. Available income:

~~4.~~ a. When one member of a married couple applies for LTC services, the department applies the "name on the check" rule (see below) to determine the individual's available income. If the individual is not income eligible for services under the [Categorically Needy \(CN\)](#) program, the department applies the "community income" rule (see below). If the application of both rules results in income above the CN standard, the department determines the individual's eligibility for institutional or hospice services under the [Medically Needy \(MN\)](#) program.

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~~2.~~ b. When both spouses are applying at the same time, or when one has already been determined eligible for LTC services, the department establishes eligibility for them as it does for single individuals [as described in WAC ~~182-513-1330~~](#) with the following exceptions:

~~1.~~ i. If the two are living together in a ~~NF~~ [medical institution](#) or alternate ~~care-living~~ facility, their eligibility can be determined together as a couple, if doing so would be to their advantage.

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~~2.~~ ii. If one spouse is applying for CN LTC services, the department does not use the community income rule to establish an income amount ~~for each individual~~ as a single person, when doing so would be to their disadvantage. The department uses

the "name on the check" rule for each spouse, when doing so allows an otherwise eligible client to be approved for CN services.

3- iii. The total amount of income benefits to which a person is entitled is treated as available unearned income even when benefits are;

4- A. Reduced through the withholding of a portion of the benefit amount to repay a legal obligation; or

2- B. Garnished to repay a debt, other legal obligation, or make any other payment such as payment of Medicare premiums. See WAC [182-512-0750](#)

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~~**Example** A spouse receiving COPEs in the home retains income of up to 100% of the FPL FBR before available income is assigned to the other spouse. The higher expenses of living in the community are included in the amount defined by the waived program as a maintenance needs amount. The department does not reduce that amount when assigning community income between the spouses to determine eligibility or participation in the cost of care.~~

~~**Example** A spouse who resides in a medical facility is not eligible for COPEs when the department applies the "community income" rule to establish an income amount for each spouse. Due to income of the other spouse who is approved for LTC services in a medical facility, one-half of the community income amount exceeds the SIL. In such a case, the department applies the "name on the check" rule, when doing so allows the spouse who is otherwise eligible for COPEs to return to a community setting, if the individual wishes to do so.~~

Income ~~methodologies~~Methodologies:

1. "Name on the check" rule:

This rule presumes that income received in the spouse's name is ~~his/hers~~their separate income

i- a. Income paid to one spouse on ~~his/hers~~their behalf is presumed to be that spouse's income

ii- b. One-half of income paid to both spouses is assigned to each spouse

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iii. c. With no documentation of ownership, one-half of all income is assigned to each spouse

iv. d. Income received in the name of either or both spouses and another person(s) is assigned according to their proportionate share

a. **2. "Community income" rule:**

i. a. This rule presumes that income received in the name of either or both spouses is the income of both, unless it meets the definition of separate income

ii. b. Consider income, including but not limited to wages, ~~or~~ pensions, and retirement funds the spouse earned the right to receive during the marriage as community income

b. **3. Separate income:**

i. a. SSI payments or income legally established as separate income

ii. b. Income from a source that required the spouse to earn the right to receive it, including but not limited to, retirement funds the spouse earned the right to receive before the marriage

iii. c. Income from separate property acquired before the marriage or during the marriage, if purchased with separate income and kept separately

iiii. d. Income that has been commingled is not separate income, unless it can be traced to its separate source

c. **SSI ineligible spouse who is eligible for institutional Medicaid**

~~An ineligible spouse of an SSI recipient is eligible for CN medical benefits if eligible for CN institutional Medicaid.~~

~~Reverse Mortgage, Promissory Notes and Loans~~

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Commented [GTR(1)]: Amanda suggested:

is eligible CN Med when eligible for CN med institutional

Lori notes that this info is now included in WAC so may not be necessary.

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Commented [GTR(2)]: Please make sure this is the correct URL:

[Reverse mortgage and loans | Washington State Health Care Authority](#)

Worker Responsibilities

- ~~1. See **Available Income** in Clarifying Information to establish what income must be counted in the eligibility determination.~~
- ~~2. See **Income Methodologies** in Clarifying Information to determine separate and community income.~~
- ~~3. For an institutionalized individual with a community spouse, first determine eligibility for CN LTC services by using the "name on the check" rule. If the individual is not eligible, then use the "community income" rule.~~
- ~~4. When both spouses are institutionalized, assign one-half of the community income to each spouse unless doing so results in ineligibility for one spouse who would otherwise meet all CN program requirements as a single individual.~~

ACES Procedures

~~See~~ **Error! Hyperlink reference not valid.**