



DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

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DATE: April 27, 2010
TO: All ABD Medicaid Policy Manual Holders
FROM: Nancy Clark, Lead ABD Medicaid Policy Specialist
Public Assistance Bureau, Central Office
SUBJECT: Bulletin MA 102 (ABD Medicaid)

Place this bulletin after MA 900 ~~and MA 1000~~ of the ABD MA manual.

SUBJECT: Determining nursing home and waiver eligibility for SSI recipients
REFERENCE: 42 USC 1396r-5; Section 1634 of the Social Security Act
SUPPLEMENTS: MA 900 and MA1000, "SSI Recipients"
EFFECTIVE DATE: Upon receipt, retroactive to 1/1/2009
PEN & INK CHANGES: In both MA 900 and MA 1000, please mark out the information under the caption "SSI CASH RECIPIENTS" and reference this bulletin.

The new section should read:

SSI recipients who are residents of medical institutions or who are to be enrolled in the physically disabled waiver, aged waiver, DD 0208, DD 0371 or DD 0667 waivers must be evaluated to determine whether uncompensated asset transfers have been made within the lookback period. Policies in MA 404-1 and 404-2 must be applied.

Resource assessments must be completed by the Department for married SSI recipients (see MA 903-1 and MA 1001-1) per spousal impoverishment criteria in order to determine eligibility for nursing home or waiver coverage for married SSI recipients. Resource eligibility must not be separately determined for unmarried SSI recipients.

INTRODUCTION: Several federal regulations regarding SSI recipients conflict with newer nursing home and waiver eligibility rules. We have gained clarification by further study of the regulations and have determined that the State may only make independent evaluations of income and resource eligibility for

nursing home and waiver recipients on married SSI recipients, but not on unmarried SSI recipients. The policy is being amended to reflect this policy correction.

Please note that this does **not** change the fact that **all** waiver and nursing home recipients are subject to uncompensated asset transfer rules, even if they are SSI recipients. SSI recipients are also subject to the requirement to assign annuity interest to the State for annuities purchased or converted on or after 2/8/2006.

POLICY

If an SSI recipient enters a nursing home or is to be enrolled in a Medicaid waiver program other than SDMI or PRTF, the agency must determine whether the SSI recipient is a married individual.

If the SSI recipient is married, then spousal impoverishment rules apply to nursing home and waiver eligibility; MA 903-1, MA 904-2, MA 1001-1 and MA 1002-2. We must complete a resource assessment, and a spousal impoverishment resource determination (using the resource assessment determination). It does not matter whether the spouses reside together at present or resided together prior to entry into the nursing home or waiver program.

If the SSI recipient is not currently married, the agency may not make a separate resource determination.

Uncompensated asset transfer rules apply to the waiver and nursing home eligibility even for SSI recipients, and regardless of marital status.

As always, the Department does have the authority to make a separate and independent resource and income determination for eligibility for Medicare Savings Programs. Any information gathered for those programs would be entered into CHIMES.

CHIMES PROCESSING

Presently, CHIMES will require resource and income information in order to complete an eligibility determination for any waiver or institutional program, even if the individual is an SSI recipient.

If the SSI recipient is married, process the case as normal for a married nursing home or waiver applicant, entering all resource information (all of which will be required to make the resource determination) and the Community Spouse Resource Maintenance Allowance. Income information may be needed if the SSI recipient also has non-SSI income that may be allowed to the community spouse in the post-eligibility treatment of income calculation for a nursing home determination. Hard copy verification of income is not required for waiver recipients who receive SSI.

If the SSI recipient is not married, make an attempt to gather the information about resources, but do not require hard copy verification of resource information (exception, if the information is needed in conjunction with an uncompensated asset transfer issue). Hard copy

verification of income, other than SSI, will be required for post-eligibility treatment of income for nursing home residents. Hard copy verification of income is not required for waiver recipients who receive SSI. If the SSI recipient refuses or fails to provide any information about resources, enter any known information and case note the situation, in the event the individual later loses SSI eligibility and the Department is again responsible for making the eligibility determination. Case note the situation thoroughly (for example, if the SSI recipient with no QMB eligibility indicates that s/he has a bank account, but gives no further information, do not enter the bank account into the Resource Summary web page, but case note that we have reason to believe one exists).

If the individual is a Medicare beneficiary and we have information entered into the system that causes the waiver or nursing home eligibility to fail resources for the SSI recipient, an override approval for nursing home/waiver eligibility will be necessary until the system enhancements are implemented in CHIMES.

If you have questions, please contact your regional policy specialist. Thank you!