

MinnesotaCare:

No provisions.

MA:

Before doing a spenddown calculation for months in which clients enter or leave a facility, are in temporary LTCF placement, or begin or end elderly waiver services, see:

- §0913.17 (Begin/End Use of LTC Spenddown - Part 1)
- §0913.17.01 (Begin/End Use of LTC Spenddown - Part 2)
- §0913.17.03 (Begin/End Use of LTC Spenddown - Part 3).

Review non-varying income, including earned income of long term care residents who routinely earn \$80 or less per month, at each annual renewal. See §0905 (Reviews and Renewals).

Review varying income monthly, including earned income of long term care residents who routinely earn more than \$80 per month. Make appropriate adjustments to the LTC spenddown. Budget earned and unearned income in the month it is received. Do not average income for clients in LTCFs. Apply changes in income or deductions to the LTC spenddowns in the month the change occurs. Retroactive changes to LTC spenddowns do not require timely notice. See §0916 (Notices).

SPENDDOWN CALCULATION FOR LTCF RESIDENTS:

To calculate the spenddown for people residing in an LTCF in a month the client is subject to LTC budgeting, begin with the total gross unearned income and countable earned income received by the client in that month. Include all excluded and non-excluded types of income except for income tax refunds, homeowner/renter property tax refunds and earned income tax credits.

Calculate countable earned income as follows:

Count all gross earned income or net self-employment income of an LTCF resident unless the resident is disabled and receiving wages from employment under an individual plan of rehabilitation.

Allow disabled people who are receiving wages from employment under an individual plan of rehabilitation the following deductions from gross earned income in the order listed:

LONG TERM CARE SPENDDOWN CALCULATION

0913.13

-
1. \$80 special personal allowance. See §0912.05.09.07 (Special Personal Allowance Disregard).
 2. Actual FICA withheld.
 3. Actual transportation expenses.
 4. Actual employment expenses such as tools and uniforms.
 5. State and federal taxes (only when the person is not exempt from withholding).

Allow the following deductions from the total gross unearned and countable earned income in the order listed:

1. Exclusions from income of institutionalized people mandated under federal law. These exclusions include:
 - German Reparation payments
 - Japanese and Aleutian Restitution payments
 - Agent Orange Settlement Fund payments
 - Radiation Exposure payments
 - payments under the Domestic Volunteer Services Act
 - payments received under the White Earth Land Settlement Act (WELSA)
 - Netherlands Act (WUV) payments to victims of Nazi persecution
 - Vietnamese Commando Compensation payments
 - payments to children of Viet Nam veterans with spina bifida
 - Austrian reparation payments
 - Blood Product Settlement Payments
 - payments by the Secretary of Defense to people captured and interned by North Vietnam.

VA pensions limited to \$90 per month are also excluded as the person's clothing and personal needs allowance. See §0912.07.03 (Clothing and Personal Need Allowance).

If you are unsure whether a particular payment meets this exclusion, submit a policy interpretation. Include the applicable public law number if known.

2. Medicare premiums of clients who are not Qualified Medicare Beneficiaries (QMBs), Service Limited Medicare Beneficiaries (SLMBs), or Qualified Individuals (QIs). See §0907.21.09 (MA Basis: Medicare Supplement Programs).

LONG TERM CARE SPENDDOWN CALCULATION

0913.13

-
3. Clothing and personal needs allowance OR the home maintenance allowance for single residents in a temporary stay situation. See the following:
 - §0912.07.03 Clothing and Personal Need Allowance.
 - §0913.17 Begin/End Use of LTC Spenddown - Part 1.
 - §0913.17.01 Begin/End Use of LTC Spenddown - Part 2.
 - §0913.17.03 Begin/End Use of LTC Spenddown - Part 3.
 4. Guardianship fees to a legally appointed guardian or conservator, or representative payee fees to an appointed representative payee authorized by the Social Security Administration. Allow up to 5% of the client's gross monthly income to a maximum of \$100 after totaling all guardianship, conservator, and SSA representative payee fees. Apply the 5%/\$100 maximum even if SSA or a court allows a greater amount.
 5. Allocation to a community spouse. See §0912.05.25 (Allocations).
 6. Court-ordered child support garnished from income up to a maximum of \$250 per month per client. First apply part or all of the garnished amount as the allocation to the child(ren). See §0912.05.25.05 (Allocations--Other Relatives). Enter the balance up to the \$250 limit in the MAXIS long term care budget guardianship fee field along with any allowable guardianship fee. Apply both current support and arrearages up to the maximum allowed.
 7. Allocation to a family member other than a community spouse. See §0912.05.25.05 (Allocations--Other Relatives).
 8. Health insurance premiums the client actually incurs in any month.
 9. Other reasonable and necessary medical expenses not covered by MA that the client actually incurs during the 6-month certification period.
 10. Continued community level SSI benefits paid under section 1611(e)(1)(G) of the Social Security Act which are paid to people who are expected to be institutionalized for a temporary stay of no more than 3 months and who need to continue to maintain a home, for up to 3 months, as verified by the Social Security Administration.
 11. Continued community level SSI benefits paid under section 1611(e)(1)(E) of the Social Security Act which are paid to people who were 1619(a) or (b) in

LONG TERM CARE SPENDDOWN CALCULATION

0913.13

the month before the 1st full month of institutionalization, for up to 2 months, as verified by the Social Security Administration.

The remaining amount is the LTC spenddown. MAXIS calculates the spenddown based on the income and deductions on the long term care spenddown calculation screens. If the LTC spenddown is greater than the monthly cost of long term care, see §0913.15 (Combination LTC/Medical Spenddown).

The LTCF will bill the client or authorized representative for the spenddown amount.

Do not terminate eligibility if the LTCF is not receiving payment from the client or the client's authorized representative. Do not adjust LTCF spenddowns due to non-payment. The county agency can remove a negligent authorized representative and try to find another. If the client fails to make payments, try to find an authorized representative. In either case, make a referral to Social Services if an authorized representative cannot be found. Also see §0904.11 (Authorized Representatives).

GAMC:

No provisions.