

MinnesotaCare:

No provisions.

MA:

At the time of application, when a community spouse owns assets in excess of the community spouse asset allowance, the spouse must contribute the excess assets toward the cost of care of the LTC spouse. The contribution amount is the dollar value of the assets owned which exceed the community spouse asset allowance. See §0909.25.03 (Spousal Asset Allowance).

When the community spouse refuses to make assets available for the cost of care of the LTC spouse, eligibility is still possible if:

< The LTC spouse cannot use the funds without the consent of the community spouse.

AND

< The LTC spouse assigns rights to support from the community spouse to DHS.

OR

< The LTC spouse is unable to assign rights to support because of a physical or mental impairment.

OR

< The county agency determines that denying eligibility would cause an imminent threat to the health and well being of the LTC spouse.

When the county agency approves MA under the conditions above, a cause of action exists against the community spouse for the dollar value of assets over the community spouse asset allowance or the amount of MA expended, whichever is less.

GAMC:

No provisions.