

MinnesotaCare:

No provisions.

MA:

Follow the procedures in this section **ONLY** for people who:

> Receive home care services through the Elderly Waiver (EW)

AND

> Who are not eligible for SIS EW (those with income more than the Special Income Standard). See §0913.13.05 (Waiver Obligation--SIS EW) for people who are eligible under the SIS EW, whether or not they have a community spouse.

AND

> Who have community spouses. See **COMMUNITY SPOUSE** in §0902.07 (Glossary: Client...) for a definition.

For single clients receiving EW who are not eligible under SIS EW, use Method B budgeting with a household size of 1. For a married couple who both receive EW but are not eligible under SIS EW, use Method B budgeting. Determine eligibility separately for each spouse using each spouse's income and a household size of 1.

Non-SIS EW clients with no community spouse may use a monthly or 6-month spenddown. For people who choose a monthly spenddown, use an automated monthly spenddown if income and medical expenses are non-varying. See §0913.09 (Automated Monthly Spenddown Calculation). EW clients using an automated monthly spenddown may select the designated provider option. See §0913.09.05 (Designated Provider Option). Use a manual monthly spenddown if income or medical expenses vary. See §0913.11 (Manual Monthly Spenddown Calculation).

LTC SPENDDOWN CALCULATION FOR EW CLIENTS WITH COMMUNITY SPOUSES

Before doing a spenddown calculation for months in which clients begin or end EW 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 every 6 months. See §0905.09 (6-Month Reporting).

Review varying income monthly and make appropriate adjustments to the LTC

spenddown. Budget earned and unearned income in the month it is received. Do not average income for clients receiving EW services. Apply changes in income or deductions to LTC spenddowns in the month the change occurs. Retroactive changes to LTC spenddowns do not require timely notice. See §0916 (Notices).

To calculate the spenddown in a month the client is subject to LTC budgeting, begin with the total gross unearned and 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.

If the income is equal to or less than the SIS, the client is eligible for the SIS EW program. Use LTC budgeting to calculate a waiver obligation according to §0913.13.05 (Waiver Obligation--SIS EW).

If income exceeds the SIS, continue with the following calculations.

Calculate countable earned income as follows:

Count all gross earned income or net self-employment income of a client unless the client 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:

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

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- 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).
3. Clothing and personal needs allowance. See §0912.07.03 (Clothing and Personal Need Allowance).
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 §0912.05.25.03 (Allocations--Community Spouse).
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.

The remaining amount is the LTC spenddown. If the LTC spenddown is more than the cost of monthly elderly waiver services, see §0913.15 (Combination LTC/Medical Spenddown).

GAMC:

No provisions.