

***** This version of the manual is no longer in effect as of December 1, 2006 *****

MDHS HEALTH CARE PROGRAMS MANUAL

ML 46 APRIL 2006

ALLOCATIONS--COMMUNITY SPOUSE

0912.05.25.03

MinnesotaCare:

No provisions.

MA:

Also see §0912.05.25 (Allocations) and §0912.05.25.05 (Allocations--Other Relatives).

To calculate the amount of a client's allocation deduction for a spouse:

1. Determine the community spouse's total gross earned and unearned income. (Include income from income-producing assets.) Do not allow MA disregards and exclusions. Add all income received less often than monthly during a calendar year and divide by 12 to determine a monthly figure. Consider interest earned to be income.

VA Aid and Attendance benefits are not available for the needs of relatives unless the VA office grants an apportionment. Consider only the apportioned amount as income to the relative.

2. Determine the monthly total of these shelter expenses for the community spouse:

< Rent or mortgage payments.

< Real estate taxes.

< Homeowner's or renter's insurance.

< Required maintenance charges for a cooperative or condominium.

< A utility allowance. Use [\\$305 effective 03/01/2006 \(previously \\$262\)](#) for residences billed for heating and/or cooling. For residences not billed for heating or cooling, allow \$75 for electricity and \$25 for phone service. Reduce the utility allowance by the amount of any utility expenses included in a required cooperative or condominium maintenance charge.

3. Subtract \$482 beginning 7-1-05 (\$469 from 7-1-04 through 6-30-05) from the total of expenses in step 3. The result is the excess shelter allowance.

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4. Add \$1,604 beginning 7-1-05 (\$1,562 from 7-1-04 through 6-30-05) to the excess shelter allowance. The result, up to a limit of \$2,489 (\$2,378 from 1-1-05 through 12-31-05), is the maximum monthly income allowance to the community spouse.

If there is a court order for support in excess of \$2,489 (\$2,378 from 1-1-05 through 12-31-05), use the court-ordered figure as the maximum amount.

5. Subtract the net available income of the community spouse (determined in step 1) from the monthly amount in step 4. The result is the actual allocation deduction amount.

EXAMPLE:

Norma resides in an LTCF. Her husband Leo resides in the community. Leo receives RSDI of \$700 per month and a private pension of \$300 per month. He has a savings account which earned interest of \$600 for the most recent calendar year. He pays rent of \$400 per month plus electricity, which includes air conditioning, and phone. He pays \$300 per year for renter's insurance. Norma receives RSDI of \$800 per month.

Determine Leo's maximum allocation as follows:

1. Determine Leo's total gross monthly income by adding the RSDI amount of \$700, the pension amount of \$300, and \$50 per month interest (\$600 divided by 12). Total monthly income is \$1,050.
2. Determine Leo's monthly shelter expenses by adding rent of \$400, utility allowance of \$262, and \$25 per month (\$300 divided by 12) for renter's insurance. Total shelter expenses are \$687.
3. Subtract \$482 from \$687. The result, \$205, is the excess shelter amount.
4. Add \$205 to \$1,604. The result, \$1,809, is the maximum monthly allocation amount.
5. Subtract Leo's monthly income of \$1,050 from \$1,809. The result, \$759, is the actual allocation amount. Allow this amount in Norma's

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LTC budget. See §0913.13 (Long Term Care Spenddown Calculation).

If the allocation amount causes significant financial hardship for the community spouse due to exceptional circumstances, you may increase the amount on a temporary basis. Verify the spouse is making reasonable efforts to resolve the situation (for example, seeking more affordable housing). Also see §0909.25.05 (Transfer of Income Producing Asset to Spouse) for the possibility of transferring income producing assets to the community spouse.

If the community spouse wants to apply for MA, an allocation may cause income to exceed the MA standard. The spouse may either:

- < Meet a spenddown using the allocated income.
- OR
- < Request a decrease or end to the allocation. This will increase the LTCF spouse's monthly LTC spenddown.

GAMC:

No provisions.