

Spousal Impoverishment Protection 2016

“Spousal Impoverishment Protection” refers to special financial provisions in Medicaid for the Elderly, Blind or Disabled (EBD) law regarding income and assets that affect certain married couples receiving or applying for nursing home or community waiver services.

Community waivers programs, such as the Community Options Program (COP Waiver), Community Integration Programs (CIP) or Family Care, provide a home care alternative to a nursing home. These protections apply to persons who are elderly or have disabilities.

Medicaid EBD pays for health care and long term care services for low-income people of all ages. Medicaid EBD is a state and federally funded government program. To qualify, a person’s income and assets must be below specified levels.

Spousal impoverishment protection affects legally married couples when one spouse is in a nursing home or taking part in a community waiver program and the other spouse is not residing in a nursing home or other medical institution for 30 days or more. The person in the nursing home or the community waiver program is referred to as the “institutionalized spouse.” The other spouse is the “community spouse”.

ASSETS

Counting Assets

There are special rules for counting assets and allocating the assets between the spouses. When you or your spouse first enter a medical institution, nursing home or request a community waiver program, your agency will, if requested, conduct an assessment of your total combined assets. The amount of your total combined assets at the time of institutionalization determines the amount of assets you may keep.

If you have assets of \$100,000 or less, you can keep \$50,000 for the community spouse and \$2,000 for the institutionalized spouse. If your assets are over \$100,000 you should contact your agency for help in determining the amount of assets you can keep. The community spouse share can be higher than the standard if a court or administrative hearing officer orders a higher amount.

Assets Allocated Between the Spouses

Once the couple’s assets are at or below their asset limit, they have one year in which to assure the institutionalized spouse has no more than \$2,000 worth of assets in his/her name. During this time period, the institutionalized spouse usually transfers all but \$2,000 of his/her assets to the community spouse.

Countable Assets

Examples of countable assets may include, but are not limited to:

- Cash
- Checking Accounts
- Savings Accounts
- Life Insurance Policies
- Certificates of Deposit



Assets Not Counted

Medicaid EBD does not count some assets. Those not counted include:

- Your home (as long as the community spouse or other dependent relative lives there).
- One vehicle.
- Burial assets (including insurance, irrevocable trust funds, and plots).
- Household furnishings.
- Clothing and other personal items.

Reducing Assets to the Allowable Limit

"Excess" assets (assets which are above the asset limit) can be reduced to allowable limits if they are used to pay for nursing home or home care costs, or for other things such as home repairs or improvements, vehicle repair or replacement, clothing or other household expenses. If excess assets are not reduced, the institutionalized spouse cannot be enrolled in Medicaid.

INCOME

Counting Income

There are special rules for counting income and the amount of income that can be transferred from one spouse to another. Only the institutionalized person's income is counted in determining enrollment. The community spouse cannot be required to pay for the institutionalized spouse's care except when there is a court order to do so.

Transferring Income

An institutionalized person who qualifies for Medicaid may be allowed to protect some of his/her income by transferring it to the community spouse, depending on the amount of income the community spouse has. The institutionalized person can also transfer income to other dependent family members. To find out the amount that can be transferred, contact your local county or tribal agency.

Income and Asset Limits

The institutionalized spouse must meet the same income and asset tests as a single person applying for Medicaid for the Elderly, Blind or Disabled in a nursing home or community waiver program. The assets directly available to the institutionalized spouse are limited to \$2,000. Except for a small personal needs allowance, the institutionalized spouse must either transfer his/her income to the community spouse or use it to pay for nursing home or home care. The spousal impoverishment protection applies only when one spouse is institutionalized and the other is not. If both of you are institutionalized, the single individual income and asset limits apply. The purpose of the spousal impoverishment protection is to prevent the community spouse from being impoverished by his or her spouse's institutionalization. **Spousal Impoverishment Assets (Total Amount)**

If the total countable assets of the couple are	THEN the Community Spouse Asset Share is:	Medicaid Eligibility Limit (CSAS + \$2,000)
\$238,440, or more	\$119,220	\$121,220
Less than \$238,440 but greater than \$100,000	½ of the total countable assets of the couple	½ of the total countable assets of the couple + \$2,000
\$100,000 or less	\$50,000	\$52,000

For More Information:

- Contact an Elder Benefit Specialist in Forest, Oneida, Taylor, or Vilas County Wisconsin or the Aging & Disability Resource Center 800-699-6704. To find the specialist in your area, go to <https://www.dhs.wisconsin.gov/benefit-specialists/counties.htm> or call 1-800-362-3002.
- The Wisconsin Coalition of Independent Living Centers (for persons under age 60 and their families). To find the center in your area, call toll-free at 1-866-656-4010 or 1-866-656-4011 (V/TTY).
- Hospital and nursing home staff.
- Member Services at 1-800-362-3002 or 711 (TTY).
- Your local county or tribal agency. To get the address and phone number of your local agency call 1-800-362-3002 or go to <https://www.dhs.wisconsin.gov/forwardhealth/customerhelp/index.htm>

Information provided is general. For more detailed information, contact the Elder Benefit Specialist on your county or call the ADRC of the Northwoods to find the Income Maintenance agency for your area.

The Department of Health Services is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact (608) 266-3356 or 1-888-701-1251 (TTY).

All translation services are free of charge. For civil rights questions call (608) 266-9372 or 1-888-701-1251 (TTY).



Information provided by:
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