

SENATE NO. 665

AN ACT REGARDING DEEMING OF SPOUSAL INCOME AND ASSETS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 21A of Chapter 118E of the General Laws, as amended by section 323 of
2 Chapter 26 of the acts of 2003, is hereby further amended by striking subsection c and inserting
3 in place thereof the following:-

4 (c) In making determinations under this section, the division shall revise the community spouse
5 resource allowance to permit the community spouse to retain a larger share of the combined
6 spousal resources if the income of the community spouse, without reference to the income of
7 the institutionalized spouse, falls below the minimum monthly maintenance needs allowance of
8 the community spouse. Either spouse shall have the right to request a fair hearing at which, if it
9 is shown that the income of the community spouse, without reference to the income of the
10 institutionalized spouse, is less than the minimum monthly maintenance needs allowance of the
11 community spouse, the referee shall revise the community spouse resource allowance to a level
12 sufficient to generate the shortfall in income. The division shall calculate interest income on the
13 investment of the community spouse resource allowance at the rate reported in the Bank Rate
14 Monitor Index on the date of the hearing.

