



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
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MassHealth
Eligibility Letter 128
November 16, 2004

TO: MassHealth Staff

FROM: Beth Waldman, Medicaid Director *BW*

RE: **Increase in Standard Deduction for Utility Expenses**

This eligibility letter transmits an increase in the standard deductions for heating and nonheating utility expenses under the Food Stamp Program. These two amounts are used in the calculation of the minimum monthly maintenance needs allowance (MMMNA).

This emergency regulation change was effective October 1, 2004.

MANUAL UPKEEP

<u>Insert</u>	<u>Remove</u>	<u>Trans. By</u>
520.026 (1 of 5)	520.026 (1 of 5)	E.L. 126

Trans. by E.L. 128**MASSHEALTH
FINANCIAL ELIGIBILITY****Rev. 10/01/04****Chapter 520
(1 of 5) Page 520.026**

(1) MassHealth determines the MMMNA by adding the following amounts:

(a) \$1,562 (the federal standard maintenance allowance); and

(b) an excess shelter allowance determined by calculating the difference between the standard shelter expense of \$469 and the shelter expenses for the community spouse's principal residence, including:

(i) the actual expenses for rent, mortgage (including interest and principal), property taxes and insurance, and any required maintenance charge for a condominium or cooperative; and

(ii) the applicable standard deduction under the Food Stamp Program for utility expenses. If heat is included in the rent or condominium fee, this amount is \$268. If heat is not included in the rent or condominium fee, this amount is \$442.

(2) The maximum-monthly-maintenance-needs allowance is \$2,319 per month, unless it has been increased as the result of a fair-hearing decision based on exceptional circumstances in accordance with 130 CMR 520.017(D).

(3) If the institutionalized individual is subject to a court order for the support of the community spouse, the court-ordered amount of support must be used as the spousal-maintenance-needs deduction when it exceeds the spousal-maintenance-needs deduction calculated according to 130 CMR 520.026(B) or resulting from a fair hearing.

(C) Deductions for Family-Maintenance Needs.

(1) MassHealth allows a deduction from the income of a long-term-care resident to provide for the maintenance needs of the following family members if they live with the community spouse:

(a) a minor child — a child under age 21 of either member of the couple;

(b) a dependent child — a child over age 21 who is claimed as a dependent by either spouse for income-tax purposes under the Internal Revenue Code;