MassHealth

Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
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MassHealth
Eligibility Letter 161
June 1, 2007

TO: MassHealth Staff

FROM: Tom Dehner, Acting Medicaid Director

RE: **2007 RSDI Cost-of-Living Adjustment (COLA) for Community and Long-Term-Care MassHealth Cases**

The following cost-of-living adjustments are effective January 1, 2007.

- Retirement/Survivors/Disability Insurance (RSDI) benefits increased by **3.3%**.
- The maximum monthly spousal maintenance needs allowance increased from $2,488.50 to **$2,541.00**.
- The maximum amount of assets that can be kept by an institutionalized individual's spouse increased from $99,540 to **$101,640**.
- The basic Medicare Part B premium increased from $88.50 to **$93.50** per month.

These regulations are being issued as emergency regulations, effective January 1, 2007.

MANUAL UPKEEP

Insert	**Remove**	**Trans. By**
519.003 (2 of 2)	519.003 (2 of 2)	E.L. 145
520.016 (2 of 2)	520.016 (2 of 2)	E.L. 159
520.026 (1 of 5)	520.026 (1 of 5)	E.L. 160

(3) would be currently eligible for SSI, in accordance with SSI payment standards at 130 CMR 519.003(B), if the incremental amount of RSDI cost-of-living increases paid to them since the last month subsequent to April 1977, for which they were both eligible for and receiving SSI and entitled to (but not necessarily receiving) RSDI were deducted from the current amount of RSDI benefits. Cost-of-living increases referred to in 130 CMR 519.003 include increases received both by the applicant or member or by the spouse. The spouse need not be otherwise eligible for SSI; and

(4) have countable assets that are $2,000 or less for an individual, and $3,000 or less for a married couple**.**

(B) SSI Payment Standards. The RSDI amount, as described in 130 CMR 519.003(A)(3), and any other countable-income amount, as defined in 130 CMR 520.009, of the individual or couple is compared to the SSI payment standards to determine Pickle eligibility.

MASSACHUSETTS SSI PAYMENT STANDARDS					
LIVING ARRANGEMENT CATEGORY					
	A	**B**	**C**	**E**	**G**
	Full Cost of Living Expenses	**Shared Living Expenses**	**Household of Another**	**Licensed Rest Home**	**Assisted Living**
Individual					
Aged	$751.82	662.26	519.70	916.00	1077.00
Disabled	737.39	653.40	509.92	916.00	1077.00
Blind	772.74	772.74	772.74	772.74	1077.00
Member of a Couple					
Aged	$567.86	567.86	419.24	916.00	807.50
Disabled	557.03	557.03	408.43	916.00	807.50
Blind	772.74	772.74	772.74	772.74	807.50

NOTE: The SSI federal benefit rate (FBR) for an individual is $623.00.

NOTE: The personal-needs allowance in licensed rest homes is $60. The personal-needs allowance in nursing facilities and chronic-disease hospitals is $65.

(C) Financial Standards Not Met. Individuals whose income, assets, or both exceed the standards in 130 CMR 519.003 may establish eligibility by reducing assets in accordance with 130 CMR 520.004, meeting a deductible as described in 130 CMR 520.028 et seq., or both.

(i) the combined total countable assets of the institutionalized spouse and the community spouse, not to exceed $101,640;

(ii) a court-ordered amount; or

(iii) an amount determined after a fair hearing in accordance with 130 CMR 520.017.

(b) Compare the amount of the remaining assets to the MassHealth asset standard for one person, which is $2,000. When the amount of the remaining assets is equal to or below $2,000, the institutionalized spouse has met the asset test of eligibility.

(3) Post-Eligibility Transfer of Assets.

(a) To meet the needs of the community spouse and to allow the continuing eligibility of the institutionalized spouse, the MassHealth agency allows the institutionalized spouse, after he or she has been determined eligible for MassHealth Standard, to transfer assets to or for the sole benefit of the community spouse in accordance with 130 CMR 520.016(B)(1) and (2).

(b) The institutionalized spouse must transfer any of his or her assets that are part of the community spouse's asset allowance no later than 90 days immediately after the date of the notice of approval for MassHealth Standard. During this 90-day period, the MassHealth agency:

(i) will continue to exclude these assets in the determination of continuing eligibility; and

(ii) will not apply the transfer rules in 130 CMR 520.018 and 520.019 to the assets transferred to the community spouse.

(c) The MassHealth agency may extend the 90-day period if any of the following conditions exist:

(i) the court is involved in assigning the couple's property through support actions;

(ii) an appeal of the asset allowance has been filed with the Board of Hearings; or

(iii) the condition of the institutionalized spouse requires the appointment of a conservator or guardian to act on his or her behalf.

(d) The amount of the transferred assets added to the assets owned by the community spouse cannot exceed the community spouse's asset allowance as defined in 130 CMR 520.016(B)(2).

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

(a) $1,650 (the federal standard maintenance allowance); and

(b) an excess shelter allowance determined by calculating the difference between the standard shelter expense of $495 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 $320. If heat is not included in the rent or condominium fee, this amount is $528.

(2) The maximum-monthly-maintenance-needs allowance is $2,541.00 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) The MassHealth agency 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;