



Eligibility Operations Memo 17-01
January 1, 2017

TO: MassHealth Eligibility Operations Staff

FROM: Amy Dybas, Deputy Chief Operating Officer for
Member Policy Implementation, Training, and Communications

RE: **Eligibility Changes for Home- and Community-Based Services Waivers**

Summary

MassHealth is revising the regulations at 130 CMR 519.000. In accordance with changes in federal law implemented under Section 2404 of the Affordable Care Act (ACA), these revisions change how MassHealth treats a community spouse's assets when determining the financial eligibility of a married individual seeking enrollment in a MassHealth 1915(c) home- and community-based services (HCBS) waiver.

For initial waiver eligibility determinations made on or after January 1, 2014, MassHealth will consider the countable assets of spouses of waiver applicants when determining financial eligibility for home- and community-based waivers.

There is no impact on single applicants for home- and community-based waivers.

Waiver Programs Affected by This Change

The following MassHealth-sponsored waiver programs are affected by this change.

- Frail Elder Waiver
- Persons with an Intellectual Disability
 - Intensive Supports Waiver
 - Community Living Waiver
 - Adults Supports Waiver
- Persons with Traumatic Brain Injury Waiver
- Persons with Acquired Brain Injury
 - Residential Habilitation Waiver
 - Non-residential Habilitation Waiver
- Money Follows the Person
 - Residential Supports Waiver
 - Community Living Waiver

Prior to the update to 130 CMR 519.000, a waiver applicant was allowed to have \$2,000 in countable assets, and the assets of the spouse of a waiver applicant were not considered as part of the eligibility determination.

The change in law requires MassHealth to consider the countable assets of a spouse of a waiver applicant when determining initial waiver financial eligibility. The 2017 Community Spouse Resource Allowance is \$120,900.

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Married Couples Who Are both Waiver Applicants or Participants

For married couples who are both waiver applicants or participants in waiver programs, the new regulation changes *do not* change how financial eligibility is determined.

The existing \$2,000 countable asset limit for waiver applicants applies to each person individually; for married couples, the total combined asset limit is \$4,000.

Current Waiver Participants

Married members whose eligibility was initially determined on or after January 1, 2014 (ACA effective date), and whose financial eligibility information on file shows countable spousal assets above the new maximum will receive review forms.

Questions

If you have any questions about this memo, please have your MEC designee contact the Policy Hotline.