

TO BE RESCINDED

5160:1-3-06.1 Medicaid: treatment of income and resources of institutionalized individuals.

(A) This rule describes the treatment of income and resources for institutionalized individuals when determining eligibility for medical assistance.

(B) Institutionalized individual with no spouse.

(1) Individuals at least age twenty-one who have no spouse.

(2) Only the income and resources of the individual and any contributed income and resources are considered in the eligibility and post-eligibility determinations.

(C) Institutionalized children.

(1) For the month in which a child enters the institution, the child is considered living with the family. The income and resources of the parent(s) is considered available to the child in the month of institutionalization.

(2) The month following the month of institutionalization, the child is treated as an individual living alone. The child's own income and resources and any contributed income and resources are considered in the eligibility and post-eligibility determinations.

(D) Institutionalized couples.

(1) Institutionalized couples shall be treated as individuals the month following the month of institutionalization. Only income and resources that are attributable to the individual are applied to the individual. This policy applies to all couples regardless of their living arrangement in the medical institution.

(2) Couples who enter the medical institution in the same month are treated as a couple the month of entering the facility. The month after the month of entering the medical institution, they are treated as individuals.

(E) Institutionalized individual with a community spouse.

(1) Spouses separated by a continuous period of institutionalization are considered to be living apart the month the institutionalized spouse (IS) enters the

institution. Only the income and resources deemed to the IS and any income and resources actually contributed to the IS are considered available in the IS's financial eligibility and post-eligibility determinations.

- (2) A continuous period of institutionalization is defined as an admission to a medical institution (or receipt of home and community-based waiver services) for a period of at least thirty consecutive days.
- (3) The continuous period of institutionalization may include a combination of institutionalization in a hospital setting and a long term care facility (and/or receipt of home and community-based waiver services).
- (4) Continuity of institutionalization is broken by any absences from the institution for thirty consecutive days or non-receipt of home and community-based waiver services for thirty consecutive days.
- (5) A continuous period of institutionalization is also established when an individual is admitted to a medical institution or begins receiving waiver services under an HCBS waiver and is "likely to remain" or "likely to receive waiver services" for a period of at least thirty consecutive days.
 - (a) Individuals are considered likely to remain or likely to receive waiver services, even though they do not actually remain or continue to receive waiver services, when it is determined that the individual is likely to remain or likely to receive waiver services for thirty consecutive days.
 - (b) For a hospitalized individual, a physician's, advanced practice registered nurse's (APRN), or physician assistant's (PA) statement verifying that the individual is likely to remain at least thirty consecutive days is required.
 - (c) A continuous period of institutionalization in an LTCF must be certified by a physician's, APRN's, or PA's statement or the completed ODM 03697 "Patient Care And Plan of Treatment (rev. 7/2014). The ODM 03697 must provide sufficient information that institutionalization is reasonably expected to continue for at least thirty consecutive days.
 - (d) The approval notice of HCBS waiver services shall be used to verify the individual is likely to receive waiver services for a period of at least thirty consecutive days.
 - (e) A continuous period of institutionalization is also established if the

individual dies prior to the thirtieth consecutive day when it is determined that the individual would have likely continued to remain institutionalized or in receipt of HCBS waiver services.

- (6) The continuous period of institutionalization may include a combination of institutionalization in a hospital setting and a long term care facility and/or receipt of home and community-based waiver services.
- (7) In accordance with rule 5160:1-3-06.3 of the Administrative Code, spousal impoverishment provisions are not implemented until the individual has actually been institutionalized for thirty consecutive days; however, the continuous period begins the date the individual was institutionalized or began receiving HCBS waiver services.

Effective:

Five Year Review (FYR) Dates: 10/07/2016

WITHDRAWN ELECTRONICALLY

Certification

04/04/2017

Date

Promulgated Under: 111.15
Statutory Authority: 5160.02, 5163.02
Rule Amplifies: 5160.02, 5163.02
Prior Effective Dates: 9/3/77, 12/31/77, 3/1/79, 10/1/79, 12/179/79, 1/21/80, 9/1/82, 12/7/83, 7/25/84 (Temp.), 10/1/84, 10/1/88 (Emer.), 12/20/88, 1/1/90 (Emer.), 4/1/90, 4/1/91, 10/1/02, 11/2/14