
OLR Bill Analysis

sSB 851

AN ACT PROTECTING THE ASSETS OF THE SPOUSE OF AN INSTITUTIONALIZED MEDICAID RECIPIENT.

SUMMARY:

This bill requires the Department of Social Services (DSS) commissioner to amend the Medicaid state plan to increase, from \$23,184 to \$33,000, the minimum amount of money the spouse of a long-term care Medicaid recipient (i.e., the community spouse) may keep (i.e., the minimum community spouse protected amount (CSPA)).

It requires the commissioner, by July 1, 2014, to report to the Human Services and Appropriations committees on the fiscal impact of the increase, including (1) the number of community spouses who were able to keep additional assets as a result of the increase and (2) the state cost of the increase.

The commissioner must adopt regulations to implement the bill.

EFFECTIVE DATE: Upon passage

BACKGROUND

Federal Medicaid Spousal Impoverishment Provisions

Federal Medicaid law's "spousal impoverishment" provisions require a spousal assessment when one spouse applies for Medicaid long-term care (in Connecticut this includes both nursing home and home- and community-based waiver services). The couple's assets are divided in half and one half pays for the Medicaid applicant's health care and the other stays with the community spouse, up to the maximum allowed by federal law (currently \$115,920). The minimum CSPA ensures that when the couple's assets are divided and the community spouse's share is lower than the minimum, that spouse still gets to keep the minimum amount.

Federal law specifies the CSPA, which currently is the greater of:

1. \$23,184;
2. the lesser of (a) the spousal share or (b) \$115,920;
3. the amount established after a fair hearing; or
4. an amount a court orders (42 USC § 1396r-5(f)(2)).

COMMITTEE ACTION

Human Services Committee

Joint Favorable Change of Reference

Yea 18 Nay 0 (02/19/2013)

Appropriations Committee

Joint Favorable Substitute

Yea 53 Nay 0 (04/23/2013)