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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 2@ Determination of Medi-Cal Eligibility and Share of Cost

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Article 10@ INCOME

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Section 50563@ Treatment of Income - Aged, Blind or Disabled MN Person or Person's Spouse in LTC or Board and

50563 Treatment of Income - Aged, Blind or Disabled MN Person or Person's Spouse in LTC or Board and Care

(a)

When an aged, blind or disabled MN person or the spouse of that person is in LTC or board and care and that person has a spouse and/or children who are not Public Assistance recipients, the income of that person shall be treated in the following manner, beginning the first of the month the spouses, or the parent and children, are in separate MFBUs: (1) The net nonexempt income of the person in LTC or board and care which is in excess of the appropriate maintenance need for that person in accordance with the provisions of Article 11 of this chapter shall be allocated to the spouse and/or children as follows: (A) When the family is applying for Medi-Cal, determine the maintenance need for the spouse and/or children other than any children excluded from the MFBU. (B) When only the person in LTC or board and care is applying for Medi-Cal, determine the maintenance need for the spouse and/or all the children. (C) Subtract the net nonexempt income of the spouse and/or children, other than the excluded children, from the amount determined in (A) or (B). This is the amount that shall be allocated to the spouse and/or children from the net nonexempt income of the MN person in LTC or board and care which is in excess of the maintenance need as determined in (1). (2) If the person in LTC or board and care is a stepparent: (A) The stepchildren shall be treated as natural children of the person in LTC or board and care. (B) The

allocation shall be determined in accordance with (1).

(1)

The net nonexempt income of the person in LTC or board and care which is in excess of the appropriate maintenance need for that person in accordance with the provisions of Article 11 of this chapter shall be allocated to the spouse and/or children as follows: (A) When the family is applying for Medi-Cal, determine the maintenance need for the spouse and/or children other than any children excluded from the MFBU. (B) When only the person in LTC or board and care is applying for Medi-Cal, determine the maintenance need for the spouse and/or all the children. (C) Subtract the net nonexempt income of the spouse and/or children, other than the excluded children, from the amount determined in (A) or (B). This is the amount that shall be allocated to the spouse and/or children from the net nonexempt income of the MN person in LTC or board and care which is in excess of the maintenance need as determined in (1).

(A)

When the family is applying for Medi-Cal, determine the maintenance need for the spouse and/or children other than any children excluded from the MFBU.

(B)

When only the person in LTC or board and care is applying for Medi-Cal, determine the maintenance need for the spouse and/or all the children.

(C)

Subtract the net nonexempt income of the spouse and/or children, other than the excluded children, from the amount determined in (A) or (B). This is the amount that shall be allocated to the spouse and/or children from the net nonexempt income of the MN person in LTC or board and care which is in excess of the maintenance need as determined in (1).

(2)

If the person in LTC or board and care is a stepparent: (A) The stepchildren shall be

treated as natural children of the person in LTC or board and care. (B) The allocation shall be determined in accordance with (1).

(A)

The stepchildren shall be treated as natural children of the person in LTC or board and care.

(B)

The allocation shall be determined in accordance with (1).

(b)

In no event shall any income be allocated from the family members living at home to the person in long-term care or board and care.