

Amend Section 50605 to read as follows:

§ 50605. Maintenance Need - Persons in Long-Term Care.

(a) The maintenance need for a member of the MFBU in long-term care shall be either of the following:

(1) Thirty-five dollars for personal and incidental needs, when the beneficiary will remain in long-term care for the entire calendar month.

(2) For individuals with therapeutic wages, thirty-five dollars plus an additional amount equal to either a) 70 percent of the gross therapeutic earnings; or, b) 70 percent of the maintenance need level allowed for a non-institutionalized person or family of corresponding size, as described in Section 50603, whichever is less.

(A) The provisions of subsection (a)(2) of this regulation also apply to eligibility determinations or redeterminations made retroactively to October 1, 1984.

(3) The appropriate maintenance need determined in accordance with Section 50603, if the person will be in long-term care for only a portion of the month.

(b) An LTC patient shall retain an amount of income for upkeep of a home in addition to the amount specified for personal and incidental needs in (a) (1) if all of the following conditions are met.

(1) The LTC patient's spouse or a family member of the LTC patient is not living in the home.

(2) The home, whether rented or owned by the LTC patient, is actually being maintained for the return of the LTC patient.

(3) There is a verified medical determination that the LTC patient, or when both spouses are in LTC, either spouse, is likely to ~~will~~ return home within six months of the date LTC patient status was established.

(4) The income is deducted for not more than the six-month period referenced in (3).

(c) The amount allowed for upkeep of the home, if the conditions specified in (b) are met, shall be:

(1) One hundred thirty-three and one-third percent of the income in kind value of housing for one person pursuant to Section 50511(a) and (b), if the applicant or beneficiary has been living alone in the home.

(2) One hundred thirty-three and one-third percent of the income in kind value of housing for 2 persons pursuant to Section 50511(a) and (b) divided by 2, if the home is shared with persons for whom the applicant or beneficiary has no legal responsibility for support.

(3) One hundred thirty-three and one-third percent of the income in kind value of housing for 2 persons pursuant to Section 50511(a) and (b) divided by 2 for each spouse, if the beneficiary and spouse ~~have been~~ were living together at the time either or both became inpatients and both have become LTC patients and either ~~will~~ is likely to return home within six months of the date LTC status was established.

(4) The amount allowed for upkeep of the home as determined according to (1) through (3) shall be calculated on an annual basis, rounded to the next higher multiple of \$100, and then prorated.

(d) The LTC patient shall also retain an amount of income to pay for the support of a disabled relative if all ~~theof~~ the following conditions are met.

(1) The disabled relative is not the LTC patient's:

(A) Spouse.

(B) Child, as defined in Section 50030.

(2) The LTC patient has contributed and will continue to contribute to the support of the disabled relative on a regular basis.

(e) The amount allowed for the support of a disabled relative, if the conditions specified in (d) are met, shall be the lesser of:

(1) The actual amount contributed.

(2) The maintenance need level for one person established in accordance with Section 50603(a)(1), minus the disabled relative's net income.

NOTE: Authority cited: Section 20, Health and Safety Code; and Sections 10725, 14005.13 and 14124.5, Welfare and Institutions Code. Reference: Title 42, Code of Federal Regulations, Section 435.725(d); and Sections 14005.7, 14005.12 and 14005.13, Welfare and Institutions Code.