

**DEPARTMENT OF HEALTH SERVICES**

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MEDI-CAL ELIGIBILITY PROCEDURES MANUAL LETTER NO.: 189

TO: All Holders of the Medi-Cal Eligibility Procedures Manual

MFBU DETERMINATION, FAMILY MEMBER IN LONG-TERM CARE FACILITY OR BOARD AND CARE -- ARTICLE 8B

Enclosed are charts to clarify and assist in determining the Medi-Cal Family Budget Unit (MFBU) composition for cases where individuals reside in long-term care facilities or board and care facilities.

CHANGES:

This section is being updated to include the changes which resulted from implementation of the Medicare Catastrophic Coverage Act of 1988 spousal impoverishment provisions.

FILING INSTRUCTIONS:**Remove Pages:**

Article 8
Page 8A-5
Pages 8B-1 through 8B-4

Insert Pages:

Article 8
Pages 8B-1 through 8B-4

If you have any questions, please contact Sharyl M. Shanen-Raya at (916) 657-2942 or Kathy Harwell (916) 657-0146 on spousal impoverishment or Marge Buzdas at (916) 657-0726 on MFBU.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Enclosure

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When one or more children are in an LTC facility or B&C the following chart applies. An LTC facility is defined as a medical institution or nursing facility (see ACWDL 90-01, Section 50056.5.)

Child(ren) in LTC or B&C	Only Parent is in the Home	Only Parent is Absent in LTC or B&C	Both Parents in the Home	Only Parent is in the Home	Only Parent is Absent in LTC or B&C
AFDC-MN Child in LTC/B&C Living With Parent Immed. Preceding Entry	Same MFBU	Separate MFBUs	Same MFBU	Same MFBU	Same MFBU
AFDC-MN Child in LTC/B&C Not Living With Parent Immed. Preceding Entry	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs
B/D Child in LTC/B&C	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs
MI Child in LTC/B&C Living With Parent Immed. Preceding Entry	Same MFBU	Separate MFBUs	Same MFBU	Same MFBU	Same MFBU
MI Child in LTC/B&C Not Living With Parent Immed. Preceding Entry	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs

NOTES:

1. Where the chart indicates that the child is in the "Same MFBU" this means that the child is in the same MFBU with the parent in the home when at least one of the parents is in the home.
2. An unborn is considered to be living with the parent immediately preceding entry.

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8B – Medi-Cal Family Budget Unit (MFBU) Determination, Family Member In Long-Term Care (LTC) Facility or Board and Care (B&C)

LTC facility is defined as a medical institution or nursing facility. See All County Welfare Directors Letter (ACWDL) No. 90-01, Section 50056.5.)

I. SPOUSAL IMPOVERISHMENT CASES

The following information is to be used in conjunction with ACWDL 91-84.

THE SPOUSAL IMPOVERISHMENT PROVISIONS APPLY WHENEVER INDIVIDUALS WHO ARE MARRIED TO ONE ANOTHER (EVEN WHERE LEGALLY SEPARATED FOR YEARS) MEET THE FOLLOWING DEFINITIONS. Married individuals are considered to be spouses for spousal impoverishment purposes until the marriage is dissolved or annulled. If the following definitions of an Institutionalized Spouse and Community Spouse do not apply, then Section II shall apply.

Institutionalized and Community Spouses (whether or not there are children residing with the Community Spouse) shall be in separate MFBUs and the spousal impoverishment provisions contained in ACWDL 90-01 shall apply on the first of the month of admission to a medical institution or nursing facility.

An Institutionalized Spouse is:

- admitted to a medical institution or a nursing facility on or after September 30, 1989;
- expected to remain an inpatient (see NOTE below) for a continuous period of 30 consecutive days or more (a continuous period ends when the institutionalized spouse has not received inpatient care in a medical institution or nursing facility for a full calendar month);
- married to a community spouse; and
- not Aid to Families with Dependent Children (AFDC) cash or AFDC-MN immediately prior to admission.

NOTE: Unless the applicant has been an inpatient for 30 days or more, the expectation to remain for 30 days or more must be verified by a statement (signed and dated) from the institutionalized spouse's physician.

A Community Spouse is:

- married to an Institutionalized Spouse, and
- is not an inpatient in a medical institution or nursing facility.

NOTE: A Community Spouse may be a resident in a board and care facility, assisted living facility or other nonmedical living arrangement.

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The following charts DO NOT apply if the spouses meet the criteria in Section I beginning on 8B-1.

II. **NONSPOUSAL IMPOVERISHMENT FOR SPOUSES WHO ARE AGED, BLIND, AND DISABLED (ABD), MEDICALLY INDIGENT(MI) AND AFDC**

NOTE: Where the chart indicates that couples are in separate MFBUs, the separation occurs in the month following the month that the first spouse was admitted to the LTC facility or B&C facility.

RULE 1: WHERE ONE OR BOTH SPOUSES ARE ABD, THEN SEPARATE MFBUs

- Individuals who are married to each other but who are separated or who have experienced a break in marital ties are in separate MFBUs beginning with the month of the separation or break.
- Division of community property applies when in separate MFBUs. Once couples are placed into separate MFBUs, the couple is never recombined unless they live together in the home again for a full calendar month for property purposes. For income purposes, the share of cost calculations may differ for the month of return to the home.

RULE 2: ALL OTHER (AFDC OR MI) SPOUSES ARE IN THE SAME MFBU

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NONSPOUSAL IMPOVERISHMENT ABD, MI, AFDC SPOUSES (cont.)

One or Both Spouses in LTC Facility or B&C. An LTC facility is defined as a medical institution or nursing facility (see ACWDL 90-01, Section 50056.5).

THIS CHART DOES NOT APPLY TO SPOUSAL IMPOVERISHMENT CASES	ABD/MI Spouse in LTC Facility	ABD/MI Spouse in B&C	ABD/MI Spouse in the Home	AFDC Spouse in the Home	AFDC Mn/Cash Spouse Now & Immediately Before LTC or B&C Entry - Temp. Absent	ABD/MI spouse who was AFDC Mn/Cash or AFDC-MN Immediately Preceding Entry to Facility B&C - Temp. Absent
ABD/MI Spouse in LTC Facility	One or Both Spouses ABD = Separate MFBUs; Both Spouses MI = Same MFBU	One or Both Spouses ABD = Separate MFBUs; Both Spouses MI = Same MFBU	One or Both Spouses ABD = Separate MFBUs; Both Spouses MI = Same MFBU	One Spouse ABD = Separate MFBUs; AFDC and MI Spouses = Same MFBU	One ABD Spouse = Separate MFBUs; AFDC and MI Spouses = Same MFBU	One or Both Spouses ABD = Separate MFBUs; Two MI Spouses = Same MFBU
ABD Spouse in B&C	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs	Separate MFBUs
MI Spouse in B&C or in the Home	One ABD Spouse = Separate MFBUs; Two MI Spouses = Same MFBU	One ABD Spouse = Separate MFBUs; Two MI Spouses = Same MFBU	One ABD Spouse = Separate MFBUs; Two MI Spouses = Same MFBU	Same MFBU	Same MFBU	One ABD Spouse = Separate MFBUs; Two MI Spouses = Same MFBU
AFDC Mn/Cash Spouse Now & Immediately Before LTC or B&C Entry - Temp. Absent	One Spouse ABD = Separate MFBUs; AFDC and MI Spouses = Same MFBU	One Spouse ABD = Separate MFBUs; AFDC and MI Spouses = Same MFBU	One Spouse ABD = Separate MFBUs; AFDC and MI Spouses = Same MFBU	Same MFBU	Same MFBU	One Spouses ABD = Separate MFBUs; One MI Spouse = Same MFBU
ABD/MI spouse who was AFDC Cash or AFDC-MN Immediately Preceding Entry to the LTC Facility or B&C - Not Temp. Absent*	One or Both Spouses ABD = Separate MFBUs; Two MI Spouses = Same MFBU	One or Both Spouses ABD = Separate MFBUs; Two MI Spouses = Same MFBU	One or Both Spouses ABD = Separate MFBUs; Two MI Spouses = Same MFBU	One Spouse ABD = Separate MFBUs; AFDC and MI Spouses = Same MFBU	One Spouse ABD = Separate MFBUs; AFDC and MI Spouses = Same MFBU	One or Both Spouses ABD = Separate MFBUs; Two MI Spouses = Same MFBU

* No temporary absence therefore not AFDC, must be ABD or MI.

III. CHILD(REN) IN LTC OR B&C