

WGIUPD

**GENERAL INFORMATION SYSTEM**

11/3/14

**DIVISION:** Office of Health Insurance Programs

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**GIS 14 MA/25**

**TO:** Local District Commissioners, Medicaid Directors

**FROM:** Judith Arnold, Director  
Division of Eligibility and Marketplace Integration

**SUBJECT:** Spousal Impoverishment Budgeting with Post-Eligibility Rules Under the Affordable Care Act

**EFFECTIVE DATE:** Immediately

**CONTACT PERSON:** Local District Support Unit  
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The purpose of this General Information System (GIS) message is to advise local departments of social services that effective immediately the policy direction provided in GIS 14 MA/15, "Affordable Care Act - Requirement to Apply Spousal Impoverishment Budgeting with Post-Eligibility Rules to Couples with a Spouse Receiving Home and Community-Based Services Pursuant to a Waiver or Enrolled in a Managed Long Term Care Plan," is rescinded. Spousal impoverishment budgeting with post-eligibility rules is not mandated for married individuals receiving home and community-based services (HCBS) pursuant to a waiver under Section 1915(c) of the Social Security Act or through enrollment in a managed long term care (MLTC) plan under the State's 1115 waiver.

Pending the issuance of further guidance from the Centers for Medicare and Medicaid Services regarding Section 2404 of the Affordable Care Act and the application of spousal impoverishment with post-eligibility rules for married individuals receiving long term care services under a 1915(c) waiver or under an 1115 waiver, districts are to resume applying the policy provided in GIS 12 MA/013, "Spousal Impoverishment Budgeting with Post-Eligibility Rules for Individuals Participating in a Home and Community-Based Waiver Program" and GIS 13 MA/018, "Spousal Impoverishment and Transfer of Assets Rules for Certain Individuals Enrolled in Managed Long Term Care." These GIS messages provide for spousal impoverishment budgeting with post-eligibility rules only when it is more advantageous to the applicant.

Districts are required to identify any cases that were negatively impacted due to the requirement to use spousal impoverishment budgeting with post-eligibility rules and redetermine eligibility. The redetermination must be effective retroactive to the month the eligibility was determined according to the guidance provided in GIS 14 MA/15.