



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

UNIFORM POLICY MANUAL

A handwritten signature in black ink, appearing to read "Claudette J. Beaulieu".

Claudette J. Beaulieu, Deputy Commissioner

March 15, 2006

Effective Date

POLICY TRANSMITTAL NO.: UP-06-14

SUBJECT: Morenz v. Wilson-Coker

This transmits revised policy pursuant to the federal court case Morenz v. Wilson-Coker. The policy involves long-term care Medicaid cases in which there is an institutionalized spouse (IS) and a community spouse (CS), and the deeming of assets from the CS to the IS would cause the IS to be ineligible for Medicaid benefits.

BACKGROUND

Federal law states that an IS will not be ineligible for Medicaid because of the deeming of assets from his or her CS if: the IS assigns his or her spousal support rights to the state; or, if the IS cannot execute such assignment because of a physical or mental impairment, but the state has the right to bring a support hearing against the CS without such assignment; or, the state determines that denying the IS Medicaid would cause an undue hardship.

In the Morenz case, the CS refused to make her assets available to the IS, but the IS assigned his spousal support rights to the state. The Department denied Mr. Morenz's Medicaid application based on excess assets being deemed from his CS.

In the Morenz decision, issued July 14, 2005, it was ruled that the Department could not deem assets from the CS to the IS if the IS assigned his or her spousal support rights to the Department. In such cases, the Department must consider the assets of only the IS in the determination of his or her Medicaid eligibility, and may pursue recovery from the CS after Medicaid is granted.

PREVIOUS POLICY

Previous policy stated that the Department would not deem assets from the CS to the IS if such deeming would cause undue hardship to the IS. Several criteria had to be met in order for undue hardship to exist. One of these criteria was that the IS had to assign his or her spousal support rights to the Department. There was no provision to stop deeming assets of the CS based solely on the IS assigning spousal support rights to the state.

REVISED POLICY

In long-term care Medicaid cases with applications filed on or after July 14, 2005, the Department will not deem assets from the CS to the IS if: the IS assigns his or her spousal support rights to the Department; or, the IS cannot execute such assignment because of a physical or mental impairment; or, the state determines that denying the IS Medicaid would cause an undue hardship.

Please note that the assignment of support rights is a separate document and not the automatic assignment pursuant to the filing of a Medicaid application. The deeming of assets from the CS will stop as of the first day of the month in which the Department receives the executed assignment. If the IS cannot complete the assignment because of a physical or mental impairment, the deeming will stop as of the month of application.

Regional offices should maintain a list of persons who are granted Medicaid pursuant to these provisions, so that the Department can pursue recovery from the CS in the future.

Please note that the correct parameters for the Community Spouse Protected Amount are included as part of these revisions.

INSTRUCTIONS FOR UPDATING THE UPM:

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DISPOSITION: This Policy Transmittal should be retained for reference.

DISTRIBUTION: UPM list

RESPONSIBLE UNIT: Adult Support (860) 424-5250

Date Issued: May 11, 2006

RJA

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 10-1-89

Transmittal: UP-89-38

1507

Section:

The Eligibility Process

Type:

POLICY

Chapter:

Assessment of Spousal Assets

Program:

MAABD

Subject:

1507 The chapter on assessment of spousal assets discusses the special processing requirements associated with the evaluation of assets of an institutionalized spouse and community spouse.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 3-15-06

Transmittal: UP-06-14

1507.05

Section:

The Eligibility Process

Type:

POLICY

Chapter:

Assessment of Spousal Assets

Program:

MAABD

Subject:

Assessment Process - MCCA Spouses

1507.05 A. Assessment Process

1. The Department provides an assessment of assets:
 - a. at the request of an institutionalized spouse or a community spouse:
 - (1) when one of the spouses begins his or her initial continuous period of institutionalization; and
 - (2) whether or not there is an application for Medicaid; or
 - b. at the time of application for Medicaid whether or not a request is made.
2. The beginning date of a continuous period of institutionalization is:
 - a. for those in medical institutions or long term care facilities, the initial date of admission;
 - b. for those applying for home and community based services (CBS) under a Medicaid waiver, the date that the Department determines the applicant to be in medical need of the services.
3. The assessment is completed using the assets which existed as of the date of the beginning the initial continuous period of institutionalization which started on or after September 30, 1989.
4. The assessment consists of:
 - a. a computation of the total value of all non-excluded available assets owned by either or both spouses; and
 - b. a computation of the spousal share of those assets.
5. The results of the assessment are retained by the Department and used to determine the eligibility at the time of application for assistance as an institutionalized spouse.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 3-15-06

Transmittal: UP-06-14

1507.05 Page 2

Section:

The Eligibility Process

Type:

POLICY

Chapter:

Assessment of Spousal Assets

Program:

MAABD

Subject:

Assessment Process - MCCA Spouses

- 1507.05 A. 6. Initial eligibility is determined using an assessment of spousal assets except when:
- a. undue hardship exists (Cross Reference 4025.68); or
 - b. the institutionalized spouse has assigned his or her support rights from the community spouse to the department; or
 - c. the institutionalized spouse cannot execute the assignment because of a physical or mental impairment.
(Cross Reference: 4025.69).
- B. Requesting the Assessment
- 1. MCCA spouses must file a completed written request for the assessment on a form prescribed by the Department.
 - 2. Telephone contacts or other requests for the assessment not made on the prescribed form are considered inquiries and do not constitute a request.
 - 3. The request may be submitted in person or by mail.
 - 4. The assessment form must be signed by the community spouse or the institutionalized spouse or another individual who is qualified to request the assessment on behalf of either MCCA spouse.
 - 5. The Department determines the individuals who are qualified to request the assessment on the same basis as it determines the individuals who are qualified to make an application for assistance (Cross Reference 1505.15).

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UNIFORM POLICY MANUAL**

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Section:
The Eligibility Process

Type:
POLICY

Chapter:
Assessment of Spousal Assets

Program:
MAABD

Subject:
Assessment Process - MCCA Spouses

1507.05 C. Notification

1. The Department provides a notification of the results of the assessment to each spouse.
2. The notification contains the following information:
 - a. the result of the assessment; and
 - b. the documents used for the assessment; and
 - c. the amount of the spousal share; and
 - d. the maximum amount of assets which may be retained by the spouses at the time of the results of the assessment which would not adversely affect eligibility; and
 - e. the Department's determination of the assistance unit's current eligibility status in regard to assets; and
 - f. the right of each spouse to request a Fair Hearing (Cross Reference 1570).

D. Fee

1. The Department charges a fee of \$50.00 if the request for the assessment is made at any time other than:
 - a. during the application process; or
 - b. while the assistance unit is currently eligible for Medicaid.
2. Payment of the fee is a pre-requisite for the Department's performance of the assessment.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 7-1-87

Transmittal: UP-87-2

3515.05 page 2

Section:

Procedural Eligibility Requirement

Type:

POLICY

Chapter:

Securing Support

Program:

AFDC

AABD

MA

Subject:

Who is Liable for Support

3515.05 . D. Parents are relieved from the obligation to support minors who are emancipated by either:

1. a court adjudication; or
2. the minor's legal marriage. Dissolution of the marriage does not cancel emancipation.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 3-15-06

Transmittal: UP-06-14

3515.10

Section:
 Procedural Eligibility Requirements

Type:
POLICY

Chapter:
 Securing Support

Program: **AFDC**
 AABD
 MA

Subject:
 Assignment of Rights to Support

- 3515.10
- A. As a condition of eligibility, each applicant for AFDC, AABD or MA must assign to the Department any rights to past, present and future support from legally liable relatives for each member of the assistance unit.
 - B. Assignment of rights to support applies to all cases in which at least one legally liable relative of an assistance unit member is absent from the home for any reason.
 - C. Except as described below, assignment is completed by signature on the application for assistance.
 - D. In long-term care cases under the Medicaid program, the assignment of spousal support rights pursuant to section 17b-285 of the general statutes and in undue hardship situations (Cross Reference: 4025.68) is accomplished by a separate assignment other than the assignment described in paragraph A, and is effective only upon receipt by the Department (cross references: 1507.05, 3520.05, 4025.69, 7520.07).

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 1-1-88

Transmittal: UP-88-7

3520

Section:

Procedural Eligibility Requirement

Type:

POLICY

Chapter:

Assignment

Program: AFDC

AABD

MA

Subject:

3520 Applicants and recipients are required to assign certain assets and benefits to the Department as a condition of eligibility. This chapter describes:

- what assets must be assigned;
- the penalty for refusing to assign;

The references to assignment in this chapter are in relation to assets or potential sources of recovery. The assignment of rights to support is described in chapter 3515. The Department's claim against the assigned asset is described in Recovery 7500. Asset limits for each program are in Treatment of Assets 4000.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 3-15-06

Transmittal: UP-06-14

3520.05

Section:

Procedural Eligibility Requirement

Type:

POLICY

Chapter:

Assignment

Program:

**AFDC
AABD
MA**

Subject:

What Must be Assigned

3520.05 There are certain assignments which are conditions of eligibility. Real property is not assignable, but is subject to liens and mortgages. Assignment secures the Department's legal claim. Assignment requirements for each program are as follows:

A. AFDC and AABD

1. In order to qualify for AFDC or AABD the assistance unit must assign:
 - a. an interest in a decedent estate;
 - b. the net proceeds of a cause of action.
2. These assignments are not released until the Department's claim is settled.

B. MA

In Medicaid, except for spousal assignments in long-term care cases that require a separate assignment (Cross Reference: 3515.10), an assignment is made by signing the application for assistance which contains language explaining this assignment. This assignment covers:

1. the rights to payment from medical insurance:
 - a. of every member of the assistance unit; and
 - b. from all sources of third party coverage except Medicare; and
2. the net proceeds of causes of action when both:
 - a. a lawsuit has been instituted to collect damages for injuries sustained in an accident; and
 - b. the Department has paid medical bills in connection with the accident; and
3. medical support rights. Medical support rights refer to support in the form of medical coverage or payment for medical expenses (Cross Reference 3515.10).

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 10-1-89

Transmittal: UP-89-39

4022

Section:

Treatment of Assets

Type:

POLICY

Chapter:

Asset Disregards

Program:

MA

Subject:

4022 This chapter describes the conditions under which the Department disregards certain assets held by the assistance unit in the determination of the unit's eligibility for Medicaid.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 3-15-06

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4022.05

Section:

Treatment of Assets

Type:

POLICY

Chapter:

Asset Disregards

Program: MAABD

Subject:

Community Spouse Disregard

4022.05 A. General Provisions

1. The Community Spouse Disregard (CSD), as defined at UPM 1500.01, is subtracted from an institutionalized spouse's (IS') counted assets in determining the IS' eligibility for Medicaid.
2. The CSD is used to allow the IS to transfer a specific amount of his or her counted assets to the community spouse (CS) when such assets are needed to raise the CS' assets to the Community Spouse Protected Amount (cross reference: 1500.01).
3. Except as provided in paragraph 7 below, the CSD is used for the initial eligibility determination for each continuous period of institutionalization for an assistance unit consisting of a MCCA spouse.
4. After eligibility is established for the institutionalized spouse, the CSD amount must be transferred to the community spouse as soon as practical.
5. Except in the event of good cause, any portion of the CSD which is not transferred by the next determination of eligibility is not subtracted from the institutionalized spouse's assets. This results in the ineligibility of the IS if his or her counted assets total more than the Medicaid asset limit of \$1600.00.
6. After the amount of the CSD is transferred as part of the initial eligibility determination, no more assets may be subtracted from the institutionalized spouse's assets as a CSD for the remainder of that continuous period of institutionalization.
7. No CSD is used when an assessment of spousal assets has not been completed. In such a case, the IS may be eligible only if:
 - a. his or her counted assets do not exceed the asset limit at the time of application; and
 - b. the institutionalized spouse has assigned his or her support rights from the community spouse to the department; or
 - c. the institutionalized spouse cannot execute the assignment because of a physical or mental impairment (Cross References: 1507.05, 4025.69); or
 - d. undue hardship exists (Cross Reference: 4025.68).

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Section:

Treatment of Assets

Type:

POLICY

Chapter:

Asset Disregards

Program: MAABD

Subject:

Community Spouse Disregard

4022.05 B. Calculation of Community Spouse Disregard (CSD)

1. The CSD is equal to the amount which results from subtracting the community spouse's total available non-excluded assets from his or her Community Spouse Protected Amount (CSPA).
2. Effective January 1, 2006, the CSPA is equal to the greatest of the following amounts:
 - a. \$19,908.00 or
 - b. the lesser amount of:
 - (1) the spousal share calculated in the assessment of spousal assets (Cross Reference 1507.05); or
 - (2) \$99,540.00 or
 - c. the amount established through a Fair Hearing decision (Cross Reference 1570); or
 - d. the amount established pursuant to a court order for the purpose of providing necessary spousal support.
3. For the purpose of calculating the CSD, the community spouse total available non-excluded assets include only those assets which are:
 - a. owned solely by the community spouse; and
 - b. owned jointly with any other person except the institutionalized spouse. Assets owned jointly with the IS are treated as being owned by the IS, as described in UPM 4010.
4. If the calculation of the CSD results in a zero or a lesser amount, no disregard is used.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 3-15-06

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4025.67

Section:
Treatment of Assets

Type:
POLICY

Chapter:
Deemed Assets

Program: MAABD

Subject:
MCCA Spouses

4025.67 A. Circumstances in Which Assets are Deemed

When the applicant or recipient who is a MCCA spouse begins a continuous period of institutionalization, the assets of his or her community spouse (CS) are deemed through the institutionalized spouse's initial month of eligibility as an institutionalized spouse (IS).

1. As described in paragraph D below, the CS' assets are deemed to the IS to the extent that such assets exceed the Community Spouse Protected Amount.
2. Any assets deemed from the CS are added to the assets of the IS and the total is compared to the Medicaid asset limit for the IS (the Medicaid asset limit for one adult).

B. Circumstances in Which Assets Are Not Deemed

The Department does not deem assets from the community spouse to the institutionalized spouse:

1. after the initial month the institutionalized spouse is eligible as an institutionalized spouse; or
2. when undue hardship exists (Cross Reference 4025.68); or
3. when the IS has assigned his or her spousal support right to the Department (Cross Reference: 4025.69); or
4. when the IS cannot execute the assignment because of a physical or mental impairment.

C. Community Spouse Not Part of Needs Group

As noted in paragraph A.2. above, a community spouse is not a member of the institutionalized spouse's needs group for setting the asset limit.

D. Deeming Methodology

1. The Department calculates the amount of assets deemed to the institutionalized spouse from the community spouse by subtracting the Community Spouse Protected Amount (CSPA) from the community spouse's total available non-excluded assets.
2. The Department calculates the community spouse's total available non-

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Date: 3-15-06

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4025.67 Page 2

Section:

Treatment of Assets

Type:

POLICY

Chapter:

Deemed Assets

Program:

MAABD

Subject:

MCCA Spouses

4025.67 D. 2. Deeming Methodology (Continued)

excluded assets by subtracting the value of the following assets from the total value of the assets owned by the community spouse:

- a. inaccessible assets; and
 - b. excluded assets.
3. Effective January 1, 2006, the CSPA is equal to the greatest of the following amounts:
- a. \$19,908.00; or
 - b. the lesser of:
 - (1) the spousal share calculated in the assessment of spousal assets (Cross Reference 1507.05); or
 - (2) \$99,540.00; or
 - c. the amount established through a Fair Hearing decision (Cross Reference 1570); or
 - d. the amount established pursuant to a court order for the purpose of providing necessary spousal support.
4. For the purpose of calculating the amount to be deemed, the community spouse's total available non-excluded assets include only those assets which are:
- a. owned solely by the community spouse; and
 - b. owned jointly with any other person except the institutionalized spouse. Assets owned jointly with the IS are treated as being owned by the IS, as described in UPM 4010.
5. When the calculation results in a zero or lesser amount, the Department does not deem any portion of the community spouse's assets to the institutionalized spouse.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 02-13-01

Transmittal: UP-01-04

4025.68

Section:

Treatment of Assets

Type:

POLICY

Chapter:

Deemed Assets

Program:

MAABD

Subject:

Undue Hardship - MCCA Spouses

- 4025.68 A. Undue hardship exists when:
- 1. the facility has threatened, in writing, to evict the institutionalized spouse (IS) due to non-payment of the cost of care; and
 - 2. all of the assets of the community spouse (CS) are unavailable due to circumstances beyond the control of the institutionalized spouse; and
 - 3. the institutionalized spouse does not have counted assets exceeding the asset limit; and
 - 4. the institutionalized spouse executes an assignment of support rights. (Cross Reference 7520.07)
- B. The assets of the community spouse are considered unavailable due to circumstances beyond the control of the institutionalized spouse when:
- 1. the location of community spouse is unknown; or
 - 2. the community spouse is unable, after reasonable efforts have been made, to provide information regarding his or her assets due to circumstances beyond his or her control; or
 - 3. the community spouse is incompetent and is unwilling or unable to provide the information.
- C. When the conditions described in paragraphs A and B above exist, no assets of the community spouse are deemed to the institutionalized spouse (cross reference: 4025.67 B).

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 3-15-06

Transmittal: UP-06-14

4025.69

Section:

Treatment of Assets

Type:

POLICY

Chapter:

Deemed Assets

Program:

MAABD

Subject:

Assignment of Support Rights - MCCA Spouses

- 4025.69 A. The Department does not deem assets from a community spouse (CS) to his or her institutionalized spouse (IS) if:
1. the institutionalized spouse has assigned his or her support rights from the community spouse to the department; or
 2. the institutionalized spouse cannot execute the assignment because of a physical or mental impairment (Cross References: 1507.05, 4025.67); or
 3. undue hardship exists (Cross Reference: 4025.68).
- B. The assignment of support rights described in paragraph A is a separate assignment made for the specific purpose that the Department not deem assets from the CS to the IS. It is not the general automatic assignment that accompanies a Medicaid application (Cross Reference: 7520).
- C. The Department does not deem in situations described in paragraph A as of the month in which the assignment is received by the Department. In cases where the IS cannot execute the assignment, the Department does not deem as of the month of application.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 12-19-97

Transmittal: 03-19

4025.70

Section:

Treatment of Assets

Type:

POLICY

Chapter:

Deemed Assets

Program:

FS

Subject:

Sponsors of Eligible Non-Citizens

4025.70 A. General Principles

1. The Department evaluates the assets of an eligible non-citizen's sponsor and sponsor's spouse (if living with the sponsor):
 - a. who signed an affidavit of support prior to December 19, 1997, for a period of three years following the non-citizen's entry for permanent residence into the United States; or
 - b. who signed an affidavit of support on or after December 19, 1997, until the non-citizen:
 - (1) becomes a citizen of the United States; or
 - (2) works a minimum of 40 qualifying quarters (Cross Reference: 3005.06); or
 - (3) is the spouse, former spouse (before legal divorce), widow or widower of an individual who has worked for a minimum of 40 qualifying quarters; or
 - (4) has a parent who worked a minimum of 40 qualifying quarters when such non-citizen was a child under the age of eighteen; or
 - (5) who, in combination with a spouse, former spouse (before legal divorce) or a parent and in accordance with subdivisions 2 through 4, inclusive, of this subsection, has a total of 40 qualifying quarters.
2. The Department uses the deeming policies outlined below in the Food Stamp program unless the non-citizen is:
 - a. participating in the Food Stamp program as a member of the sponsor's assistance unit; or
 - b. sponsored by an organization or group instead of an individual; or
 - c. not required to have a sponsor under the Immigration and Nationality Act, such as, but not limited to, a refugee, parolee, grantee of political asylum, and a Cuban or Haitian entrant.
3. If a person is the sponsor of two or more non-citizens, the deemed assets of the sponsor and sponsor's spouse are divided equally among the sponsored non-citizens.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 12-19-97

Transmittal: 00-4

4025.70 page 2

Section:
Treatment of Assets

Type:
POLICY

Chapter:
Deemed Assets

Program:
FS

Subject:
Sponsors of Eligible Non-Citizens

4025.70 B. Method of Deeming

Such assets are deemed available to the eligible non-citizen as follows:

1. The Department evaluates the assets of the sponsor and sponsor's spouse as if these individuals were applying for Food Stamps.
2. The Department subtracts \$1500 from the equity value of the counted assets of the sponsor and sponsor's spouse.
3. The Department deems the difference available to the assistance unit containing the eligible non-citizen.

C. Sponsor Not Member of the Needs Group

The sponsor is a deemor, but is not part of the needs group containing the sponsored non-citizen.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 7-1-97

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4025.75

Section:

Treatment of Assets

Type:

POLICY

Chapter:

Deemed Assets

Program:

FS

Subject:

Disqualified and Ineligible Individuals

4025.75 A. Reasons for Disqualification or Ineligibility

The assets of the following individuals who live with the assistance unit are deemed available to the unit:

1. an individual disqualified from the program for intentional program violation;
2. an individual disqualified from the program for failing to provide a Social Security number;
3. an individual disqualified from the program for non-compliance with an employment and training requirement;
4. an ineligible non-citizen who would be considered an assistance unit member if not for his or her ineligible non-citizen status;
5. an individual found by the court to have purchased illegal drugs, firearms, ammunition, or explosives with Food Stamps;
6. an individual convicted of trafficking in Food Stamp benefits of \$500 or more;
7. an individual found to have made a fraudulent statement or representation with respect to identity and residence in order to receive multiple benefits simultaneously;
8. an individual fleeing to avoid prosecution, custody or confinement for a crime or an attempt to commit a crime that is a felony under the laws of any state or a high misdemeanor in the state of New Jersey;
9. an individual in violation of a condition of probation or parole imposed for a felony under a state or federal law;
10. an ineligible drug felon.

B. Extent of Deeming

The Department deems all the counted assets of the individuals listed above available to the assistance unit.

C. Disqualified and Ineligible Individuals Not Part of Needs Group

The individuals described above are deemors, but are not members of the needs group containing the assistance unit from which they were disqualified.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

Date: 7-1-98

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7520.05 Page 4

Section:

Recovery

Type:

POLICY

Chapter:

Recovery from Third Parties

Program:

**AFDC
AABD
MA**

Subject:

Legally Liable Relatives - Income

7520.05 C. 9. Claim Against Spouses and Against Parents of Children who are Institutionalized or Receiving Community-Based Services(Continued)

- c. a catastrophic event which imposes an immediate financial hardship on the liable relative.
- 10. If the relative lives with the assistance unit and provides substantial in-kind support, the Department may accept that support as fulfillment of the relative's legal liability, provided that the support is at least reasonably equivalent to the calculated obligation. Substantial in-kind support is that support which is over and above that which would normally be provided to a healthy relative who does not require community-based services.
- 11. In the absence of a federal tax return, the Department may calculate the equivalent amount of federal taxable income from other available sources.

D. Collection of Claim

- 1. The Department's Bureau of Child Support Enforcement collects the claim against an absent parent, other than parents of children who are institutionalized or receiving community based services.
- 2. The Department's claims against the parents of institutionalized children or children who receive community based services, and against spouses separated by institutionalization, or those living together but receiving community based services, are collected by the Collection Services Business Center.

E. Months For Which Claims are Made

A claim against a legally liable relative is made for each month in which assistance is given.

**CONNECTICUT DEPARTMENT OF SOCIAL SERVICES
UNIFORM POLICY MANUAL**

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7520.07

Section:

Recovery

Type:

POLICY

Chapter:

Recovery from Third Parties

Program:

MAABD

Subject:

| MCCA Spouses – Assets

7520.07 A. Assignment of Support Rights

- | 1. The applicant for Medicaid benefits must assign to the Department rights of support available from the assets of the community spouse when the community spouse is unwilling or unable to provide the information necessary to complete an assessment of spousal assets (Cross References: 1507.05 and 4025.68).
- | 2. If the applicant is unable to execute the assignment because of a physical or mental impairment, the Department has the right to bring a support proceeding against the community spouse without the assignment.
- | 3. The assignment described in subparagraph 1 is a separate assignment and is not the general automatic assignment that accompanies a Medicaid application, as described in this chapter. This assignment is required only under the circumstances described in subparagraph 1.

B. Limit of Claim

| The Department's claim against the community spouse is equal to the lesser of the following amounts:

- | 1. the total amount of Medicaid payments made on behalf of the IS; or
- | 2. the amount of the CS's assets, as of the first month of the IS's eligibility for Medicaid, which exceeds the CSPA and which would have made the IS ineligible for Medicaid.

C. Collection of Claim

| The Department's claims against community spouses of those who are institutionalized or receiving Home and Community Based Services (CBS) under a Medicaid waiver are collected by the Department of Administrative Services.