

## 2635.10.10 RESOURCES/INSTITUTIONALIZED/COMMUNITY SPOUSE (MED 1)

The policies stated in this section apply only to the MA A, MA B, MA D, MADW, and MADI categories of assistance.

Special resource provisions apply to an institutionalized individual who has a community spouse or to a waiver applicant/recipient who has a community spouse, and are explained further in Sections 2635.10.10.05, 2635.10.10.10, and 2635.10.10.15.

- To qualify for consideration under these special provisions, an institutionalized spouse must be in a hospital, nursing facility, ICF/~~MR~~IID, or psychiatric facility for 30 consecutive days, or be likely to remain in such a facility for that period or longer. If an individual dies before the 30<sup>th</sup> consecutive day, the individual should be treated as though they would have resided in the institution for 30 consecutive days. The "community" spouse must be living in a setting other than one of the aforementioned facilities.

The special resource provisions apply only to individuals who are legally married to community spouses and who begin continuous periods of institutionalization on or after September 30, 1989.

An individual is in a "continuous period of institutionalization" until such continuity is broken by the absence from a hospital, nursing facility, ICF/~~MR~~IID, or psychiatric facility for at least 30 consecutive days.

These special resource provisions no longer apply beginning the month following the month in which circumstances change so that the couple no longer meets the criteria.

An individual living in a residential facility, such as one participating in the Room and Board Assistance (RBA) program, is not entitled to have eligibility determined under the special provisions. A resident of an RBA facility qualifies as a community spouse when the other spouse is institutionalized in a hospital, nursing facility, ICF/~~MR~~IID, or psychiatric facility.