

MEDICAID POLICY INFORMATION SHEET

Policy Analyst: Bridget Heffron

Phone Number: 517-284-1210

Initial

Public Comment

Final

Brief description of policy:

This policy updates, clarifies, and corrects spousal impoverishment policy language for the MIChoice waiver program in Bridges Eligibility Manual (BEM) 106.

Reason for policy (problem being addressed):

As a result of feedback from providers and local Michigan Department of Health and Human Services (MDHHS) offices, language was refined to clarify and correct policy.

Budget implication:

budget neutral

will cost MDHHS \$ _____, and (select one) budgeted in current appropriation

will save MDHHS \$ _____

Is this policy change mandated per federal requirements?

No

Does policy have operational implications on other parts of MDHHS?

No

Does policy have operational implications on other departments?

No

Summary of input:

controversial

acceptable to most/all groups

limited public interest/comment

Supporting Documentation:

State Plan Amendment Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Public Notice Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, please provide status:	If yes, Submission Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Pending <input type="checkbox"/> Denied	
Date: _____ Approval	Date: _____

DRAFT FOR PUBLIC COMMENT Michigan Department of Health and Human Services		
	Project Number: 2140-Eligibility	Date: July 27, 2022

Comments Due: August 31, 2022

Proposed Effective Date: October 1, 2022

Direct Comments To: Bridget Heffron

Address:

E-Mail Address: eligibilitypolicy@michigan.gov

Phone: 517-284-1210

Fax:

Policy Subject: Spousal Impoverishment Rules; Patient Pay Amounts; and Estate Recovery

Affected Programs: MI Choice Waiver

Distribution: Bridges Eligibility Manual (BEM) Holders

Summary: This policy updates spousal impoverishment rules to include MI Choice waiver participants.

Purpose: The purpose of this policy is to update, clarify, and correct spousal impoverishment and Patient Pay Amounts policy for the MI Choice waiver program in BEM 106. Informational language on the Estate Recovery program is also added.

Cost Implications: Budget neutral

Potential Hearings & Appeal Issues: None

State Plan Amendment Required: Yes No
If yes, date submitted:

Public Notice Required: Yes No
Submitted date:

Tribal Notification: Yes No - Date:

THIS SECTION COMPLETED BY RECEIVER

Approved

No Comments

See Comments Below

Disapproved

See Comments in Text

Signature:

Phone Number

Signature Printed:

Bureau/Administration *(please print)*

Date

Proposed Policy Draft

Michigan Department of Health and Human Services
Behavioral and Physical Health and Aging Services Administration

Distribution: Bridges Eligibility Manual (BEM) Holders

Issued: September 1, 2022 (Proposed)

Subject: Spousal Impoverishment Rules; Patient Pay Amounts; and Estate Recovery

Effective: October 1, 2022 (Proposed)

Programs Affected: MI Choice Waiver

Spousal Impoverishment Rules

The purpose of this policy is to update, clarify, and correct spousal impoverishment policy language for the MI Choice waiver program in BEM 106 and BEM 402.

Spousal impoverishment policy is part of the Social Security Act. The spousal impoverishment policy helps ensure that when one member of a married couple enters a nursing facility the spouse living in the community is able to live out their lives with independence and dignity by protecting a certain amount of the couple's combined resources for the community spouse. Michigan applies spousal impoverishment policy to couples when a spouse enters a nursing facility. Since the start of the HCBS waivers in Michigan, MDHHS has also applied spousal impoverishment policy to married individuals eligible for HCBS waivers, even though the couple continues to live together in the community. HCBS waivers include the MI Choice waiver program, and the policy is found in BEM 106.

The spousal impoverishment language in BEM 402 is specific to couples where one spouse is entering a nursing facility. The language does not easily cross over to couples where a spouse is enrolling in the HCBS waivers, where the couple will remain in their home. This has led to some confusion for applicants and providers of waiver services. As a result of feedback from providers and local MDHHS office staff, the language covering spousal impoverishment rules in BEM 106 is being refined and instructions added to refer to spousal impoverishment policy in BEM 402, which has been expanded to include policy to cover waiver applicants.

Patient Pay Amounts

Policy in BEM 106 incorrectly indicates the patient pay amount (PPA) is eliminated when a nursing facility resident moves to waiver. The correct policy is found in BEM 546, Post Eligibility Patient Pay Amount and the language in BEM 106 has been removed. Any return of overpayments to the facility by the resident is addressed in provider policy, not eligibility policy.

(Refer to the [MDHHS Medicaid Provider Manual](#) for additional information.) The language is removed from BEM 106 effective January 1, 2022.

Estate Recovery

Additional information on estate recovery and trusts was added to Trust policy in BEM 401. Trusts are evaluated by the Trust and Annuity unit in Legal Affairs office and not by local MDHHS office staff.