STATE OF CALIFORNIA--HEALTH AND WELFARE AGENCY

PETE WILSON, Governor

DEPARTMENT OF HEALTH SERVICES
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July 28, 1997

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists

Letter No.: 97-32

DEFINITION OF CONTINUOUS PERIOD OF INSTITUTIONALIZATION

Ref.: All County Welfare Directors Letter (ACWDL) No. 90-03, Section 50033.5

We have recently been asked several questions from counties about applying the above referenced definition to all long-term care (LTC) individuals whether they are spousal impoverishment institutionalized spouses or not. This letter is to reiterate when the "continuous period of institutionalization" definition applies.

"Continuous period of institutionalization" is a phrase that is only used in regard to couples covered by the Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360) spousal impoverishment provisions. Section 50033.5 contains the definition of the phrase and is applicable only in sections where the phrase is used. Since the phrase is used only in regard to spousal impoverishment couples, it is not applicable in any other instance.

When the county encounters an application for a single person residing in a LTC facility, the county should determine whether or not LTC status has been achieved as defined in ACWDL No. 90-01, Section 50056. For a single person in an LTC facility, Title 22, California Code of Regulations, Section 50605(a)(1) is controlling. Section 50605(a)(1) requires that the maintenance need is reduced to $35 only when a single individual is in a LTC facility for an **entire** month. Where the single LTC individual is in a LTC facility for a partial month, the $35 maintenance need does not apply.

If you have any questions, please feel free to call Sharyl Shanen-Raya at (916) 657-2942 or Kathy Harwell at (916) 657-0146 regarding spousal impoverishment or Craig Yagi regarding maintenance need levels at (916) 657-1182.

Sincerely,

ORIGINAL SIGNED BY
GLENDA ARELLANO for

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch