STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814

February 16, 1988

TO: All County Welfare Directors
All County Administrative Officers

Letter No: 88-06

SUBJECT: ALLOCATION TO A SPOUSE AT HOME FOLLOWING A DIVISION OF COMMUNITY PROPERTY INCOME PURSUANT TO REESE v. KIZER

The purpose of this letter is to remind counties that there is no allocation of income by a spouse in long term care (LTC) to an SSI/SSP spouse at home except for the community property division of income required by Title 22, CAC, Section 50512 (b).

Section 50563 (a) specifically states that such an allocation shall be made "When an aged blind, or disabled MN person or the spouse of that person is in LTC or board and care and that person has a spouse and/or children who are not public assistance recipients...". Therefore, where the spouse at home is an SSI/SSP recipient no allocation would be allowed beyond the community property income division required by Section 50512.

Eligibility workers should also be reminded to inform the SSI/SSP spouse at home that any income determined to belong to him/her pursuant to Section 50512 must be reported to the Social Security Administration in accordance with SSI/SSP income reporting requirements. However, beyond reminding the SSI/SSP spouse of that basic responsibility, the eligibility worker need not follow up to ensure a report was actually made.

If you have any question, please contact Toni Bailey at (916) 324-4967.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liasons
Medi-Cal Policy Consultants

Expiration Date: January 1, 1989