

By Mr. Petersen of Marblehead, petition of Douglas W. Petersen and Christine E. Canavan relative to the determination of spousal income and assets under the medical assistance program for institutionalized spouses. Health Care Financing.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT REGARDING THE DETERMINATION OF SPOUSAL INCOME AND ASSETS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Subsection (c) of Section 21A of Chapter 118E of the General
2 Laws is hereby stricken and the following language substituted as
3 follows:—
4 (c) In making determinations under this section, the division shall
5 revise the community spouse resource allowance to permit the com-
6 munity spouse to retain a larger share of the combined spousal
7 resources if the income of the community spouse, without reference
8 to the income of the institutionalized spouse, falls below the min-
9 imum monthly maintenance needs allowance of the community
10 spouse. Either spouse shall have the right to request a fair hearing at
11 which, if it is shown that the income of the community spouse,
12 without reference to the income of the institutionalized spouse, is
13 less than the minimum monthly maintenance needs allowance of the
14 community spouse, the referee shall revise the community spouse
15 resource allowance to a level sufficient of the community spouse
16 resource allowance at the rate reported in the Bank Rate Monitor
17 Index on the date of the hearing.

