

2007 BILL

1 **AN ACT** *to create* 49.47 (4m) of the statutes; **relating to:** determining eligibility
2 of certain persons for Medical Assistance without consideration of a spouse's
3 income or assets.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) administers the Medical Assistance (MA) program, under which eligible persons receive health care or long-term care services. Under one category of eligibility, commonly known as the medically needy category, a person is eligible if his or her income and assets do not exceed a specified level and he or she is blind or totally and permanently disabled. Generally, if the person is married, the income and assets of both of the spouses are taken into consideration for purposes of determining eligibility or continued eligibility.

Under this bill, except for a person who resides or begins residing in a medical institution or nursing facility and receives long-term care services, if a single person who is blind or totally and permanently disabled and receiving MA under the medically needy category marries, for purposes of determining the person's continued eligibility for MA under the medically needy category DHFS is prohibited from considering the income or assets of the person's spouse and must treat the person as if he or she is unmarried for purposes of the person's family size.

