

## Article 11 Section 1 Maintenance Needs

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## 11.1.01 Child Maintaining Separate Residence

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### **A. General**

The maintenance need is the amount of income a person or family is allowed to keep for living expenses. Maintenance need amounts are set by State legislation. Identified in this article are specific situations that affect the determination of maintenance needs. A maintenance need chart is provided in Appendix 11-1A. Historical information on maintenance needs can be found in [MEM procedures Article 11](#).

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### **B. Determining Maintenance Need for the Child(ren)**

This is a situation in which a child lives apart from the parents, and eligibility is determined as one MFBU including the parents and child(ren).

- If the child is living alone or one child is living with people who are not financially responsible for the child, use the maintenance need for one.
  - If two or more children are living together out of the parents' home and they are claimed by their parents as tax dependents, use the maintenance need for the number of children in the separate residence.
  - If the child is married and living with his/her spouse, use the CalWORKs payment level for two as the maintenance need, which can be located on the [CalWORKs Assistance Standards Chart](#).
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### **C. Determining Maintenance Need for MFBU**

After determining the appropriate maintenance need for the child(ren), determine the maintenance need for the parents' household. Combine the two maintenance needs to determine the maintenance need for the entire MFBU.

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## 11.1.02 Persons With Long Term Care Status (LTC)

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### A. LTC Status with Therapeutic Wages

The maintenance need for a beneficiary who will remain in LTC status for the entire calendar month is provided in Appendix 11-1A.

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MPG Article 1 contains the definition of therapeutic wages. Persons whose wages meet this definition of therapeutic wages receive the LTC maintenance need plus one of the following:

- 70% of gross therapeutic wages; or
- 70% if the maintenance need level of the non-institutionalized person.

Add the lesser amount to the LTC maintenance need to determine the maintenance need.

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### B. LTC Status with Upkeep of Home

#### Criteria

The beneficiary with LTC status can retain an amount for upkeep of his/her home when ALL of the following conditions are met:

- The spouse or family of the LTC person is not living in the home; and
- The home, whether rented or owned by the LTC status person, is being maintained for the return of the LTC status person; and
- Medical verification on file that the LTC person will return to the home within six months from the date LTC patient status was established.

#### Allowance

When the above conditions are met, the beneficiary is allowed a deduction for upkeep of the home. The amounts allowed are listed in Appendix 11-1A.

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### C. LTC Status with Community Spouse Minor or Dependent Children, Dependent Parents, or Siblings of Either Spouse.

The person with LTC status can be allowed a deduction for support and maintenance of his/her community spouse, minor or dependent children, dependent parents, or dependent siblings of either spouse, provided the individuals reside with the community spouse.

Maintenance need of the community spouse and other dependent relatives shall be a base amount, adjusted yearly. (Appendix 11-1A).

The Maintenance need of the community spouse can be increased if:

- There is a court order for support that exceeds the base amount.
- A state fair hearing establishes that the community spouse needs income above the base amount due to exceptional circumstances resulting in financial duress.

Examples of these circumstances are: special diet foods, prescribed

electrical medical equipment, and home repairs.

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**D.  
LTC Status  
with Support  
of Disabled  
Relative**

Criteria

The person with LTC status is allowed a deduction for care of a disabled relative when ALL of the following conditions are met:

- The disabled relative is NOT the LTC person's spouse or child; and
- The LTC patient has and will continue to support the relative on a regular basis.

Computation

The amount allowed as a deduction is the LESSER of:

- Actual contribution; or
- Medi-Cal Maintenance need for 1 minus the disabled relative's net income.

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## 11.1.03 Special No Share Of Cost Programs

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### **A. Income Disregard and Asset Waiver Programs**

The 133%, Income Disregard and Asset Waiver Programs provide no-SOC Medi-Cal benefits to certain beneficiaries when their family incomes exceed the maintenance need level but are equal to or less than certain percent of the federal poverty level. Appendix 11-1A of this section provides the current maintenance need levels and 133%, 185%, and 200% of Federal Poverty Levels needed to determine eligibility for these programs. ([Article 5, Section 12](#)) describes these programs and specific benefits to which beneficiaries are entitled under the program.

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## 11.1.04 Qualified Medicare Beneficiary Program (QMB)

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### **A. Qualified Medicare Beneficiary Program**

The QMB program provides Medi-Cal benefits to recipients of Part A Medicare when their income is 100% or less of Federal Poverty Level Appendix 11-1A of this section provides a chart with the current percentage of the Federal Poverty Level updated yearly effective April 1st. ([Article 5, Section 13](#)), of this manual describes the QMB program and benefits.

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