

**County of San Diego, Health and Human Services Agency (HHSA)  
Medi-Cal Program Guide**

**Long Term Care (LTC)/Board and Care (B&C)/Programs of All-Inclusive Care for the Elderly (PACE) Criteria**

**Number  
08.04.01**

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**Revision Date:**

01/22/2018

**Background:**

The criteria for determining the composition of the Medi-Cal Family Budget Unit (MFBU) when one or more family members are in LTC, B&C, or enrolled in PACE is listed below. This section is being updated to include Affordable Care Act (ACA) changes issued in SN 13-09E.

**Purpose:**

To provide guidelines for the processing Medi-Cal cases when one or more family members are in LTC, B&C, or enrolled in PACE.

**Policy:**

Applicants/beneficiaries who are Medi-Cal eligible under Modified Adjusted Gross Income (MAGI) continue to receive LTC/B&C services under their MAGI full-scope aid code. If ineligible to MAGI, process the case using pre-ACA rules. PACE programs are available to individuals who are approved MAGI Medi-Cal as long as the individual meets the criteria of the PACE program.

**08.04.01A LTC Status**

A person is considered to have LTC status when both of the following conditions are met:

1. Their inpatient medical care is expected to last longer than the month of admission, and
2. Their inpatient medical care is expected to last one full calendar month or more after the month of admission

Note: LTC status has been met in cases where there is already an institutionalized or LTC spouse. For a definition of an institutionalized spouse or LTC spouse see MPG 01 – Definitions.

**08.04.01B B&C**

A person is considered to be in B&C when the person receives board, room, personal care (laundry services other than linen, personal hygiene, transportation to and from medical appointments) in a non-medical protective living environment for a full calendar month.

**08.04.01C PACE**

PACE is a capitated benefit authorized by the Balanced Budget Act of 1997 that features a comprehensive service delivery system and integrated Medicare and Medicaid financing. PACE was developed to address the needs of long-term care beneficiaries, which permits them to continue to live at home while receiving services rather than be institutionalized. Participants must:

- Be at least 55 years old
- Live in the PACE services area
- Be screened by a team of doctors, nurses, and other health professionals as meeting the state's nursing facility level of care
- Be able to live safely in community setting at the time of enrollment

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PACE sites for San Diego County are:

St. Paul's PACE  
111 Elm St.  
San Diego, CA 92101  
(619) 677-3800

San Diego PACE  
1275 30<sup>th</sup> St.  
San Diego, CA 92154  
(619) 662-4104

**Procedure:**

N/A

**Program Impact/s:**

None

**References:**

CCR Title 22, Sections 50025.3, 50056  
ACWDLs 90-01, 91-84, 97-18, 98-31, and 15-11

**Sunset Date:**

This policy will be reviewed for continuance by 01/31/2021

**Approval for Release:**



Rick Wanne, Director  
Eligibility Operations

**County of San Diego, Health and Human Services Agency (HHS)**  
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**Medi-Cal Family Budget Unit (MFBU) Determinations**

**Number**

**08.04.02**

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**Revision Date:**

01/22/2018

**Background:**

This section contains information for determining the composition of the MFBU when one or more family members are in LTC, B&C, or enrolled in PACE. This section is being updated to the new format.

**Purpose:**

This section provides some examples for MFBU members in LTC, B&C or enrolled in PACE.

**Policy:**

**08.04.02A Family Member in LTC or B&C**

An institutionalized spouse, or for income purposes, an LTC spouse, shall be in his/her own MFBU beginning the month of admission to the LTC facility. If the LTC spouse and his/her community spouse are both beneficiaries:

- The LTC spouse may allocate his/her income to the community spouse in the month of admission to LTC, and
- If the share of cost of either spouse is increased in the month of admission, no change in that spouse's eligibility or increase in the share of cost is made effective until the first day of the month following a 10-day notice of adverse action.

An aged, blind, or disabled person (other than an institutionalized/LTC spouse) in LTC/B&C is in his/her own MFBU the month following the month of admission.

An aged, blind, or disabled person's spouse (other than an institutionalized/LTC spouse) in LTC/B&C is in his/her own MFBU the month following the month of admission (e.g. ABD wife at home and husband in B&C, or both spouses in LTC/B&C).

A person in LTC (other than an institutionalized/LTC spouse) or B&C who is not aged, blind or disabled and whose spouse is not aged, blind or disabled is included in the MFBU with his/her spouse and/or children or, if the person is a child, with his/her parents.

A child who is a ward of the court or the responsibility of a public agency due to a voluntary placement by a parent or guardian and who is a patient in a medical facility is in his/her own MFBU.

A child who is not blind or disabled, who has LTC status and who was not living with his/her parents immediately prior to entering the LTC facility is in his/her own MFBU.

Effective March 1, 1994, a disabled or presumptively disabled newborn who is born in a facility and remains an inpatient for the remainder of the month is in his/her own MFBU beginning with the month of birth.

**08.04.02B PACE**

The PACE spouse is considered to be in his/her separate MFBU and permitted to transfer resources and income under the spousal impoverishment rules to his/her community spouse. The spousal

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impoverishment provisions are not applicable if the PACE spouse does not have a community spouse.

When contacted by PACE and notified that an applicant/beneficiary has been accepted into the PACE program, complete an eligibility determination. Treat the applicant/beneficiary as a regular spousal impoverishment case, where two cases are opened.

**Procedure:**

**08.04.02C Treatment of Income**

**1. LTC/B&C**

Special budgeting computations are required when family members have separate MFBUs because of LTC/B&C family income. See MPG 10.05 and 10.07 for detailed instructions.

**2. PACE**

The PACE spouse if living in the home and the other spouse is Institutionalized:

- When the former community spouse who was previously living in the home of the PACE spouse becomes institutionalized, the PACE spouse no longer has a community spouse and the PACE spouse is no longer treated as if he/she were institutionalized. The PACE spouse that is institutionalized is in his/her separate MFBU.
- The PACE spouse who is living in the home now becomes the community spouse.
- The former community spouse, now residing in a nursing home or medical care facility, becomes the institutionalized spouse.
- The spouse in the nursing home or medical care facility is subject to the spousal impoverishment income provisions and may allocate his/her income to the PACE spouse.
- Allocations from the institutionalized spouse to the PACE spouse are income to the PACE spouse.
- The PACE spouse, now the community spouse, cannot allocate to the institutional spouse.

**08.04.02D Treatment of Property**

**LTC/B&C**

Some ABD LTC/B&C, MFBUs have special property rules. See MPG 09.03 for detailed information.

**PACE**

<b>If the PACE...</b>	<b>Then...</b>
participant's spouse becomes institutionalized	that spouse is defined as the institutionalized spouse as long as he/she is expected to remain in the medical institution or nursing facility for 30 consecutive days or more. The PACE spouse, since he/she is not actually institutionalized, under the regular spousal impoverishment rules, is defined as the community spouse since he/she remains at home and is married to an institutionalized spouse.
participant becomes institutionalized	he/she meets the definition of an institutionalized spouse under the regular spousal impoverishment rules, as long as he/she is expected to remain in the medical institutionalized or nursing facility for 30 consecutive days or more. The PACE participant's spouse remains the community spouse as long as he/she remains

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	in the home.
participant lives at home with his/her spouse	a wavier or demonstration project will allow the provision of spousal impoverishment rules when there is not an actual institutionalized spouse. The purposes of a wavier or demonstration project are to apply rules which are not applied in the regular Medi-Cal program. See MPG 05.18.

08.04.02E Changes in Circumstances

When a change in circumstances occurs for the spouse active in the PACE program, explain to the applicant and spouse, or authorized representative(s) that the couple may choose to request Medi-Cal for one or both spouses.

Both Spouses want to be Medi-Cal eligible

When circumstances of the spouses change and one or both become institutionalized, if both spouses decide that they each want to receive Medi-Cal, then the spouses will remain in separate MFBUs. The spouse that retained the community spouse resource allowance (CSRA) will have to spend down his/her property to the \$2,000 property limit for one.

The couple requests Medi-Cal eligibility for one Spouse Only

<b>If the couple requests to...</b>	<b>Then...</b>
<ul style="list-style-type: none"> <li>• discontinue Medi-Cal for the spouse enrolled in PACE and,</li> <li>• establish Medi-Cal for the spouse who has become institutionalized and,</li> <li>• now meets the definition of an institutionalized spouse</li> </ul>	under regular spousal impoverishment rules, count the nonexempt available property held in the name of either or both spouses and compare that against the CSRA plus the \$2,000 allowed for the institutionalized spouse. When the couple spends down their countable property to that amount, the worker shall establish initial eligibility and another CSRA transfer period shall begin. The couple has until the end of the month in which the 90th day occurs from the date of the notice of action granting initial eligibility, to transfer the CSRA into the name of the community spouse only. At the end of the CSRA transfer period the institutionalized spouse cannot have more than \$2,000 in countable property held in his/her name. The CSRA transfer period shall be extended to take into consideration such time necessary to obtain a court order for support thereby increasing the CSRA and/or transfer the CSRA to the new community spouse as long as either spouse informs the worker of their plans and provides verification that continuous steps are being taken to obtain the court order.
maintain eligibility for the PACE participant only who became institutionalized and meets the definition of an institutionalized spouse	the institutionalized spouse continues to be the Medi-Cal beneficiary and is not a newly institutionalized applicant. The PACE participant's spouse meets the definition of a community spouse because he/she remains in the home. The spouses remain in separate MFBUs and there is no additional spend down since the PACE participant's spouse continues to be considered the community spouse.

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**Procedure:**

N/A

**Program Impacts:**

None

**References:**

ACWDLs 91-84, 93-87, 98-31

MEM 50377

**Sunset Date:**

This policy will be reviewed for continuance on or by 01/31/2021

**Approval for Release:**



Rick Wanne, Director  
Eligibility Operations