

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

2023 Medicare Catastrophic Coverage Act Spousal Impoverishment Caps and 2023 Federal Poverty Level (FPL) Increase	Number	Page
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Effective Date

02/01/2023

Background:

The federal poverty levels (FPLs) used in determining financial eligibility to Medi-Cal programs are adjusted annually to allow for changes to the cost of living. The Community Spouse Resource Allowance (CSRA) is the amount of countable property a community spouse is allowed to retain when they have an institutionalized or Home and Community-Based Services (HCBS) spouse applying for Medi-Cal benefits. The Minimum Monthly Maintenance Needs Allowance (MMMNA) is the income allocation from the institutionalized/HCBS spouse's income to the community spouse. The CSRA and MMMNA are also updated annually.

Purpose:

To provide staff with the 2023 FPL, CSRA, and MMMNA values and procedures.

Policy:

2023 CSRA and MMMNA

Effective January 1, 2023, the CSRA and MMMNA amounts are as follows:

CSRA	\$148,620
MMMNA	\$3,716

2023 FPL Increases

Use the updated 2023 FPLs values when determining eligibility for the appropriate programs referenced in Medi-Cal Program Guide (MPG) 11.1A Assistance Standards:

- For applicants and beneficiaries of the Medicare Savings Programs (MSP): Qualified Medicare Beneficiary (QMB), Specified Low-Income Medicare Beneficiary (SLMB), and Qualified Individual (QI) **who do not receive Title II Retirement Survivors and Disability Insurance (RSDI) income**, the new FPL values must be applied retroactively to **January 1, 2023**.
- For MSP customers **who are receiving Title II RSDI income**, apply the new FPL values retroactively to **March 1, 2023**.
- For individuals who are eligible for Aged, Blind, and Disabled (ABD) FPL programs and 250% Working Disabled Program (WDP), apply the updated FPL values effective **April 1, 2023**.
- For customers whose Medi-Cal eligibility is based upon Modified Adjusted Gross Income (MAGI) methodologies, apply the FPLs retroactively to **January 1, 2023**.

Procedure:

2023 CSRA and MMNA

Use the updated CSRA and MMMNA standards when determining spousal impoverishment for an institutionalized or HCBS spouse.

2023 FPL Increases

Review all denials and discontinuances back to the date specified for each group and re-evaluate eligibility based on the revised FPLs. Upon request from the beneficiary, the beneficiary's parent or legal guardian, or the beneficiary's authorized representative, staff must retroactively change eligibility for the following circumstances:

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- Advanced Premium Tax Credit (APTC) eligible individuals who did not enroll in a Qualified Health Plan (QHP) or did not pay a premium.
- APTC eligible individuals who enroll in a QHP and pay a premium but have Medi-Cal covered medical or dental expenses that were not covered by their QHP during the retroactive period.
- Individuals with a Share-of-Cost (SOC) who are redetermined eligible to zero SOC or lower SOC when using the 2023 FPLs, who had out of pocket expenses for covered medical or dental services may be eligible for retroactive Medi-Cal out-of-pocket expense reimbursements (Conlan). Refer to Medi-Cal Program Guide (MPG) 04.02.10J Beneficiary Reimbursement Process for more information.
- Optional Targeted Low-Income Children’s Program (OTLICP) eligible children. OTLICP premiums have been reduced to \$0 as of July 1, 2022.

Note: When determining retroactive eligibility for months in 2022, use the FPLs and related charts for 2022.

Automation Impact:

An Exception List will be sent to Family Resource Centers (FRCs) for action on cases that do not automatically authorize when California Work Opportunity and Responsibility to Kids Information Network (CalWIN) updates with the new 2023 amounts along with instructions on how to process these cases. FRCs will be notified when these lists are placed on the SharePoint website under Medi-Cal Report to review and process Notices of Action (NOAs) held in the print queue.

2023 CSRA and MMNA

Staff must use BEnDS 49130 Spousal Impoverishment Provisions until the CSRA and MMNA values have been updated in CalWIN when determining spousal impoverishment.

2023 FPL Increase

The FPL tables were updated in CalWIN on the weekend of February 18, 2023.

The following case types were included in the FPL COLA run:

- Non-MAGI.
- Mixed (MAGI and Non-MAGI).
- APTC and Non-MAGI.

The following case types were excluded from the FPL COLA run:

- MAGI only.
- Mixed (MAGI and APTC).
- Pre-ACA (no evaluation for MAGI completed).

References:

ACWDLs 23-01, 23-03

Sunset Date:

This policy will be reviewed for continuance on or by 03/31/2024.

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Approval for Release:

 for:

Rick Wanne, Director
Self-Sufficiency Services