

Appeal of:

Case No.

PARTIES' FINDINGS OF FACT AND STIPULATED AGREEMENT

BACKGROUND

This matter is an appeal of the denial of Medical Assistance and payment of Long Term Care (LTC) services eligibility for

The appellant and the County Assistance Office (CAO), through their respective representatives, have agreed to a stipulated finding of fact and agreement in this matter.

ISSUE

What amount of additional resources is the community spouse permitted to protect in excess of her/his standard one-half share for the purpose of generating income to bring her/his income up to the Community Spouse Monthly Maintenance Needs Allowance (CSMMNA).

FINDINGS OF FACT

1. is the Appellant. is the community spouse.
2. The Appellant entered an LTC facility or was assessed functionally eligible for Home and Community-Based Services (HCBS) on . The total countable resources of the Appellant and the community spouse on were \$.
3. An application for Medical Assistance and payment of LTC services was filed on .
4. The community spouse's protected share, known as the Community Spouse Resource Allowance (CSRA) (subject to the minimum and maximum amounts), is \$.
5. At the time of the application, the Appellant's total gross monthly income minus deductions for medical insurance premiums and the Personal Needs Allowance was \$. The community spouse's total gross monthly income was \$.
6. The CSMMNA is . In addition to her/his income listed in paragraph 5, the community spouse is deemed to receive \$ monthly income from her/his CSRA.
7. The community spouse is entitled to \$ of additional income from the Appellant. The Appellant may transfer \$ per month to the community spouse.
8. The community spouse still needs additional income in order to increase her/his income to the CSMMNA. In order to generate the additional monthly income of \$ the community spouse could purchase an annuity at the cost of \$ provided that amount of resources are available to purchase an annuity.

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FINDINGS OF FACT (continued)

9. The couple's total countable resources at admission/functional assessment were \$. The CSRA is \$. Considering the protected share of resources for the community spouse at the time of application, in the amount of \$ and the resource allowance of \$ for the Appellant, an amount of \$ remains for the community spouse to purchase an annuity. The monthly income to the community spouse from an annuity purchased at the cost of \$ would be \$.
10. The Department will count as income to the community spouse the amount of income that would be generated by the annuity she/he can purchase with the amount of resources protected for that purpose in accordance with the agreed-to calculations. Income will be counted even if the community spouse chooses not to purchase the annuity. This agreement regarding the attribution of annuity income is binding in the future.

STIPULATED AGREEMENT

In accordance with 55 Pa. Code § 178.124(b) (2), the Department and the Appellant have agreed that the community spouse is permitted a CSRA of \$ in order to generate income sufficient to meet her/his CSMMNA of \$. Medical Assistance and payment of LTC services benefits may be authorized for the Appellant effective .

Representative of Appellant

Date

Relationship to Appellant

CAO Representative

Date

Title