

from Social Security. Mr. C works full-time. Ms. C owns 125 shares in the No Name Corporation; she also had \$2,832.08 in a bank account. The couple's other assets are under her husband's name. These assets include \$566,000.00 in an investment account, plus a boat and vehicles. The Division estimated that the total value of the couple's assets was \$589,761.06.³ Ms. C did not dispute this estimate at the hearing.⁴

Ms. C appeared by phone at the hearing with her Care Coordinator, Z S. Ms. C and Ms. S were concerned that Mr. C's assets were being counted in the Division's determination that she was not eligible. They were also confused by the Division's denial of benefits after what they understood to be the Division's approval of the level of care and plan of care that had been submitted on Ms. C's behalf.⁵

III. Discussion

The Medicaid regulations are precise and direct regarding what can and cannot be included or deducted for purposes of determining a couple's resources.⁶ Although Ms. C has very few assets in her own name, the value of her husband's assets must also be counted in determining her eligibility for Medicaid services.⁷

Those limits are \$117,240 for the community spouse limit, plus \$2,000 for the individual limit for a total resource limit of \$119,240 for the couple. There is no factual dispute that the Cs' combined resources exceed this limit. Although there are some situations in which the community spouse resource limit may be increased, these circumstances do not include having approval for the level of care and plan of care⁸

IV. Conclusion

Ms. C did not qualify for the Alaska Aged Disabled Long Term Care Medicaid coverage she applied for because her and her husband's assets exceed the limits set in regulation. The

³ Division's position statement, page 2 & Exhibits 1-4.

⁴ Recording of Hearing.

⁵ Recording of Hearing.

⁶ 7 AAC 100.506.

⁷ 7 AAC 100.506(b).

⁸ The list of situations that justify an increase in the community spouse resource limit are found under 7 AAC 100.506(e).

Division's decision is AFFIRMED.

Dated this 29th day of July, 2014.

Signed _____
Mark T. Handley
Administrative Law Judge

Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 12th day of August, 2014.

By: *Signed* _____
Name: Mark T. Handley
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication.]