

MEMORANDUM

TO: Long Term Home Health Care Program Members

FROM: Anne Hill, Community Services Policy Analyst

DATE: November 14, 2008

SUBJECT: **CMS Denies Spousal Impoverishment Protections in LTHHCP Waiver Renewal Application**

ROUTE TO: Administrators, Program Directors

ABSTRACT: CMS informs DOH that spousal impoverishment protections must be removed from waiver application.

On Thursday, NYAHSA received briefings by the governor's office, Division of the Budget (DOB) and Department of Health (DOH) on the governor's recent budget proposal. During our home care briefing, we learned that DOH met with the Centers for Medicare and Medicaid Services (CMS) and has been told that **CMS will not approve the Long Term Home Health Care Program waiver renewal application unless spousal impoverishment protections are removed.** The governor's office has followed up in writing with CMS indicating they will remove spousal protections from the waiver application. The executive budget coming out in December will include language that will address this change. NYAHSA expects that this language will read in a way that allows flexibility, should the CMS stance on this issue change with new leadership. Spousal protections will remain intact through the end of the year.

NYAHSA expected CMS would not support this provision, given CMS' position on spousal impoverishment for the Nursing Home Transition and Diversion waiver. We appreciate that DOH took a risk in including it in the LTHHCP waiver renewal. We will continue to work with DOH to determine how this decision will impact existing participants and believe that this will be addressed when participants recertify for Medicaid. We will continue to work with AAHSA to advocate on this issue.

If you have any questions or comments regarding the contents of this memo, you may contact Anne Hill at ahill@nyahsa.org or 518-449-2707, ext. 141.