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## 508 Community Spouse

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Effective Until 06/17/2015

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## A Overview

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### Policy

[Revised 04/07/2014](#)

Community Spouse policy allows a spouse who remains in the community to keep a greater share of the couple's income and resources. AHCCCS refers to this special treatment of resources, income, and share of cost as community spouse policy.

To be able to use these special income and resource rules to apply, all of the following must be met:

- The couple must be legally married (see [MA520](#));
- The customer must be considered institutionalized;
- The customer must pass the Preadmission Screening (PAS) (see [Chapter 1000](#)); and
- The customer's spouse must be living in the community.

NOTE When both spouses are receiving or intend to receive HCBS, each is considered the other's community spouse.

Community spouse rules do not apply when:

- The customer's spouse is in a medical institution for more than 30 days and has not lived in the community for at least one day in a month; or
- The whereabouts of the customer's spouse are unknown.

The income, resources and share-of-cost policies for Community Spouse are located in the following sections:

- Income – [MA610](#);

- Resources - [MA706](#); and
- Share-of-cost - [MA1201](#).

## Definitions

Term	Definition
Institutionalized	<p>A customer is considered institutionalized if the customer:</p> <ul style="list-style-type: none"> <li>• Has lived in a medical institution for a period of at least 30 days;</li> <li>• Has received HCBS for at least 30 days in a row and these services kept the person from being in a nursing facility; or</li> <li>• Intends to get HCBS and is at risk of being placed in a nursing facility as determined by an ALTCS Medical Eligibility Specialist.</li> </ul>
Legally Married	<p>Married in accordance with Arizona law (see <a href="#">MA520</a>).</p>
Medical Institution	<p>Means any of the following:</p> <ul style="list-style-type: none"> <li>• Nursing facility;</li> <li>• Hospital;</li> <li>• Institution for Mental Disease (IMD);</li> <li>• Behavioral Health Inpatient Facility;</li> <li>• Rehabilitation center,</li> <li>• Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID);</li> <li>• Free-standing hospice.</li> </ul>
Living in the community	<p>The customer's spouse is considered to be residing in the community when he or she is living:</p> <ul style="list-style-type: none"> <li>• At home;</li> <li>• In an approved alternative residential setting;</li> <li>• In a commercially operated, non-medical facility; or</li> <li>• In a penal institution.</li> </ul>

	For more information see <a href="#">MA521</a> - Living Arrangements
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## Proof

Accept the customer's statement for where their spouse is living unless it is questionable. For example: The customer says his spouse lives at home, but the spouse applied two months ago and was in a nursing facility at that time.

See [MA520](#) for proof of legal marriage.

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## Legal Authority

Program	Legal Authorities
ALTCS	42 USC. § 1396r-5 ARS § 36-2932(L)(2) ARS § 36-2933(D) AAC R9-28-410



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When to Use Community Spouse Policy

## B When to Use Community Spouse Policy

Community spouse policy may apply for some months and not others depending on living arrangements or changes in marital status:

If . . .	Then Community Spouse Policy. . .
Customer Marries	Applies beginning with the month of marriage.
Customer Divorces	Applies for the month in which the divorce is granted. It stops in the following month.
Community Spouse Dies	Applies for the month in which the community spouse dies. It stops in the following month
Community spouse is in a medical facility for more than 30 consecutive days	Stops the first full month in which the community spouse has not lived in the community for at least one day.
Community spouse returns to the community from a medical institution	Applies when the community spouse resides in the community for at least one day during the month.

See <ME508 for example>

