

State of Indiana

SUPPLEMENT 8 TO ATTACHMENT 2.6-A

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
RESOURCE STANDARDS FOR 1902(f) STATES—CATEGORICALLY NEEDY

TN No. 13-012

Approval Date 5/30/14

Effective Date June 1, 2014

Supersedes

TN. No. 91-22

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE INDIANA

Pursuant to a preliminary injunction issued in Cherry and Newkirk v. Magnant on June 7, 1990 by the U.S. District Court, Southern District of Indiana, Indianapolis Division, the eligibility of members of the certified plaintiff class as defined below is determined without consideration of the value of resources owned solely by the community spouse. Resources owned solely by the community spouse are exempt. The resource limitation for the institutionalized spouse is \$1500. Class members are the categorically needy group described in 42 CFR 435.121. The court order is specific to the policy of deeming spousal resources in situations involving individuals institutionalized prior to September 30, 1989 who have spouses living in the community. Therefore, the \$2250 resource limitation listed in Supplement 8 to Attachment 2.6-A is not applicable under the preliminary injunction in determining eligibility of members of the plaintiff class.

In the resource determination (including the initial month of institutionalization) SSI spousal deeming rules are used.

Certified Plaintiff Class

All married Medicaid applicants in the State of Indiana who have lived in a nursing home since before September 30, 1989 and who have been found ineligible for the Medicaid program because of resources owned by their spouses living at home.

(Eff. 4-1-90)

Beginning 11/1/94, the resources owned by the community spouse of individuals who have been continuously institutionalized since before September 30, 1989 are deemed available to the institutionalized spouse. The federal district court vacated the injunction and the Seventh Circuit Court of Appeals affirmed. (Cherry v. Sullivan, No. 93-3504, July 20, 1994.)

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