Date: September 18, 2015

To: Eligibility Services – Regional Directors
   Program Managers
   Eligibility Services Supervisors
   Regional Attorneys
   Hearings Officers

From: Stephanie Stephens, Director
   Policy Strategy, Analysis, and Development
   State Office 2115

Subject: 1. Spousal Impoverishment for Waiver Participants
         2. Reopen of Applications Denied for Failure to Provide
         3. System Changes for Same-Sex Marriage

Bulletins are sent to supervisors and other regional managers who must share the information with eligibility staff. Please ensure that copies are provided to staff without access to email. For questions regarding the information in this memo, follow regional procedures. You can find active bulletins at the following respective handbook websites:

- Medicaid for the Elderly and People with Disabilities (MEPD):
  http://www.dads.state.tx.us/handbooks/mepd_policy/index.htm
- Texas Works: http://www.dads.state.tx.us/handbooks/texasworks_bulletins/index.htm

1. **Spousal Impoverishment for Waiver Participants**

   **Background**

   Federal law requires states to temporarily extend spousal impoverishment protections to spouses of Home and Community-Based Services (HCBS) waiver participants through December 31, 2018. These changes will align the policy for calculating Spousal Protected Resource Assessments (SPRAs) and post eligibility co-payments for waiver applicants/recipient and institutionalized applicants/recipient.

   *Expanded SPRA*
Current Policy

The expansion of a SPRA for a waiver applicant is only available if the spouse's income, after diverting all available income, is less than the Supplemental Security Income (SSI) Federal Benefit Rate (FBR), currently $733.

New Policy

For all spousal waiver applicants, staff must use the minimum monthly maintenance needs allowance (MMMNA), currently $2,980.50, for calculating an expanded SPRA.

Co-payment

Current Policy

For the post-eligibility co-payment calculations for spousal waiver recipients, the spousal allowance is the SSI FBR and the spousal dependent allowance is the Medically Needy Income Limit.

New Policy

For the post-eligibility co-payment calculations for spousal waiver recipients, the spousal allowance is the MMMNA and the spousal dependent allowance is calculated by subtracting the dependent's income from 150 percent of the monthly federal poverty level (FPL) for a family of two, and dividing by three.

Procedure

Staff must follow instructions in the Expanding Spousal Impoverishment for Waivers Clues and Issues document located here Clue & Issue - Spousal Impoverishment to manually calculate and enter the expanded SPRA and/or post-eligibility co-payment for all spousal waiver applicants and recipients:

- Residing in a community living arrangement who have income greater than the 300 percent special income limit; or
- Residing in Foster Care or an Assisted Living Facility who have income greater than the SSI FBR.

Automation

System changes are not planned at this time.

Handbook

Appendix XXXI, Appendix XXII, and Appendix XXVII have been updated and posted to the Office of Social Services (OSS) website. The MEPD Handbook will be updated with the December 2015 revision.

Training
MEPD New Hire Training and Continuing Skills Training will be updated to reflect the changes.

Effective Date

Use the MMMNA and the spousal dependent allowance amount in the waiver spousal co-payment budgets for October 1, 2015, and ongoing.

2. Reopen of Applications Denied for Failure to Provide

Background

Currently, policy to reopen applications previously denied for failure to provide missing information is different across programs. This update will align policy for MEPD and Texas Works programs and align with the strategic goals of the Business Process Redesign.

Current Policy

Applications

If an application is denied for any reason and the individual requests it be reopened, the previously completed application for assistance is valid for 90 days from the date of denial. When requesting to reopen a previously submitted application, a written, dated, and signed statement of request to reapply must be obtained from the individual or authorized representative to establish the date of application.

Renewals

If a renewal is denied for failure to provide information and the information is provided after the date of denial but within 90 days of the last day of the last benefit month, the EDG is reopened. A written request to reopen is not required and the date the information or verification is provided is the new file date.

New Policy

Applications

If an application is denied for failure to provide information and all the requested information is provided within 90 days of the date of denial, staff must reopen the application and reevaluate eligibility using the information provided and the previously submitted application. A written request to reopen is not required. The new date of application is the date all requested information is received.

Renewals

No change to policy for renewals.

Automation
No automaton changes are required to implement this change.

**Handbook**

The MEPD Handbook will be updated with the December 2015 revision.

**Effective Date**

This policy is effective for reopening of applications denied for failure to provide missing information on or after October 1, 2015.

**Training**

Training will be updated to reflect this change.
3. **Systems Changes for Same Sex Marriages**

**Recognition of Same Sex Marriages**

On August 25, 2015, policy regarding recognition of same-sex marriages was provided for the Medicaid for the Elderly and People with Disabilities (MEPD) programs.

For all programs, the policies and procedures that apply to opposite-sex marriages now apply to same-sex marriages, effective June 26, 2015.

Effective September 19, 2015, system changes will be implemented and staff will no longer need to use the Contingency Processing Method (CPM) # 594992 when processing eligibility determinations for households with same-sex spouses.

**TIERS**

The **Relationship-Details** page in TIERS is updated to allow staff to designate married couples as spouses instead of husband or wife.
Although the Texas Integrated Eligibility Redesign System (TIERS) allows for the designation of spouse and the Relationship-Details section shows spouse, the Household Relationship Grid continues to show one individual as the husband and the other as the wife even for same-sex married couples. Staff must not modify the husband/wife designation.
In the Relationship-Details page, staff must enter an **Effective Begin Date** (EBD) of June 26, 2015, or a later date for a same-sex married couple (if married after June 26, 2015 using current EBD policies). If a date prior to June 26, 2015, is entered, TIERS displays an error message and directs staff to enter an **Effective Begin Date** of June 26, 2015.

The actual marriage date should be recorded in the **Marriage Date** field. TIERS allows staff to enter a date prior to June 26, 2015, in the **Marriage Date** field for same-sex married couples. It also allows for a date older than six months.

Staff should continue to follow existing policies for opposite-sex married couples when entering the **Effective Begin Date** and **Marriage Date**.

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Relationship – Details

![Image of Relationship-Details page from TIERS]

- **Effective Begin Date:** June 26, 2015
- **Marriage Date:** June 26, 2015
YourTexasBenefits.com

The **Relationships** page has been updated to allow an individual or customer care representative (CCR) to designate a spouse instead of husband or wife at application, renewal, or when reporting a change.

*Application - Relationships Page*
Reporting a Change – Case Facts, People on Your Benefits Case, Relationships
and
Renewals – Case Facts, People on Your Benefits Case, Relationships

[Image of a screenshot of a webpage from Your Texas Benefits showing a form for reporting changes]

People on your benefits case
- Is this person a member of your household?
- Does this person work for the Texas Health and Human Services Commission?
- Does this person have a Total Annual Income?

Relationships
- Tell us how this person is related to other people living in the home
- Pick one:
  - Mother
  - Father
  - Brother
  - Sister
  - Daughter
  - Son
  - Stepdaughter

Citizenship
- Does this person have a Mexican Passport?

[Options for Yes or No]
Under the **Facts about person** page the **Give facts about Mother/Father** titles have been modified to say **Give facts about biological or adoptive Parent 1/Parent 2**. In addition, the individual or the CCR must now also select a **Sex** and, if available, **Maiden name**.

*Application - Facts about person*
Correspondence

The following correspondence forms have been updated to reflect the term spouse for all married couple relationships when the pre-populated PDF is generated from YourTexasBenefits.com:

- **Form H2020-YTB**, Your Texas Benefits Renewal Form, Relationships
- **Form H1019-YTB**, Reporting Changes to Your Case, Relationships
- **Form H1206**, Health-care Benefits Renewal Form

Examples of the pre-populated PDFs are provided on the following pages.
## Relationships

<table>
<thead>
<tr>
<th>Add</th>
<th>Mike M Brady Sr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carol M Brady</td>
<td>Spouse</td>
</tr>
<tr>
<td>Do they live in the same home?</td>
<td>Yes</td>
</tr>
<tr>
<td>Cindy T Brady</td>
<td>Daughter</td>
</tr>
<tr>
<td>Do they live in the same home?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

## Update

<table>
<thead>
<tr>
<th>Update</th>
<th>Mike M Brady Sr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marsha A Brady</td>
<td>Daughter</td>
</tr>
<tr>
<td>Do they live in the same home?</td>
<td>Yes</td>
</tr>
<tr>
<td>Greg R Brady Jr</td>
<td>Son</td>
</tr>
<tr>
<td>Do they live in the same home?</td>
<td>No</td>
</tr>
</tbody>
</table>

## No Change

<table>
<thead>
<tr>
<th>No Change</th>
<th>Carol M Brady</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan B Brady</td>
<td>Daughter</td>
</tr>
<tr>
<td>Do they live in the same home?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

## Tax return status

<table>
<thead>
<tr>
<th>Add</th>
<th>Marie Barron I</th>
</tr>
</thead>
<tbody>
<tr>
<td>How this person will file taxes next year</td>
<td>Tax dependent</td>
</tr>
<tr>
<td>Will this person file jointly with someone who isn't a part of this benefits case?</td>
<td>Yes</td>
</tr>
</tbody>
</table>
**Form H1019-YTB – Relationships**

<table>
<thead>
<tr>
<th>Relationships</th>
<th>Terry Kristen I</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add</td>
<td></td>
</tr>
<tr>
<td>Gary Kristen I</td>
<td>Spouse</td>
</tr>
<tr>
<td>Do they live in the same home?</td>
<td>No</td>
</tr>
<tr>
<td>Perry Kristen I</td>
<td>Brother</td>
</tr>
<tr>
<td>Do they live in the same home?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Tax return status**

<table>
<thead>
<tr>
<th>Add</th>
<th>firstName1 lastName1 I</th>
</tr>
</thead>
<tbody>
<tr>
<td>How this person will file taxes next year:</td>
<td>Filing separately</td>
</tr>
<tr>
<td>Will this person file jointly with someone who isn't a part of this benefits case?</td>
<td>Yes</td>
</tr>
<tr>
<td>This person will file jointly next year with:</td>
<td>jFirstName jLastName I</td>
</tr>
<tr>
<td>Will this person claim any dependents on their tax return next year?</td>
<td>Yes</td>
</tr>
<tr>
<td>This person's tax dependent:</td>
<td>dFirstName dLastName I</td>
</tr>
<tr>
<td>This person's tax dependent:</td>
<td>dFirstName dLastName I</td>
</tr>
<tr>
<td>Will this person claim a dependent who isn't a part of this benefits case?</td>
<td>Yes</td>
</tr>
<tr>
<td>This person will be claimed as a tax dependent by:</td>
<td>cFirstName cLastName I</td>
</tr>
<tr>
<td>This person will be claimed as a tax dependent by:</td>
<td>cFirstName cLastName I</td>
</tr>
</tbody>
</table>
Form H1206 – Relationship Section

Effective Date

System changes will be implemented September 19, 2015.

Handbook

The MEPD Handbook will be updated with the December 2015 revision.

Training

No training is required.