

OSIPM

COUPLES AND LONG-TERM SERVICES



DHS | Oregon Department
of Human Services

“Safety, health and independence for all Oregonians”

Oregon Supplemental Income Program — Medical (OSIPM): Couples and Long-term Services

OSIPM is a Medicaid program administered by the Oregon Department of Human Services. OSIPM provides medical coverage and long-term services for people with a low income or high long-term services expenses. For married couples, OSIPM allows one spouse to become eligible for OSIPM benefits without the other spouse becoming impoverished.

If one spouse (referred to as the “OSIPM-qualified spouse”) needs long-term services, OSIPM allows the other spouse (the “community spouse”) to keep some of the couple’s resources. Resources are such things as bank accounts, stocks and bonds, vehicles, and property.

This resource allowance only applies when an OSIPM-qualified individual needs long-term services. This means he or she needs help with some of the following activities of daily living:

- Bathing/personal hygiene;
- Dressing/grooming;
- Mobility, ambulation, and transferring;
- Feeding and assistance with eating;
- Elimination assistance: toileting, bowel and bladder; and
- Cognition, including assistance with any confusion or behaviors.

Long-term services are provided in settings such as:

- Your own home;
- Adult foster home;

- Residential care facility;
- Assisted living facility; and
- Nursing facility.

Couples can ask for a resource assessment (a determination of the amount of resources each of you would be allowed to keep) for planning purposes. You can request this assessment well in advance of your actual application for OSIPM long-term services, or it will be done when you apply.



What makes a spouse eligible for OSIPM long-term services?

A spouse may be eligible for OSIPM long-term services if he or she:

- Needs the long-term services described above;
- Has no more than \$2,000 in countable resources; and
- Has not made unauthorized resource transfers in order to qualify.

Who decides if OSIPM will cover long-term services for a spouse?

DHS will determine if the spouse needing services meets the OSIPM criteria.

What income may each of us keep?

The OSIPM-qualified spouse is required to contribute to the cost of services. Before contributing, that spouse is allowed to keep the following from his or her income:

- An allowance for personal needs: \$63.10 for nursing facility clients and \$172.00 for other clients;
- For those not in a nursing facility, \$599.00 for room and board or food and shelter;
- For clients who receive in-home services, a total of \$1,271 substitutes for the above amounts for personal needs and room and board/food and shelter.
- Money provided to the community spouse and dependents to meet the calculated monthly income need (see below); and
- Medical and remedial expenses not paid by OSIPM or a third party.

The remaining income, if any, must be paid toward the cost of services.

The community spouse may keep his or her own income. DHS calculates the community spouse's monthly income need from \$2,057.50 to \$3,160.50. The community spouse may get to keep some of the OSIPM-qualified spouse's income if the community spouse does not have enough to meet this need.

What resources may each of us keep?

You must complete a resource assessment form at the local office serving seniors and people with disabilities. You will have to list and verify the value of all your resources at the time one spouse began receiving long-term services and at the time you apply for OSIPM long-term services.

OSIPM limits the OSIPM-qualified spouse's resources to \$2,000.

The community spouse may keep one of the following resource amounts:

- Resources worth at least \$25,284;
- One-half of the total countable resources owned at the time services began if that amount is more than \$25,284 but not more than \$126,420; or
- More than the \$126,420 maximum if your income is very low.

Some resources do not count, including the home in which either spouse lives, a car, a burial plot and a limited burial plan.

What if our resources are greater than the amount we may keep?

If your joint resources exceed that amount, the spouse needing services will not be eligible for OSIPM until your resources are equal to or less than that amount.

What if our resources are within the limit but the spouse needing services owns more than \$2,000 of our resources?

DHS will calculate the dollar amount of resources the community spouse is allowed to keep. After this calculation is provided and the OSIPM-qualified spouse's case is opened, resources equal to that amount must be transferred from the spouse needing services to the community spouse in order for the spouse needing services to qualify for OSIPM. Wait for this calculation, because transferring resources early could jeopardize the other spouse's eligibility for OSIPM. OSIPM benefits may be paid for up to 90 days while the resource transfers are made. You may or may not need an attorney to help you with the necessary legal documents.

Will DHS recover OSIPM payments from our estate?

Federal and state laws require DHS, in some circumstances, to seek reimbursement from the assets

of a deceased OSIPM-qualified individual or community spouse. However, the program is too complex to cover in detail here. A few key points:

- DHS will not make a claim for correctly-paid benefits while the OSIPM-qualified spouse or community spouse is alive.
- DHS will not enforce a claim for correctly-paid benefits if the OSIPM-qualified spouse is survived by a natural or adopted child less than 21 years of age, a child with a qualifying visual impairment or a child with a qualifying disability.
- Except for some limited circumstances, it is against the law to give away assets to avoid the claim. The person receiving such assets may be required to give them back.
- Individuals receiving assets from the deceased may apply for a hardship waiver.
- Some other DHS programs also require estate recovery.

Do you have questions?

For legal questions, consult your local Senior Citizen Law Project or the Oregon Bar Association Elder Law Referral Service.

For information about the state's estate recovery program, contact Oregon's Estate Administration Unit.

If the OSIPM-qualified spouse has a will leaving specific resources to certain persons but the resources have been transferred to the community spouse, will those persons inherit?

No. Anything that the OSIPM-qualified spouse has transferred to the community spouse cannot be inherited by another person, even if a will says otherwise. Heirs can only inherit what a person actually owns on the day he or she dies. Your attorney should advise you on this issue.

When should we apply for OSIPM?

You might consider applying:

- When one spouse is already receiving long-term services or expects to be within the next two months; or
- When the spouse needing services does not have enough income and/or resources to cover the cost of care.

How to apply

This brochure does not include many specific requirements of OSIPM. For more information about OSIPM, or to apply for OSIPM, contact the office serving seniors and people with disabilities in your area. The office will decide if you are eligible within 45 days from the date you ask for help, or 90 days if DHS is deciding if you have a disability.

For a list of local offices, go to

www.oregon.gov/dhs/spwpd/pages/offices.aspx or call **1-800-282-8096**.

NOTE: Dollar amounts listed are current as of publication and subject to change without notice.

You can get this document in other languages, large print, braille or a format you prefer. Contact the Medicaid Policy Program at 503-378-3486 (voice) or 503-947-5080 (TTY). We accept all relay calls or you can dial 711.

