

U.S. SENATOR BOB CASEY

 **CHAIRMAN** *Special Committee on Aging*

Protecting Married Seniors from Impoverishment Act (S. 1099) Led by Senator Casey

Why do we need the Protecting Married Seniors from Impoverishment Act?

Medicaid serves as the Nation's primary source of coverage for long-term services and supports (LTSS), funding [52 percent](#) of the LTSS provided nationwide. While many people with Medicaid receive this care in institutional settings, like nursing homes, more than [2.5 million](#) Americans in 2018 received this care at home, which is where they overwhelmingly prefer to be, often making it possible for them to live with their spouse or other family members.

The need for LTSS rises with age and can take a significant financial toll on a married couple. Three decades ago, Congress established protections—known as spousal impoverishment rules—designed to keep married couples from falling into poverty when one spouse requires institutional care. These rules shield the spouse remaining at home from having to completely deplete his or her financial resources. In 2010, through the Affordable Care Act, Congress expanded these protections to include LTSS received in home and community-based settings. The legislation helped to eliminate institutional biases that limited meaningful choice for married couples. Providing long-term services and supports in the home is not only cheaper, it also keeps couples together in their own homes. Recent legislation passed in December 2020 extended the spousal impoverishment protections through September 30, 2023.

2021 Spousal Impoverishment Rules

Income: Under spousal impoverishment rules, one spouse's eligibility for Medicaid HCBS in most States is not affected by the other spouse's income. The Medicaid-receiving spouse is permitted to retain a minimum monthly maintenance needs allowance ranging from about [\\$2,155 to \\$3,259](#).

Assets: In most States, a person cannot have more than roughly \$2,000 in assets to qualify for Medicaid. However, under spousal impoverishment rules, the non-Medicaid receiving spouse can retain a share of the couple's assets. This amount ranges from [\\$26,076 to \\$130,380](#).

What would the Protecting Married Seniors from Impoverishment Act do?

This bill would make the spousal impoverishment protections permanent so that married couples would no longer have to worry about falling into poverty because one spouse needed Medicaid long-term services and supports at home. The bill would also clarify the existing rules, allowing states to go beyond the federal minimum standards set in statute.

Original Cosponsors: Sen. Smith, Gillibrand, Van Hollen, Blumenthal, Shaheen, Klobuchar, Stabenow, Brown, Cortez Masto, Duckworth

Supporters:

1. AARP
2. AFL-CIO
3. Allies for Independence
4. Association of University Centers on Disabilities (AUCD)
5. Autism Society of America
6. Autistic Self Advocacy Network
7. Center for Medicare Advocacy
8. Center for Public Representation
9. Community Catalyst
10. The Jewish Federations of North America
11. Justice in Aging
12. LeadingAge
13. Lutheran Services in America
14. Medicare Rights Center
15. National Academy of Elder Law Attorneys
16. National Adult Day Services Association
17. National Association for Home Care & Hospice
18. National Association of Area Agencies on Aging (n4a)
19. National Association of Councils on Developmental Disabilities
20. National Association of State Long-Term Care Ombudsman Programs (NASOP)
21. National Council on Aging
22. National Disability Institute
23. National Disability Rights Network
24. The Gerontological Society of America
25. The Special Needs Alliance
26. Women's Institute for a Secure Retirement (WISER)