



## Legislation Details (With Text)

**File #:** Res 1608-2000      **Version:** \*      **Name:** HRA, Spousal Refusal  
**Type:** Resolution      **Status:** Filed  
**In control:** Committee on General Welfare  
**On agenda:** 10/31/2000  
**Enactment date:**      **Enactment #:**

**Title:** Resolution denouncing the City Human Resources Administration policy of impoverishing elderly New Yorkers whose spouses receive Medicaid-provided nursing home or home health care, even though it is not required to do so under the current Medicaid law; calling upon the state to humanize its fair hearing process and to relax its standards for increasing the maximum level of savings and income an individual may retain when his/her spouse is receiving nursing home care through Medicaid; and calling upon the United States Congress to amend the Medicaid Act to ensure that moderate income individuals are not forced into poverty when their spouses need nursing home or home health care.

### Sponsors:

### Indexes:

### Attachments:

Date	Ver.	Action By	Action	Result
10/17/2000	*	Committee on General Welfare	Hearing on P-C Item by Comm	
10/17/2000	*	Committee on General Welfare	P-C Item Laid Over by Comm	
10/31/2000	*	City Council	Introduced by Council	
10/31/2000	*	City Council	Referred to Comm by Council	
12/31/2001	*	City Council	Filed (End of Session)	

Res. No. 1608

Resolution denouncing the City Human Resources Administration policy of impoverishing elderly New Yorkers whose spouses receive Medicaid-provided nursing home or home health care, even though it is not required to do so under the current Medicaid law; calling upon the state to humanize its fair hearing process and to relax its standards for increasing the maximum level of savings and income an individual may retain when his/her spouse is receiving nursing home care through Medicaid; and calling upon the United States Congress to amend the Medicaid Act to ensure that moderate income individuals are not forced into poverty when their spouses need nursing home or home health care.

By The Speaker (Council Member Vallone) and Council Members Carrion, Clarke, Dear, Malave-Dilan, Eisland, Fisher, Henry, Lopez, Michels, Moskowitz, Perkins, Reed, Warden, The Public Advocate (Mr. Green), Fiala, Golden and Stabile; also Council Members Harrison, Koslowitz, Miller, Nelson, O'Donovan, Povman, Quinn, Robinson, Rodriguez, Wooten and Eldridge

Whereas, The costs of nursing home and home health care in New York City are well beyond the means of the middle income elderly and disabled New Yorkers who need such care; and

Whereas, Nursing home and home health care costs can easily impoverish the moderate income, hard-working families of those in need of such care; and

Whereas, The Medicaid Program (Medicaid) covers the cost of nursing home and home health care for the elderly and disabled poor; and  
Whereas, The Medicaid Act (the "Act") requires that an individual in need of such care may not be declined Medicaid benefits if his/her spouse cannot afford to contribute to such care; and

Whereas, This right of "spousal refusal" is important in that it ensures that individuals who need nursing home or home health care receive such care when they need it; and

Whereas, However, the Act also allows the City to seek recoupment of nursing home expenses from the refusing spouse, and allows the City to leave the refusing spouse with only a maximum of \$84,120 in savings and only a maximum of \$2,103 in monthly income after recoupment; and

Whereas, These maximum levels of income and savings are clearly inadequate to cover the costs of living in New York City, which are much higher than the rest of the nation, and will ultimately cause the impoverishment of refusing spouses of moderate income and savings; and

Whereas, Further, the Act allows the City to recoup home health care costs from a refusing spouse and does not even require the City to leave the spouse with \$84,120 in savings and \$2,103 in monthly income, effectively allowing for the virtual impoverishment of the refusing spouse

who cares for a sick spouse at home; and

Whereas, While the Act allows the City to recoup the costs of Medicaid provided nursing and home health care, it does not require such recoupment; and

Whereas, Recently, the City has stepped up its efforts to recoup the costs of Medicaid provided nursing home and home health care from the moderate income spouses of those in need of such care; and

Whereas, The City's recoupment efforts have needlessly caused great hardship for many moderate income spouses of New Yorkers in need of such care; and

Whereas, The State of New York provides a fair hearing procedure in which the limits on savings and income may be raised in individual cases; and

Whereas, However, the standard by which the savings and income limits may be raised in the State's fair hearing process is very strict and therefore does not provide any real relief for the spouses of New Yorkers in need of nursing and home health care; and

Whereas, Moderate income elderly in New York City have worked hard all their lives to ensure that they will be able to enjoy a secure retirement; and

Whereas, It is simply unconscionable and unfair, after having worked so long and hard to provide for a measure of security in their old age, for the City to be able to put that security at risk; and

Whereas, It is inhumane to have these spouses forced to resort to public assistance in their old age; and

Whereas, The Act must be amended to enable the hard-working, moderate income spouses of those receiving Medicaid-provided home health care to retain enough of their savings and monthly income to avoid forced impoverishment; and

Whereas, The Act must be further amended to raise the maximum levels of savings and monthly income that may be retained by hard-working, moderate income spouses of those receiving Medicaid-provided nursing home care so as to avoid their forced impoverishment; now, therefore, be it

Resolved, That the Council of the City of New York denounces the City Human Resources Administration policy of impoverishing elderly New Yorkers whose spouses receive Medicaid-provided nursing home or home health care, even though it is not required to do so under the current Medicaid law; calls upon the state to humanize its fair hearing process and to relax its standards for increasing the maximum level of savings and income an individual may retain when his/her spouse is receiving nursing home care through Medicaid; and calls upon the United States Congress to amend the Medicaid Act to ensure that moderate income individuals are not forced into poverty when their spouses need nursing home or home health care.

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