

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

HOUSE BILL 2100

4
5 By: Representative Gullett
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For An Act To Be Entitled

8
9 "AN ACT TO PROVIDE SPOUSAL IMPOVERISHMENT PROTECTION
10 FOR MEDICAID HOME AND COMMUNITY-BASED SERVICE WAIVERS;
11 AND FOR OTHER PURPOSES."

Subtitle

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14 "AN ACT TO PROVIDE SPOUSAL IMPOVERISHMENT
15 PROTECTION FOR MEDICAID HOME AND
16 COMMUNITY-BASED SERVICE WAIVERS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. (a) In determining eligibility for Medicaid home and
22 community-based service waiver programs, the Department of Human Services
23 shall treat married couples' resources in the same manner as those resources
24 are treated for nursing facility residents.

25 (b) In determining eligibility for Medicaid home and community-based
26 service waiver programs, the Department of Human Services shall:

27 (1) Treat each married applicant who meets the medical income
28 criteria as an "institutionalized spouse";

29 (2) Treat the spouse of each applicant as the "community spouse"
30 provided the spouse is not eligible for Medicaid home and community-based
31 services and does not live in a nursing facility; and

32 (3) Determine the community spouse resource allowance and permit
33 the institutionalized spouse to transfer that amount of resources to the
34 community spouse.
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36 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 4. All laws and parts of laws in conflict with this act are
11 hereby repealed.