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DIVISION: Office of Medicaid Management

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TO: Local District Commissioners, Medicaid Directors

FROM: Ann Clemency Kohler, Deputy Commissioner
Office of Medicaid Management

SUBJECT: Golf v. NYSDSS et al., - Court of Appeals Decision

EFFECTIVE DATE: Immediately

CONTACT PERSON: Wendy Butz, 518-473-5500

This is to inform you of a favorable Court of Appeals decision in the matter of Golf v. NYSDSS et al. (April 2, 1998).

This case involves the amount of resources which may be retained by the community spouse of an institutionalized Medicaid applicant.

The petitioner in this case had argued that in situations where the community spouse's income is less than the minimum monthly maintenance needs allowance (MMMNA), the Medicaid program should first allow the community spouse to keep additional amounts of the couple's resources to generate such income, without taking into account the income which the institutionalized spouse is allowed to give to the community spouse each month.

The State of New York Court of Appeals upheld the department's policy of allowing the community spouse to retain additional resources only if the community spouse's monthly income falls short of the MMMNA after taking into account the monthly income which the institutionalized spouse is allowed to provide.

If you would like further information concerning this decision, please contact Wendy Butz at (518) 473-5500.