



**Human Resources  
Administration**

Department of  
Social Services

Office of the General Counsel

**Robert Doar**  
Commissioner

**Roy A. Esnard**  
General Counsel

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December 23, 2013

Valerie Bogart, Esq.  
Vice-Chair, Medicaid Committee, NYSBA Elder Law Section  
Director, Evelyn Frank Legal Resources Program  
New York Legal Assistance Group  
7 Hanover Square, 18<sup>th</sup> Floor  
New York, New York 10004

Re: Minimum Monthly Maintenance Needs Allowance for Spouses  
Executing a Spousal Refusal

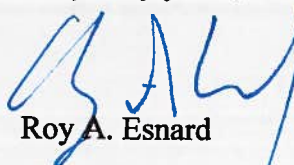
Dear Ms. Bogart:

This is in response to your letter of December 18, 2013, to Karen Lane and Sabre Kaszynski. As a preliminary matter please note that Ms. Kaszynski is no longer an Associate General Counsel with this Agency's ("HRA") Office of Legal Affairs. She is now the Director of Compliance for the Medical Insurance and Community Services Administration (MICSA). Any future legal inquiries concerning MICSA should be addressed to me or to Deputy General Counsel Marguerite Camaio.

The policies and practices regarding budgeting for Community Spouse Monthly Income Allowances (CSMIA) you reference in your letter are not currently HRA's. In compliance with state regulation and the instructions of the New York State Department of Health, HRA's Nursing Home Eligibility Division (NHED) budgets CSMIA to meet the Minimum Monthly Maintenance Needs Allowance (MMMNA) for a Community Spouse who provides income and resource information, even if a spousal refusal has been submitted. Staff training will be conducted to re-emphasize this policy. NHED will review the cases in question and take corrective action as needed. You can, of course, bring individual cases to the attention of Ms. Camaio, if you would like.

Regarding the clients mentioned in your letter, as I am sure you are aware, I cannot discuss the particulars of these cases without written authorization from the clients.

Very truly yours,



Roy A. Esnard

cc: Rene H. Reixach, Esq.  
Melinda Bellus, Esq.  
Matthew Nolfo, Esq.  
Stephen Silverberg, Esq.  
Frances M. Pantaleo, Esq.