

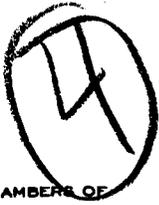
The Burger Court Opinion Writing Database

Atkins v. Rivera

477 U.S. 154 (1986)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University





CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

Supreme Court of the United States
Washington, D. C. 20543

June 17, 1986

No. 85-632

Atkins v. Rivera, et al.

Dear Harry,

I agree.

Sincerely,

Justice Blackmun

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

June 18, 1986

85-632 - Atkins v. Rivera

Dear Harry,

Please join me.

Sincerely yours,



Justice Blackmun

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

June 17, 1986

Re: No. 85-632-Atkins v. Santos Rivera

Dear Harry:

Please join me.

Sincerely,



T.M.

Justice Blackmun

cc: The Conference

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Blackmun**

Circulated: JUN 16 1986

Recirculated: _____

HAB
Please join me
HB

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 85-632

**CHARLES ATKINS, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF PUBLIC WELFARE,
PETITIONER v. SANTOS RIVERA ET AL.**

ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT OF MASSACHUSETTS

[June —, 1986]

JUSTICE BLACKMUN delivered the opinion of the Court.

This case concerns the means by which a State may calculate eligibility for medical-assistance benefits (Medicaid) under Title XIX of the Social Security Act (Act).

In Massachusetts, persons who lack sufficient income, measured on a monthly basis, to meet their basic needs automatically qualify for Medicaid. The Commonwealth, however, also provides Medicaid benefits to persons, like respondents, who earn enough to meet their basic needs, but whose medical expenses within a 6-month period consume the amount by which their earnings exceed what is required for basic needs. Construing the Act's requirement that assistance for the two groups be calculated using the "same methodology," the Massachusetts Supreme Judicial Court held invalid the Commonwealth's use of a 6-month period for measuring medical expenses. The court ruled that inasmuch as a 1-month period is used to measure the income of those with insufficient means, an identical period must be used to measure medical expenses for persons like respondents. Because this holding conflicts with rulings of two Federal Courts of Appeals,¹ we granted certiorari. — U. S. — (1985).

¹See *Hogan v. Heckler*, 769 F. 2d 886 (CA1 1985), cert. pending *sub nom. Hogan v. Bowen*, No.85-563 (construing Massachusetts provision);

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

June 24, 1986

MEMORANDUM TO THE CONFERENCE

Re: Holds for No. 85-632, Atkins v. Rivera

Three cases are held for Atkins. In Atkins, this Court held that, in determining Medicaid eligibility of the medically needy, Massachusetts was free, pursuant to federal regulations, to use up to a 6-month period in which income in excess of eligibility levels could be "spent down."

App 56
1. No. 85-663, Washington v. Purser. This case concerns the means by which a State calculates income for married persons when one spouse is placed in a nursing home. The spenddown question at issue in Atkins is unrelated to the income determination here.

During the first month a married person is in a nursing home, all income of both husband and wife is "deemed" available to the nursing home resident, and expected to be applied to the cost of care. 42 CFR §435.723. Once the spouse in the nursing home begins the second month, "deeming" ceases and the income of one spouse is no longer considered to be the income of the other. See 42 CFR §435.725. The regulations define "income" and "resources" but do not appear to establish criteria for determining "ownership" of income.

Washington uses a "name on the instrument" rule to determine whether an individual applicant "owned" the various pieces of the couple's income. Respondents filed suit in state court contending that use of this rule violated the State's community-property laws. Application of community-property laws would mean that each spouse would be deemed the owner of an undivided 50% interest in the community income. The state trial court agreed that Washington's procedure violated state law, as well as federal Medicaid laws and regulations. The Washington Supreme Court affirmed.

Washington is currently seeking HHS's approval of its use of community property to measure income, in order that it can comply with the decision below and continue to receive federal financial assistance. The Supreme Court of Louisiana has held, relying on the need for national uniformity in income-

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

June 17, 1986

85-632 Atkins v. Rivera

Dear Harry:

Please join me.

Sincerely,

Lewis

Justice Blackmun

lfp/ss

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

June 18, 1986

Re: No. 85-632 Atkins v. Rivera

Dear Harry,

Please join me.

Sincerely,



Justice Blackmun

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 17, 1986

Re: 85-632 - Atkins v. Rivera, et al.

Dear Harry:

Please join me.

Respectfully,



Justice Blackmun
Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

June 16, 1986

No. 85-632 Atkins v. Santos Rivera

Dear Harry,

Please join me.

Sincerely,



Justice Blackmun

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