

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

CHAPTER 300 – Resources

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306.05.01 MULTIPLE PERIODS OF INSTITUTIONALIZATION AND MULTIPLE APPLICATIONS

When an individual has multiple periods of institutionalization or has made multiple applications for Medicaid (unless the application was withdrawn), the look-back date is based on a baseline date that is the first date upon which the individual has both applied for Medicaid and is institutionalized. Each individual has only one look-back date, regardless of the number of periods of institutionalization, applications for Medicaid (the exception is a withdrawn application), periods of eligibility or transfers of assets.

For example, an individual enters a nursing facility in March 2010 but the application is denied for failure to provide requested information. Subsequent applications are filed July 2010, January 2011 and January 2012. The 5-year look-back date is based on the 03/2010 application date. Transfers that occur after 03/2010 will be considered under transfer policy but the look-back period is tied to the initial application date.

306.05.02 EFFECTIVE DATE OF PENALTY

Effective February 8, 2006, the date of the penalty will begin with the later of:

- The first day of a month during which assets have been transferred for less than fair market value; or
- The date on which the individual is eligible for medical assistance based on all factors of eligibility being met and is receiving institutional level of care services (based on an approved application for such services) that, were it not for the imposition of the penalty period would be covered by Medicaid.

Recipients are prohibited from transferring resources after approval. For transfers discovered after approval, the penalty is imposed beginning with the month following the rebuttal and adverse action period. An improper payment report will be prepared for any ineligible months before the penalty is imposed. If the penalty period has ended, the improper payment would cover all months of the penalty period.

For applications on or after 2-8-06, handled under DRA rules, the penalty will begin the month that Long Term Care Services are requested if the individual is otherwise eligible for Medicaid. If an individual is already eligible for Long Term Care Services and a transfer of assets is discovered, the penalty will begin the month following the rebuttal and advance notice period.