

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

---

### 306.09 REBUTTAL PROCESS

Written rebuttals along with the Regional Office decision regarding acceptability require Central Office review and approval prior to issuing final notice to the client. The material submitted to Central Office should include the rebuttal, a copy of DOM-322 issued to the client, and a summary of the circumstances surrounding the transfer. The Bureau Director, will issue a memorandum to the Regional Office explaining the final decision on the transfer.

### 306.10 RETURN OF A TRANSFERRED RESOURCE

If a transferred resource is returned to, or if compensation is received by, the institutionalized individual, the UV is no longer an issue or is reduced as of the date of the return. The resource or compensation is evaluated according to normal resource rules in the month of return. Any portion of a transferred resource that is not returned continues to count as UV which means the penalty period must be re-evaluated.

### 306.11 RECALCULATION OF A PENALTY PERIOD

A penalty period must be recalculated from the month a portion of the resource is returned or additional compensation is received.

**Example:** A transfer of \$13,800.00 occurred in October 2008, resulting in a 3-month penalty period beginning with the month that LTC is requested or eligibility is determined. In January 2009, \$9,200.00 is returned to the institutionalized individual. The penalty period is then recalculated using the UV of \$4,600.00 (rate in effect at the time) transferred in October 2008. This results in a revised period of ineligibility for one (1) month beginning with the month that LTC is requested or eligibility is determined.

**NOTE:** If the resource is returned, normal resource rules apply in determining Medicaid eligibility.