

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

Determining the Period of Ineligibility (Continued)

If the UV does not result in ineligibility for at least one month, the transfer will not count.

Example: If the transfer is for \$1,000, which is less than the average private pay rate, no penalty applies for the month of the transfer.

Each transfer is evaluated based on the month the transfer occurred. If more than one transfer occurs in the same month, the UV is combined and the penalty period calculated on total UV for a particular month. If transfers crossover into different months, each transfer is evaluated separately and UV is not combined. The possible results would be overlapping penalty periods.

307.01.05 Exceptions to Transfer of Home Property

The transfer penalty will not apply to the transfer of home property by an institutionalized individual to the following family members:

- The individual's spouse or child under age 21 or a disabled or blind adult child; or
- A sibling who is part owner of the home who lived in the home for one (1) year before the individual entered the nursing facility; or
- A child who lived in the home for up to two (2) years before the individual entered a nursing facility and provided care to the individual which permitted the individual to remain at home.

307.01.06 Exceptions to Transfer of Any Type of Resource Other Than the Home

The transfer penalty will not apply to the transfer of any type of resource in the following situations:

- Resources are transferred to or from the individual's spouse. Effective October 1, 1989, a transfer of assets from a community spouse to another individual will result in a penalty charged to the institutionalized spouse.

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Exceptions to Transfer of Any Type of Resource Other Than the Home (Continued)

Exceptions to Transfer of Any Type of Resource Other Than the Home (Continued)

- Resources are transferred to the institutionalized individual's child who is disabled or blind.
- Satisfactory evidence is presented to show that the individual intended to dispose of the resource(s) either at fair market value or for other valuable consideration, **or**, that resource(s) were transferred exclusively for a purpose other than to qualify for Medicaid.
- Denial of eligibility would result in undue hardship.
- The resource was excluded under ongoing policy at the time for the transfer.
- The resource was transferred by an individual other than the institutionalized applicant/recipient and that person had no legal authorization to act in the applicant's or recipient's behalf at the time of the transfer.

307.01.07 Notice of Transfer of Resources

The client will be notified via DOM-322A, Notice of Transfer of Resources, regarding countable transfers and the penalty period. The notice will allow the client or representative 10 days to present evidence to show that the transfer should not count. Evidence should include a written rebuttal plus any pertinent documentary evidence. If no rebuttal is offered, the penalty will be applied and the appropriate adverse action notice issued to deny or terminate payment of nursing home services only. The individual remains eligible for all other Medicaid services if the transfer penalty is the only factor of ineligibility. If the individual is ineligible on other factors as well as the transfer, the application or case must be denied or terminated.

307.01.08 Rebuttal Process

Written rebuttals along with the regional office decision regarding acceptability are to be submitted to the central office. The material submitted should include the rebuttal, a copy of the transfer notice issued to the client and a summary of circumstances surrounding the transfer. The regional office will be notified of the final decision.