

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

Rebuttal Process (Continued)

Acceptable Rebuttals

Factors which may indicate that a transfer was made for some purpose other than establishing Medicaid eligibility are listed below. The presence of one or more of the following factors may result in an acceptable rebuttal:

- The occurrence **after** a transfer of resources of one or more of the following:
 - Traumatic onset (e.g., traffic accident of disability or blindness;
 - Diagnosis of previously undetected disabling condition;
 - Unexpected loss of other resources which would have precluded Medicaid eligibility;
 - Unexpected loss of income (including deemed income) which would have precluded Medicaid eligibility.

In general, if the client was healthy and/or financially secure at the time of the transfer, with no expectation of future Medicaid need, then an acceptable rebuttal may be established.

- Total countable resources that would have been below the resource limit at all times from the month of transfer through the present month even if the transferred resource had been retained;
- Court-ordered transfer;
- Resource(s) sold at less than current market value in order to obtain cash quickly to meet expenses or repay a legal debt.

307.01.09 Undue Hardship

The transfer penalty can be waived if a period of ineligibility would result in undue hardship for the institutionalized individual. Undue hardship exists if a Medicaid denial of nursing home care would result in the individual's inability to obtain medical care. Each case situation must be reviewed individually to determine if undue hardship exists but the provision is geared toward financially and medically needy individuals with no possible means of recovering their transferred resource(s).