

RESOURCES TRANSFER OF ASSETS

ALL CATEGORIES

Description: Sometimes an A/R, the A/R's spouse, or someone acting on his/her behalf, makes a voluntary assignment or transfer of non-exempt assets for less than its fair market value. Under certain circumstances, an A/R may be subject to a period of restricted Medicaid coverage or penalty period, when a transfer of assets for less than the fair market value has occurred within the look-back period.

Policy: Once an A/R is found financially eligible for Nursing Facility Services a review is made to determine if any assets were transferred during the look-back period for less than fair market value.

For applications of Medicaid coverage for nursing facility services and for recipients who request an increase in coverage for nursing facility services, the look-back period increases from 36 months to 60 months (60 months for trusts) for transfers made on or after February 8, 2006.

The look-back period increases each month by 1-month increments beginning March 1, 2009 (37 months) until February 2011. Effective February 1, 2011, the full 60 month look-back period will be in place for ALL transfers of assets.

NOTE: In cases where the initial days of nursing facility care were covered as short-term rehabilitation under Community Coverage Without Long-Term Care, the look-back period is the period immediately preceding the month the individual started to receive the short-term rehabilitation service. Any transfer penalty for an otherwise eligible individual would also start the first month the individual started to receive the short-term rehabilitation service.

Once eligibility is established for an institutional spouse, any transfers made by the community spouse do not affect the institutionalized spouse's Medicaid eligibility.