

**RESOURCES  
TRANSFER OF ASSETS**

**ALL CATEGORIES EXCEPT S/CC**

**Policy:** Regional rates are used to determine the period of restricted Medicaid coverage when a prohibited transfer is made. The rates listed below are used for persons who apply for Medicaid as an institutionalized person on or after **January 1, 2005**.

<b><u>NORTHEASTERN</u> \$6,501</b>			<b><u>WESTERN</u> \$6,181</b>	
Albany	Fulton	Saratoga	Allegany	Orleans
Clinton	Greene	Schenectady	Cattaraugus	Wyoming
Columbia	Hamilton	Schoharie	Chautauqua	
Delaware	Montgomery	Warren	Erie	
Essex	Otsego	Washington	Genesee	
Franklin	Rensselaer		Niagara	

<b><u>ROCHESTER</u> \$6,981</b>		<b><u>NORTHERN METROPOLITAN</u> \$8,332</b>	
Chemung	Steuben	Dutchess	Westchester
Livingston	Wayne	Orange	
Monroe	Yates	Putnam	
Ontario		Rockland	
Schuyler		Sullivan	
Seneca		Ulster	

<b><u>CENTRAL</u> \$5,988</b>			<b><u>NEW YORK CITY</u> \$8,870</b>
Broome	Lewis	Tioga	Bronx
Cayuga	Madison`	Tompkins	Kings (Brooklyn)
Chenango	Oneida		NY (Manhattan)
Cortland	Onondaga		Queens
Herkimer	Oswego		Richmond (Staten Island)
Jefferson	St. Lawrence		

<b><u>LONG ISLAND</u> \$9,612</b>	
Nassau	Suffolk

**References:** GIS **04 MA/033**

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### TREATMENT FOR S/CC A/Rs

**Policy:** A prohibited transfer of resources occurs when an A/R makes a voluntary assignment or transfer of real or personal property for less than its fair market value.

A voluntary transfer of non-exempt resources or of a homestead for less than the fair market value (FMV) within 12 months prior to the date of the A/R's current application is presumed to have been made for the purpose of qualifying for Medicaid. An S/CC A/R is ineligible for Medicaid for a period of 12 months if s/he transfers resources for the purpose of qualifying for Medicaid. The penalty period is 12 months regardless of the uncompensated value of the resource. See page 353 for the treatment of transfer of assets for all other categories.

**References:**

SSL Sect.	104-a 366.1(a)(1)
Dept. Reg.	360-4.4(b)(2) and (c) 370.2(b)(6)
ADM	<b>04 OMM/ADM-6</b>

**Interpretation:** Property that is exempt from consideration as a resource is excluded from the transfer of resources provision. In other words, an A/R may transfer essential personal property or other non-homestead exempt resources without risking his/her eligibility.

Generally, the 12-month period of ineligibility begins with the month of the transfer. When an A/R makes more than one transfer within the 12 months prior to the date of application, the applicant is ineligible for 12 months beginning with the date of the most recent transfer.

An S/CC individual or couple remains ineligible for 12 months following the date of transfer of countable resources when the value of the transferred resources plus the value of the A/R's current resources exceeds the appropriate \$2,000 or \$3,000 resource level. When the value of the transfer plus the value of the A/R's current countable resources equals or is

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less than the appropriate \$2,000 or \$3,000 resource level, there is no penalty period.

The A/R is allowed a reasonable time frame, such as twenty days, to present evidence rebutting the presumption that the transfer was made for the purpose of qualifying for Medicaid. Some factors that suggest that the transfer was made exclusively for some other purpose are:

The traumatic onset of a disability after the transfer (e.g. A/R has a heart attack shortly after the transfer and there was no previous record of heart disease);

The unexpected loss of other resources which would have precluded Medicaid eligibility;

The unexpected loss of income which would have precluded Medicaid eligibility;

Other reasons that would strongly suggest that the transfer was made for a purpose other than to qualify for Medicaid.

It is essential that the local district carefully document the actual date of any transfer of resources. When an A/R deeds property to another person, the effective date of the transfer is the date the deed is delivered to and accepted by the transferee/purchaser. The deed need not be recorded to complete the transfer. When a person promises to transfer a gift or resource to another person, the date the promise is made is not significant. The date of transfer is the date the asset changed ownership.

- When to Verify Status:**
- (a) When the A/R indicates that someone else pays the mortgage or property tax;
  - (b) When the A/R indicates that s/he is provided with a home at no cost;
  - (c) When previous records indicate resources that are no longer claimed;

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- (d) When the A/R's financial institution accounts indicate substantial withdrawals;
- (e) When the A/R declares resources in the name of another person.

***NOTE:*** *In order to determine Medicaid eligibility for Community Coverage without Long-Term Care and Community Coverage with Community-Based Long-Term Care (see page 303.4), the local district must ask whether the S/CC applicant has made a prohibited transfer in the last 12 months. If the individual or couple states that no transfer had been made and there is no indication of a transfer, eligibility may be determined for the requested coverage. If the S/CC individual or couple states that a transfer has been made in the last 12 months, Medicaid coverage shall be denied. If an S/CC A/R requests Medicaid coverage for all covered care and services, resource documentation must be provided for the past 12 months.*

**Verification Process:** The uncompensated value of transferred property may be verified by:

- (a) Obtaining an appraisal by a real estate broker;
- (b) Seeing property tax statements;
- (c) Seeing mortgage statements;
- (d) Seeing financial institution account statements;
- (e) Seeing court records.

**Disposition:** When the local social services district becomes aware that an A/R made an uncompensated transfer of resources, the district determines the date on which the property was transferred. If it is determined that the property was transferred in order to qualify for Medicaid, the A/R is notified and given a reasonable amount of time, such as twenty days, to rebut the presumption of transfer for the purpose of qualifying for **Medicaid**. A proper denial notice is sent to the A/R including the time period of ineligibility as described on the previous page. Page 378 contains information concerning denials.