

MinnesotaCare:

No provisions.

MA:

The ineligibility period begins with the month after the month of the transfer, except for certain multiple transfers. See §0909.27.13.03 (Multiple Asset Transfers). If the transfer occurs via a personal check, the ineligibility period begins the month after the date the recipient's check clears the bank.

The transfer of real property is completed when both execution and delivery have been completed. Execution is the signing of the deed by the person selling (seller) or transferring (donor) the property. Delivery is giving the deed to the buyer or donee or the buyer's or the donee's representative or recording the deed in the county recorder's office. The transfer date is the earliest verified delivery date.

Refer cases to the county attorney to determine whether to file a cause of action against the person who received the transferred assets if:

- ▶ The applicant or the applicant's authorized representative failed to report a transfer of assets at the time of application, or the enrollee or authorized representative failed to report a transfer within 10 days

AND

- ▶ MA was approved and long term care services were paid by the MA program during a period of ineligibility

AND

- ▶ The person who received the transfer (the transferee) knew or should have known that the transfer was being made by a resident of a long term care facility or was receiving that level of care in the community at the time of the transfer.

OR

- ▶ The person who received the transfer knew of or should have known that the transfer was being made to assist the client to qualify for or retain MA eligibility.

OR

- ▶ The person who received the transfer actively solicited the transfer with the intent to assist the person to qualify for or retain eligibility for MA.

The maximum amount that can be collected under a cause of action is the cost of LTC services received during the period of ineligibility OR the value of the transferred asset, whichever is less. See §0909.27.09 (Determining Uncompensated Value).

When an enrollee transfers assets resulting in a penalty period, determine the penalty period beginning with the month after the month of the transfer. Begin ineligibility for LTC services with the 1st month of the penalty period for which you can give 10-day notice. The notice must state that the enrollee will be ineligible for LTC services but may remain eligible for other MA services. Do not apply the penalty period retroactively.

EXAMPLE:

Myrtle resides in an LTC. On April 10, her authorized representative reports an asset transfer in **December** that would result in 5 months of ineligibility (January-May). Give 10-day notice to apply the remainder of the penalty to LTC services for May. Because the transfer was not reported timely, refer the case to the county attorney for a possible cause of action.

GAMC:

Begin the ineligibility period for enrollees in the month the transfer was reported or, if not reported, in the month the county agency discovers the transfer. Close the case for the first month for which you can give 10-day notice.

Begin the ineligibility period for applicants in the first month in which the client could have been eligible for GAMC payment of incurred medical expenses. **If there is partial month ineligibility, apply a penalty to services equal to the penalty amount.**

The period of ineligibility may exceed 30 months.

There is no ineligibility period for GHO.