

MinnesotaCare:

No provisions.

MA:

The LTC spouse may transfer assets/income to his/her spouse OR to another for the sole benefit of his or her spouse at any time. However, transfers of income producing assets from one spouse to another before the determination of MA eligibility may not be of advantage to the couple, because all non-excluded assets owned singly or jointly by both spouses are considered in determining whether the LTC spouse is over the asset limit at the time of MA application. See §0909.25.03 (Spousal Asset Allowance).

For purposes of determining a community spouse asset allowance and income allocation, the transfer of income-producing assets to the community spouse is permitted under the following provision ONLY when:

< The institutionalized spouse entered the long term care facility (LTCF) on or after 10-1-89.

OR

< For people receiving elderly waiver (EW) services, the later of:

- The **Long Term Care Consultation (LTCC)** date, if the date is on or after 7-1-91.

OR

- The beginning date of home care services, anticipated to last for at least 30 consecutive days beyond the **LTCC** date.

If a community spouse has income below the maximum monthly income allowance, the LTC spouse may transfer income-producing assets exceeding the amount of the community spouse asset allowance. For this purpose, the LTC spouse may only transfer assets to the community spouse at the time of initial application.

Determine the amount of the LTC spouse's regular monthly income from RSDI, pensions, etc. Do not include income earned from income-producing assets. Allow deductions 1 through 4 in §0913.13 (Long Term Care Spenddown Calculation) or §0913.13.03 (LTC Spenddown--EW with Community Spouse) from regular income. If transferring all the LTC spouse's income that remains after these deductions is not enough to bring the community spouse's income up to the monthly income allowance, the LTC spouse may transfer additional income-producing assets

to the community spouse. See §0909.25.03 (Spouse Asset Allowance) and §0912.05.25.03 (Allocations--Community Spouse) for instructions for calculating the maximum monthly income allowance and community spouse asset allowance.

The transfer of additional assets for this purpose is limited by the amount of additional income needed to bring the community spouse up to the maximum monthly income allowance.

To transfer assets under these provisions, the couple's assets must be arranged so that the community spouse's share includes as many income-producing assets as possible. At a minimum, an annual income payment must be available from the transferred asset. In addition, a transferred asset must return income at a rate considered at least average by the financial institution holding the asset. Require verification from the institution.

Once a client transfers assets under these provisions, consider the assets unavailable to the client throughout the period of continuous institutionalization except as specified in §0909.25.07 (Community Spouse Contribution).

GAMC:

No provisions.