

Long Term Care

before the date of the individual's admission to nursing facility, a medical institution where payment is made for the individual based upon a level of care provided in a nursing facility, or to a program of home and community-based services;

- The title of the home was transferred to the individual's son or daughter (other than a child who is under age 21, or who is blind or permanently and totally disabled) who:
 - Was residing in the individual's home for a period of at least two years immediately before the date of the individual's admission to a nursing facility; and
 - Who, you have determined, provided care to the individual which permitted the individual to reside at home rather than in a medical institution or nursing facility.
- The home was transferred to or from, i.e., between the spouses, (or to another for the sole benefit of) the individual's spouse or to the individual's child who is blind or permanently and totally disabled.
- The individual makes a satisfactory showing to you that he or she intended to dispose of the home either at CMV or for other valuable consideration; or the home was transferred exclusively for a purpose other than to qualify for medical assistance; or
- You determine that denial of eligibility would result in undue hardship.

b. Transfer from the Economic Stimulus Tax Rebate for 2007

When the client transfers funds from this Rebate, for less than fair market value during the 3-month exclusion period, there is no transfer penalty.

EXAMPLE: A client receives a \$600 Rebate in August 2008. Transfers can occur through October 2008 without penalty.

c. Transfer of Countable Assets That Cause Undue Hardship

An undue hardship exists if all of the following conditions are met:

- The client has exhausted all means, legal and otherwise, to receive a FMV for the transferred asset; and

- The client is unable to either regain the transferred asset after all means, legal and otherwise, have been pursued, or to receive a FMV for the transferred asset; and
- The client's health is in jeopardy without Medicaid coverage.

NOTE: If the asset was transferred to a family member who is not listed above, undue hardship does not exist.

2. Transfer Of Property With Retention Of A Life Estate

Property transferred by the client with retention of a life estate is treated as any other transfer to determine whether the transfer results in ineligibility.