

HOME AND COMMUNITY BASED WAIVER (HCB)**17.25 ASSETS**

The determination of countable assets is the same as for SSI-Related Medicaid. See Chapter 11. The SSI-Related Medicaid asset limit for one person is used. For transfers of resources see Sections 17.9 and 17.10. See Section 17.10 for the spousal assessment of assets. Both apply to HCB applicants.

NOTE: The Worker, Supervisor and/or agency Hearing Representative are involved in any Fair Hearing for the HCB Program only when the reason for the adverse action was the determination of financial ineligibility.

NOTE: Before a transfer penalty can start an individual who applies for HCB Waiver must actually be receiving an institutional level of care, nursing facility level of care or HCB Waiver that Medicaid would pay for, were it not for imposition of the transfer penalty. The penalty does not begin for the HCB Waiver applicant unless he enters a nursing facility or facility providing an institutional level of care since he cannot become Medicaid eligible for waiver services due to the penalty and the penalty period can not begin until Medicaid begins paying for waiver services.

EXAMPLE: A 70-year old lady applies for HCB Waiver Services in March 2009 but transferred \$100,000 to her daughter in January 2008. She is subject to a transfer of resources penalty for 18 months. Her health deteriorates and she is admitted to a nursing facility in May 2009 for several months. She cannot receive payment for HCB Waiver services from March through May 2009 due to the transfer of resources. Her penalty period cannot begin until she goes into the nursing home. Her penalty period begins in May 2009 and she will be eligible for HCB Waiver services in November 2010, if otherwise eligible.

EXAMPLE: A 67-year old man applies for HCB Waiver services in March 2009, but transferred \$50,000 to his son in February 2009. He is subject to a 9-month penalty. He never begins receiving waiver services since Medicaid never begins payment for these services due to the penalty. He never entered a nursing home or equivalent institutional level of care, so the penalty period never began.