

## WV INCOME MAINTENANCE MANUAL MANUAL MATERIAL TRANSMISSION

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| DELETE   |         |       | INSERT OR CHANGE |         |       |
|----------|---------|-------|------------------|---------|-------|
| PAGES    | CHAPTER | DATED | PAGES            | CHAPTER | DATED |
| i        | 4       | 8/10  | i – iii          | 4       | 5/11  |
| ii       | 4       | 6/09  |                  |         |       |
| iii      | 4       | 3/10  |                  |         |       |
| 3 – 4    | 4       | 10/08 | 3                | 4       | 10/08 |
|          |         |       | 4                | 4       | 5/11  |
| 6a       | 4       | 11/09 | 6a               | 4       | 11/09 |
|          |         |       | 6b               | 4       | 5/11  |
|          |         |       |                  |         |       |
| v – vi   | 11      | 6/09  | v                | 11      | 5/11  |
|          |         |       | vi               | 11      | 6/09  |
|          |         |       | 6a               | 11      | 5/11  |
| 7        | 11      | 11/10 | 7                | 11      | 5/11  |
| 8        | 11      | 2/11  | 8                | 11      | 2/11  |
| 79       | 11      | 6/09  | 79               | 11      | 6/09  |
| 80       | 11      | 1/10  | 80 – 80a         | 11      | 5/11  |
| 80a      | 11      | 2/11  |                  |         |       |
|          |         |       |                  |         |       |
| 45       | 16      | 1/10  | 45               | 16      | 5/11  |
| 46       | 16      | 1/11  | 46               | 16      | 1/11  |
|          |         |       |                  |         |       |
| i        | 17      | 3/09  | i                | 17      | 3/09  |
| ii       | 17      | 2/11  | ii               | 17      | 5/11  |
|          |         |       | ii               | 17      | 5/11  |
|          |         |       | ii a             | 17      | 5/11  |
| iii – iv | 17      | 4/10  | iii              | 17      | 5/11  |
|          |         |       | iv               | 17      | 4/10  |

|           |    |       |             |    |       |
|-----------|----|-------|-------------|----|-------|
| vii       | 17 | 7/09  | vii         | 17 | 7/09  |
| viii      | 17 | 3/09  | viii        | 17 | 5/11  |
| 3 – 4     | 17 | 2/11  | 3           | 17 | 5/11  |
|           |    |       | 4           | 17 | 2/11  |
| 7         | 17 | 9/10  | 7           | 17 | 9/10  |
| 8         | 17 | 8/98  | 8           | 17 | 5/11  |
| 16a       | 17 | 3/09  | 16a         | 17 | 5/11  |
| 17        | 17 | 1/09  | 17          | 17 | 5/11  |
| 18        | 17 | 9/10  | 18          | 17 | 9/10  |
| 29        | 17 | 7/09  | 29          | 17 | 7/09  |
| 30        | 17 | 2/11  | 30          | 17 | 5/11  |
| 30a       | 17 | 2/11  | 30a         | 17 | 5/11  |
| 31 – 32   | 17 | 2/11  | 31 – 32     | 17 | 5/11  |
| 33 – 34   | 17 | 2/11  | 33 – 34     | 17 | 5/11  |
| 38a – 38b | 17 | 3/11  | 38a – 38b   | 17 | 5/11  |
|           |    |       | 38c         | 17 | 5/11  |
| 39        | 17 | 2/11  | 39 – 40     | 17 | 5/11  |
| 40        | 17 | 12/10 |             |    |       |
| 44e       | 17 | 11/10 | 44e         | 17 | 11/10 |
|           |    |       | 44f – 44m   | 17 | 5/11  |
| 45        | 17 | 1/11  | 45          | 17 | 5/11  |
| 46        | 17 | 3/09  | 46          | 17 | 3/09  |
| 53        | 17 | 3/09  | 53          | 17 | 5/11  |
| 54        | 17 | 8/98  | 54          | 17 | 8/98  |
| 77        | 17 | 1/10  | 77          | 17 | 5/11  |
| 78        | 17 | 9/95  | 78          | 17 | 9/95  |
| 85        | 17 | 2/11  | 85          | 17 | 2/11  |
| 86        | 17 | 9/95  | 86          | 17 | 5/11  |
| 93        | 17 | 1/10  | 93          | 17 | 1/10  |
| 94        | 17 | 5/06  | 94          | 17 | 5/11  |
|           |    |       | J-1         | 17 | 5/11  |
|           |    |       | OFS-LTCIP-1 |    | 5/11  |

This Change adds Policy regarding the Long-Term-Care Insurance Partnership (LTCIP) Asset Disregard, clarifies how a previously transferred resource is returned and an adjustment of the penalty months applied, explains Worker action when an MR/DD Waiver AG requests a hearing or extension from the Office of MR/DD Waiver Services or when the ICF/MR facility rate is needed when an individual moves between facilities.

West Virginia's participation in the LTC Insurance Partnership is established by § 9, Article 4E-1 of the WV Code and implemented **July 1, 2010**. The LTCIP Asset Disregard results from a combined effort between Federal Medicaid, the Department, long-term-care insurers and the WV Insurance Commission in accordance with Section 1917 of the Social Security Act. The Disregard is available to aged, blind or disabled institutionalized individuals with income equal to or less than 300% of the SSI Payment level for 1 but whose assets exceed the allowable asset limit. Eligible individuals must meet certain residency requirements, have LTC Policies that are Qualified, issued by a Partnership State after the date of the issuing State's implementation date, and have insurance benefits paid to or on their behalf after that same date. When eligible, the individual's resources are disregarded dollar-for-dollar in the same amount as insurance benefits paid. At Estate Recovery assets are protected in the same amount as were disregarded. Disregarded assets are not subject to a transfer penalty if later transferred.

The following changes were made:

**CHAPTER 4:**

Table of Contents: Asset Disregard was added as a sub-heading. The Long-Term-Care Insurance Partnership (LTCIP) Asset Disregard was added.

Section 4.2, Item 17: The LTCIP Asset Disregard was added. A form, the OFS-LTCIP-1 as a source of verification for the LTCIP Policy was added.

**CHAPTER 11:**

Table of Contents: Items in 11.6 were changed.

Section 11.1: The LTCIP Asset Disregard was added.

Section 11.6, C: A reference to the LTCIP Asset Disregard was added. A statement was removed that was repeated.

**CHAPTER 16:**

Section 16.6 C, Item 2: A reference to Section 17.9, B was corrected.

**CHAPTER 17:**

Table of Contents: The LTCIP Asset Disregard was added to Section 17.10.

An Appendix was added that lists the dates states participating in the Partnership implemented the LTCIP.

Section 17.2,A,3: Policy was added that during the interview process, certain individuals are evaluated for the LTCIP Asset Disregard.

Section 17.4: Policy was added to confirm that eligibility for LTC services may require additional verifications that are addressed in Chapter 17.

Section 17.9,C,3: Policy was added to include the LTCIP Asset Disregard as available to aged, blind or disabled individuals who are institutionalized with income equal to or less than 300% of the SSI Payment for 1, but whose assets exceed the allowable asset limit.

Section 17.10: Policy was added to include the LTCIP Asset Disregard as available to aged, blind or disabled individuals who are institutionalized with income equal to or less than 300% of the SSI Payment for 1, but whose assets exceed the allowable asset limit.

Item A, 1: Policy was added to include when the LTCIP Asset Disregard is applied.

Item A, 4: The LTCIP Asset Disregard was added.

Item A, 6: The LTCIP Asset Disregard was added as a basis for excluding an asset.

Item B, 3, g: Policy was added to clarify when an individual to whom a resource was transferred returns the resource due to a transfer penalty, the resource must be returned to the person from whom it was originally transferred.

When the penalty period is adjusted due to the return of part of the resource, the adjustment is made from the later months of the penalty period rather than the earlier months of the penalty period that have expired.

Item B, 3, k: Policy was added to include that a transfer of resources that was previously disregarded by the LTCIP Asset Disregard are permissible transfers.

Item E, Policy was added to include the LTCIP Asset Disregard. Sub-headings regarding the purpose of the Disregard, definitions related to its application, individuals to whom it is available, the maximum amount of the Disregard, verifications necessary to apply the Disregard, when it is applied and action needed when assets change are addressed. EXAMPLES were added.

Section 17:13,C: A reference to the LTCIP Asset Disregard was added.

Section 17.32, 17.41: Policy was added to address continuing MR/DD Waiver coverage when a MR/DD Waiver client has requested a hearing or extension from the Office of MR/DD Waiver Services.

Section 17.48: Policy was added addressing Worker action necessary when the ICF/MR facility rate is needed when a recipient moves between different ICF/MR facilities.

Appendix J: An Appendix was added that lists the dates states participating in the Partnership implemented the LTCIP. This date is needed to compare the Policy's issuance date to the date of State implementation and whether insurance payments made are eligible to disregard resources.

Policy questions should be directed to the DFA Family Support Policy Unit.

RAPIDS questions should be directed to the RAPIDS Help Desk.

Attachment