

Long Term Care

APPENDIX H

TRANSFERS MADE ON OR AFTER 8/11/93

VS

TRANSFERS MADE ON OR AFTER 2/8/06

Date of Transfer	Date of Application	Look Back Period For Transfers	When Penalty Period Starts
On or After 8/11/93 But Prior to 2/8/06	Prior to DRA policy implementation March 1, 2009	Trusts - 60 Months  All Others - 36 Months	Applicants - Month of the transfer  Recipients - Month following expiration of advance notice
On or After 8/11/93 But Prior to 2/8/06	After DRA policy implementation March 1, 2009	Trusts - 60 Months  All Others - 36 Months	Applicants - Month of the transfer  Recipients - Month following expiration of advance notice
On or after 2/8/06	Prior to DRA policy implementation March 1, 2009	Trusts - 60 Months  All Others - 36 Months	Applicants - Month of the transfer  Recipients - Month following expiration of advance notice
On or after 2/8/06	After DRA policy implementation March 1, 2009	Trusts - 60 Months  * All Others - 36 + Months until 2/8/11 when a full 5 years / 60 months after 2/8/06 is reached.	Applicants - The date on which the individual is receiving institutional care and otherwise qualifies for Medicaid payment of NH, ICF/MR or HCB ir MR/DD waiver care, were it not for the imposition of a transfer penalty.  Recipients - Month following expiration of advance notice

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- \* All transfers, other than trusts, which occur on or after 2/8/06 will have a 36-month look back period until 2/8/09. After that date, the look back period will increase by 1 month for each month after 2/8/09. A full 5-year look back period will not occur for any applicant until 2/8/11 (5 years / 60 months after 2/8/06). This is because the full 5-year look back period only applies to transfers on or after 2/8/06.

**EXAMPLE:** An individual transfers non-homestead property without compensation on 2/8/08. His look back period is 36 months because the transfer is only 2 years after 2/8/06.

**EXAMPLE:** An individual transfers non-homestead property without compensation on 10/8/09. His look back period is 44 months because the transfer is only 3 years and 8 months ( $36 + 8 = 44$ ) after 2/8/06.

**EXAMPLE:** An individual transfers non-homestead property without compensation on 5/5/11. His look back period is 5 years (60 months) because the transfer is more than 5 years after 2/8/06.