

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: COLORADO

TRANSFER OF RESOURCES

1902(f) and 1917 of the Act The agency provides for the denial of eligibility by reason of disposal of resources for less than fair market value.

A. Except as noted below, the criteria for determining the period of ineligibility are the same as criteria specified in section 1613(c) of the Social Security Act (Act).

1. Transfer of resources other than the home of an individual who is an inpatient in a medical institution.

a. The agency uses a procedure which provides for a total period of ineligibility greater than 30 months for individuals who have transferred resources for less than fair market value when the uncompensated value of disposed of resources exceeds \$12,000. This period bears a reasonable relationship to the uncompensated value of the transfer. The computation of the period and the reasonable relationship of this period to the uncompensated value is described as follows:

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b. The period of ineligibility is less than 30 months,
as specified below:

c. The agency has provisions for waiver of denial of
eligibility in any instance where the State
determines that a denial would work an undue
hardship.

1. The individual is:

- in an ICF, SNF, or other medical institution as permitted under Section 1917 (c)(2)(B)(i).
- threatened with eviction, and
- the money has irretreivable lost.

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2. Transfer of the home of an individual who is an inpatient in a medical institution.

X/ A period of ineligibility applies to inpatients in an SNF, ICF or other medical institution as permitted under OBRA 93.

- a. The lookback period for non trust transfers is 36 months. The lookback period for trust transfers is 60 months.
- b. Multiple transfers within the lookback period are added together if the penalty period of the first transfer has not expired.
- c. For property transferred on or after Aug 11, 1994 and not subject to the exceptions on page 2 of this supplement, an individual is ineligible for a period of time after the date on which he disposed of the home equal to the period of the uncompensated value. The period of ineligibility is determined by dividing the uncompensated value of the home by the average amount payable under this plan for care in an SNF.

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- b. Subject to the exceptions on page 2 of this supplement, if the uncompensated value of the home is more than the average amount payable under this plan as medical assistance for 24 months of care in an SNF, the period of ineligibility is more than 24 months after the date on which he disposed of the home. The period of ineligibility bears a reasonable relationship (based upon the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

NOT APPLICABLE

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No individual is ineligible by reason of item A.2 if--

- (i) A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual can reasonably be expected to be discharged from the medical institution and to return to that home;
- (ii) Title to the home was transferred to the individual's spouse or child who is under age 21, or (for States eligible to participate in the State program under title XVI of the Social Security Act) is blind or permanently and totally disabled or (for States not eligible to participate in the State program under title XVI of the Social Security Act) is blind or disabled as defined in section 1614 of the Act;
- (iii) A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual intended to dispose of the home either at fair market value or for other valuable consideration; or
- (iv) The agency determines that denial of eligibility would work an undue hardship.

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3. 1902(f) States

Under the provisions of section 1902(f) of the Social Security Act, the following transfer of resource criteria more restrictive than those established under section 1917(c) of the Act, apply:

B. Other than those procedures specified elsewhere in the supplement, the procedures for implementing denial of eligibility by reason of disposal of resources for less than fair market value are as follows:

1. If the uncompensated value of the transfer is \$12,000 or less:

2. If the uncompensated value of the transfer is more than \$12,000:

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3. If the agency sets a period of ineligibility of less than 24 months and applies it to all transfers of resources (regardless of uncompensated value):

4. Other procedures:

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