

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Nevada

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 1623 (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. xx The agency uses a procedure which provides for a total period of ineligibility greater than 24 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:

The uncompensated value of such transferred resources is counted for a period of time which is measured at a rate of one month for each \$500 of the uncompensated value of the transferred property. Eligibility will be re-evaluated 1) if the individual secures the return of the transferred property; 2) if the individual receives further compensation or; 3) if the individual incurs medical expenses equal to the sum of the uncompensated value of the transferred property. The incurred medical expenses cannot be paid or subject to payment by a third party.

** TRANSFERS OCCURRING 10/01/89 AND LATER, SEE ADDENDUM TO SUPPLEMENT 9 TO ATTACHMENT 2.6-A.

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- b. xx The period of ineligibility is less than 24 months, as specified below:

The uncompensated value of such transferred resources is counted for a period of time which is measured at a rate of one month for each \$500 of the uncompensated value of the transferred property. If the transfer is \$500 or less, the period of ineligibility will be for the month of transfer only.

- c. N/A 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.

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- N/A 2. Transfer of the home of an individual who is an
inpatient in a medical institution.

— A period of ineligibility applies to inpatients in an
SNF, ICF or other medical institution as permitted
under section 1917 (c) (2) (B) (i).

- a. Subject to the exceptions on Page 2 of this
supplement, an individual is ineligible for 24
months after the date on which he disposed of the
home. However, if the uncompensated value of the
home is less than the average amount payable under
this plan for 24 months of care in an SNF, a period
of ineligibility is a shorter time, bearing a
reasonable relationship (based on the average
amount payable under this plan as medical
assistance for care in an SNF) to the uncompensated
value of the home as follows:

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- b. N/A 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:

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N/A 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

N/A 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:

The uncompensated value of such transferred resources is counted for a period of time which is measured at a rate of one month for each \$500 of the uncompensated value of the transferred property. If the transfer is \$500 or less the period of ineligibility will be for the month of transfer only.

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

The uncompensated value of such transferred resources is counted for a period of time which is measured at a rate of one month for each \$500 of the uncompensated value of the transferred property.

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- N/A 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:
- a. If spouses who are living separate and apart from each other obtain a court order which equally divides their community assets, excluding income, only those assets designated as the applicant/recipients will be considered for eligibility purposes. If the spouse makes a portion of his/her assets available to the applicant/recipient, that portion will be considered when determining eligibility.
 - b. If spouses who are living separate and apart from each other enter into a written agreement, which equally divides their community assets, only those assets designated as the applicant/recipient will be considered for eligibility purposes. If the spouse makes a portion of his/her assets available to the applicant/recipient, that portion will be considered when determining eligibility.

If both of the above instances, the transfer of resource policy will not apply.

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