

ADDENDUM TO SUPPLEMENT 9 TO ATTACHMENT 2.6-A

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE: NEVADA

1902 (f) AND 1917 (c) OF THE SOCIAL SECURITY ACT

Transfer of Resources

The agency provides for a period of ineligibility for nursing facility services, a level of care in a medical institution equivalent to that of nursing facility services, and for Home Based Waiver services when it is determined an institutionalized individual or their spouse disposed of resources for less than fair market value to become or remain eligible for Medicaid.

Transfers occurring within 36 months before or after application (or institutionalization, if later) or assets placed in an irrevocable trust within 60 months are evaluated.

The period of ineligibility shall begin with the month in which the transfer took place and continue for a period of time which is the number of months determined by dividing the uncompensated value by \$4,583 (the statewide average monthly cost of care in a nursing facility for a private patient).

Eligibility can be re-evaluated if the individual secures the return of the transferred resource or if the individual receives further compensation. The uncompensated value will be reduced by the amount of additional compensation received.

An institutionalized individual is defined as an individual who is an inpatient in a nursing facility, who is an inpatient in a medical institution, for whom payment is made based on a level of care provided in a nursing facility or who is a Home and Community Based Service recipient.

For purposes of Section 1917 (c) of the Act, the term "resources" has the meaning given such term in Section 1613 of the Act, without regard to the exclusion described in subsection (a) (1) thereof.

An individual shall not be determined ineligible for medical assistance if:

1. the resources transferred was a home and title to the home was transferred to:
 - a. the spouse of such individual;

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- b. a child of such individual who is under age 21 or is blind or permanently and totally disabled;
 - c. a sibling of such individual who has an equity interest in such home and who was residing in the individual's home for a period of at least one year immediately before the date the individual becomes institutionalized;
 - d. a child of such individual (other than a child described in item "b" above) who was residing in the individual's home for a period of at least two years immediately before the date the individual becomes institutionalized and who provided care to the individual which permitted the individual to reside at home rather than an institution or facility;
2. the resources were transferred to or from (or to another for the sole benefit of) the individual's spouse, or to the individual's blind/disabled child;
 3. a satisfactory showing is made the individual intended to dispose of the resources either at fair market value or for other valuable consideration or the resources were transferred exclusively for a purpose other than to qualify for medical assistance;
 4. it has been determined a denial of eligibility would work an undue hardship against the individual.

Undue hardship is when there is no means, legal or otherwise, by which the individual is able to have the resource returned to his/her ownership or receive further compensation. The individual is otherwise eligible for Medicaid, and without Medicaid, the individual would be forced to go without life-sustaining medical care as determined by an individual licensed to practice medicine in the State of Nevada.