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**TITLE 405 OFFICE OF THE SECRETARY OF
FAMILY AND SOCIAL SERVICES**

LSA Document #03-205

Under IC 12-8-3-4.4, LSA Document #03-205, printed at 27 IR 262, which was adopted by the Secretary of Family and Social Services Administration on January 7, 2004, amends 405 IAC 2-3-1.1 to specify that a Medicaid penalty period for the transfer of assets for less than fair market value will begin in the month after which assets have been transferred for less than fair market value; that if an individual is ineligible for medical assistance due to a transfer penalty, expenses for nursing home services incurred during the penalty period are not allowable medical expenses in calculating an individual's nursing home liability for any month of Medicaid eligibility; that in determining the total, cumulative uncompensated value of assets transferred, transfers made in consecutive months are added together; that for transfers of income-producing real property, \$6,000 of the equity value can be transferred without penalty if the transferred property produces at least \$360 a year in income; that, in order to establish that a transfer was made exclusively for purposes other than qualifying for medical assistance, the applicant or recipient must submit sufficient evidence to show that the transfer was made exclusively for reasons not related to Medicaid eligibility, estate recovery, or lien. The rule which was adopted is a different version than the proposed rule which was published in the Indiana Register on October 1, 2003.