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Kansas Economic and Employment Support Manual

5000 Resources

01-08

5720 Transfer of Property - Medical Assistance - A transfer of property is an act which partially or totally passes the use, control or ownership of property, either resources or income, to another individual, individuals or corporation. A transfer of property may be a gift of cash or property, but includes all actions in which the individual gives up any legal or equitable interest in an asset. Other examples include, but are not limited to:

- The sale of real or personal property;
- The purchase of real or personal property;
- The purchase or sale of any notes, loans or mortgages, annuities or similar financial instruments;
- Placing assets into a trust; disclaiming the right to an inheritance, including failure to exercise spousal elective share;
- Adding or removing names or other owners of property;
- Transferring or disclaiming income or the right to income not yet received.

These, or any similar actions, taken by an individual requesting or receiving long term care services, or the spouse of such individual, within the allowable look back period, must be considered under the provisions of this section and may be subject to penalty.

5720.1 Services Impacted By Transfer of Property - Transfer of property provisions only impact long term care payment requests. Transfers do not impact eligibility for regular medical assistance under any eligibility group, such as the Medicare Savings Programs or Medically Needy. Eligibility under these, and other medical programs, must be determined for persons impacted by the LTC transfer of property provisions

The following services are impacted by transfer of property provisions:

1. Nursing Facility or Nursing Facility for Mental Health;
2. Head Injury- Rehabilitation Facility;
3. Swing Bed Hospital;
4. ICF-MR;
5. Psychiatric Residential Treatment Facility (PRTF) or Level VI Facility;
6. HCBS;
7. PACE.

Transfers do not impact eligibility or coverage for other services, such as general hospital or hospice. When a transfer of property has been determined to be uncompensated and non-exempt, the individual is disqualified from receiving LTC payments for a specified period of time. The disqualification period is called a penalty period. During the penalty period an individual is not eligible for Medicaid payment of these services.

Transfers impact LTC payment under any program, including SI, MS, MA CM or Presumptive Medical - Tier 1.

5720.2 Look Back Period - The transfer of property provisions apply only to transfers made on or after the first day of the look back period. The look back period is the time period prior to the date an individual receiving long term care services requests coverage for any services described in [5620.1](#) to begin. The following transfers fall within the look back period:

1. For non-trust property transferred before February 8, 2006, if the date of the transfer was in the 36 months before the first month in which the individual requests coverage of long term care expenses to begin.
2. For trust property transferred before February 8, 2006, if the date of the transfer was in the 60 months before the first month in which the individual requests coverage of long term care expenses to begin.
3. For property transferred on or after February 8, 2006, if the date of the transfer was in the 60 months before the first month in which the individual requests coverage of long term care expenses to begin
- 4.

For all situations above, the look back period is determined by the date of application or, if prior medical is requested, the prior medical start date.

5720.3 Coordination of Transfers with Social Security - SRS and KHPA agree to share information regarding resource transfers with the Social Security Administration (SSA). SSA will obtain information from SSI clients who allege to have transferred resources. Although SSI eligibility may be impacted by any transfers after 12/19/99, information on any transfer will be provided to the local SRS Service Center for review. Information shared shall include a description of the transferred resource, the amount of compensation received and the value of the property. Should a transfer result in ineligibility, SRS shall notify the reporting SSA office. Likewise, SRS shall report any transfers on individuals who are also SSI applicants or recipients.

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