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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 2@ Determination of Medi-Cal Eligibility and Share of Cost

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Article 9@ PROPERTY

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Section 50411@ Period of Ineligibility Due to Transfer of Property

50411 Period of Ineligibility Due to Transfer of Property**(a)**

Following a determination of ineligibility due to the transfer of property, there shall be a period of ineligibility. This period shall be the time during which the net market value of the property at the time of transfer, less consideration received, would have supported the applicant or beneficiary and the applicant's or beneficiary's family.

(b)

The period of ineligibility shall be computed in the following manner: Determine the net market value of the property at the time of transfer less any consideration received which is the net value of the property transferred. (2) Determine the portion of the net value of the property transferred which, if included in the property reserve at the time of transfer, would not have caused such reserve to exceed the property limit that was applicable at that time. (3) The portion of the net value of the property transferred that would not have fallen within the property limit at the time of transfer is the excess net value of the property transferred and shall be used to determine the period of ineligibility. (4) The number of months in the period of ineligibility shall be determined by dividing the excess net value of the property transferred by the monthly maintenance need for the applicant or beneficiary and the applicant's or beneficiary's family. The maintenance needs used shall be the maintenance needs in effect during each

individual month since the date of the transfer. Income received by the family after the transfer shall not affect this computation. (5) The period of ineligibility may be further reduced by deducting the actual cost to the applicant or beneficiary of the following: (A) Medical expenses. (B) Out-of-home care costs in excess of the maintenance needs. (C) Major home repairs necessary to put the home into a liveable condition.

(2)

Determine the portion of the net value of the property transferred which, if included in the property reserve at the time of transfer, would not have caused such reserve to exceed the property limit that was applicable at that time.

(3)

The portion of the net value of the property transferred that would not have fallen within the property limit at the time of transfer is the excess net value of the property transferred and shall be used to determine the period of ineligibility.

(4)

The number of months in the period of ineligibility shall be determined by dividing the excess net value of the property transferred by the monthly maintenance need for the applicant or beneficiary and the applicant's or beneficiary's family. The maintenance needs used shall be the maintenance needs in effect during each individual month since the date of the transfer. Income received by the family after the transfer shall not affect this computation.

(5)

The period of ineligibility may be further reduced by deducting the actual cost to the applicant or beneficiary of the following: (A) Medical expenses. (B) Out-of-home care costs in excess of the maintenance needs. (C) Major home repairs necessary to put the home into a liveable condition.

(A)

Medical expenses.

(B)

Out-of-home care costs in excess of the maintenance needs.

(C)

Major home repairs necessary to put the home into a liveable condition.

(c)

The period of ineligibility shall begin the first of the month following the date the transfer which resulted in ineligibility occurred, unless a 10 day notice is required and cannot be given. In that case, the period of ineligibility shall begin the first of the next month.

(d)

The period of ineligibility shall end when any of the following situations occur: (1) The property which was transferred and caused ineligibility is reconveyed to the applicant or beneficiary. (2) The applicant or beneficiary receives adequate consideration for the property. (3) Deduction of the amounts specified in (b) (4) and (5) has reduced the excess net market value to zero.

(1)

The property which was transferred and caused ineligibility is reconveyed to the applicant or beneficiary.

(2)

The applicant or beneficiary receives adequate consideration for the property.

(3)

Deduction of the amounts specified in (b) (4) and (5) has reduced the excess net market value to zero.