

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Nebraska

TRANSFER OF RESOURCES

1917(c) The agency provides for the denial of eligibility by reason of disposal of resources for less than fair market value.

A. Transfer of resources of an individual who is an inpatient in a medical institution or nursing facility.

1. The agency provides for a period of ineligibility in the case of an institutionalized individual who at any time during the 30 month period immediately preceding the individuals application for medical assistance, disposed of resources for less than fair market value. The period of ineligibility shall begin with the month in which the resources were transferred and the number of months will be equal to the less of 30 months, or the total uncompensated value of the transferred resources divided by the average cost to a private patient at the time of application, of nursing facility services.

B. Transfer of the home of an individual who is an inpatient in a medical institution or nursing facility.

1. A period of ineligibility is not imposed if the resource transferred were a home and title to the home was transferred to-

a. the spouse of the individual,

b. a child of the individual who is under age 21, or is blind or disabled,

c. a sibling of such individual who has an equity interest in the home and who was residing in the home for a period of at least one year immediately preceding the date of the individuals admission to the medical institution or nursing facility, or

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TN No. MS-91-4

Supersedes

Approval Date Jan 20 1992

Effective Date Nov 1 1991

TN No. (new page)

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- d. a son or daughter who was residing in the home for a period of two years immediately preceding the individuals admission to the medical institution or nursing facility, and who provided care to the individual which permitted him/her to reside at home rather than in the institution or facility.
- C. A period of ineligibility for transfer of resources will not be imposed if the individual can show that s/he intended to dispose of the resource for fair market value or for other valuable consideration, the transfer was not made to qualify for assistance, or that denial of assistance would cause undue hardship

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