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3. Penalty Date--The beginning date of each penalty period imposed for an uncompensated transfer of assets is:

~~X~~ ___ the first day of the month in which the asset was transferred;

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X ___ the first day of the month following the month of transfer.

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4. Penalty Period - Institutionalized Individuals--
In determining the penalty for an institutionalized individual, the agency uses:

X ___ the average monthly cost to a private patient of nursing facility services in the state;

___ the average monthly cost to a private patient of nursing facility services in the community in which the individual is institutionalized.

5. Penalty Period - Non-institutionalized Individuals--
The agency imposes a penalty period determined by using the same method as is used for an institutionalized individual; including the use of the average monthly cost of nursing facility services;

___ imposes a shorter penalty period than would be imposed for institutionalized individuals, as outline below:

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6. Penalty period for amounts of transfer less than cost of nursing facility care--

a. Where the amount of the transfer is less than the monthly cost of nursing facility care, the agency:

__~~X~~___ does not impose a penalty;

X__ imposes a penalty for less than a full month, based on the proportion of the agency's private nursing facility rate that was transferred.

b. Where an individual makes a series of transfers~~-~~, each less than the private nursing facility rate for a month, the agency:

_~~X~~_ does not impose a penalty;

X_ imposes a series of penalties, each for less than a full month.

7. Transfers made so that penalty periods would overlap-
The agency:

X__ Totals the value of all assets transferred to produce a single penalty period;

___ calculates the individual penalty periods and imposes them sequentially.

8. Transfers made so that penalty periods would not overlap-
The agency:

X__ assigns each transfer its own penalty period;

___ uses the method outlined below:

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9. Penalty periods - transfer by a spouse that results in a penalty period for the individual—

(a) The agency apportions any existing penalty period between the spouses using the method outlined below, provided the spouse is eligible for Medicaid. A penalty can be assessed against the spouse, and some portion of the penalty against the individual remains.

Where a portion of an existing penalty remains for an individual (as the result of a transfer by a spouse) the penalty period will be apportioned between the spouse and the individual, beginning at the point the spouse is both eligible for Medicaid and is institutionalized. The total penalty imposed on both spouses will not exceed the length of the penalty originally imposed on the individual.

(b) If one spouse is no longer subject to a penalty, the remaining penalty period must be served by the remaining spouse.

10. Treatment of income as an asset--
When income has been transferred as a lump sum, the agency will calculate the penalty period on the lump sum value.

X The agency will impose partial month penalty periods.

When a stream of income or the right to a stream of income has been transferred, the agency will impose a penalty period for each income payment.

____ For transfers of individual income payments, the agency will impose partial month penalty periods.

X~~X~~ For transfers of the right to an income stream, the agency will use the actuarial value of all payments transferred.

____ The agency uses an alternate method to calculate penalty periods, as described below:

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