



General Assembly

Amendment

January Session, 2011

LCO No. 7177

SB0124007177SR0

Offered by:
SEN. KELLY, 21st Dist.

To: Senate Bill No. 1240

File No.

Cal. No.

"AN ACT CONCERNING THE BUREAU OF REHABILITATIVE SERVICES AND IMPLEMENTATION OF PROVISIONS OF THE BUDGET CONCERNING HUMAN SERVICES AND PUBLIC HEALTH."

1 Strike subsection (d) of section 104 and insert the following in lieu
2 thereof:

3 "(d) (1) An institutionalized individual shall not be penalized for the
4 transfer of an asset if the entire amount of the transferred asset is
5 returned to the institutionalized individual. The partial return of a
6 transferred asset shall not result in a reduced penalty period.

7 (2) If any part of an asset that an institutionalized individual
8 transferred prior to applying for medical assistance is returned to the
9 institutionalized individual, such individual's spouse or such
10 individual's authorized representative not later than thirty days after
11 the date of the transfer, the Department of Social Services may
12 presume, subject to rebuttal as provided in subdivision (3) of this
13 subsection, that the returned asset was available to the

14 institutionalized individual beginning on the date of the initial transfer
15 and continuing to the date of return of the asset.

16 (3) The presumption that a returned asset had been available to the
17 institutionalized individual, as described in subdivision (2) of this
18 subsection, may be rebutted by evidence that, at the time of transfer,
19 the institutionalized individual did not intend for the asset to be
20 returned.

21 (4) If an asset that was transferred prior to the date an
22 institutionalized individual applied for medical assistance is entirely or
23 partially returned, more than thirty days after the date of transfer, the
24 Department of Social Services shall regard such asset as available to
25 the institutionalized individual on the date the asset was entirely or
26 partially returned.

27 (5) For purposes of this section, an "institutionalized individual"
28 means an individual who is receiving (A) services from a long-term
29 care facility, (B) services from a medical institution which are
30 equivalent to those services provided in a long-term care facility, or (C)
31 home and community-based services under a Medicaid waiver."