



General Assembly

Substitute Bill No. 282

February Session, 2012

* SB00282AGE 031512 *

**AN ACT CONCERNING THE RETURN OF A GIFT TO A PERSON IN
NEED OF LONG-TERM CARE SERVICES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (d) of section 17b-261a of the 2012 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective July 1, 2012*):

4 (d) (1) For purposes of this subsection, an "institutionalized
5 individual" means an individual who is receiving (A) services from a
6 long-term care facility, (B) services from a medical institution that are
7 equivalent to those services provided in a long-term care facility, or (C)
8 home and community-based services under a Medicaid waiver.

9 [[d)] (2) An institutionalized individual shall not be penalized for
10 the transfer of an asset if the entire amount of the transferred asset is
11 returned to the institutionalized individual. The partial return of a
12 transferred asset shall not result in a reduced penalty period.

13 [(1)] (3) If there are multiple transfers of assets to the same or
14 different transferees, a return of anything less than the total amount of
15 the transferred assets from all of the separate transferees shall not
16 constitute a return of the entire amount of the transferred assets.

17 [(2)] (4) If the circumstances surrounding the transfer of an asset and

18 return of the entire amount of the asset to the institutionalized
 19 individual [indicates] indicate to the Department of Social Services that
 20 such individual, such individual's spouse or such individual's
 21 authorized representative intended, from the time the asset was
 22 transferred, that the transferee would subsequently return the asset to
 23 such individual, such individual's spouse or such individual's
 24 authorized representative for the purpose of altering the start of the
 25 penalty period or shifting nursing facility costs, that may have been
 26 borne by such individual, to the Medicaid program, the entire amount
 27 of the returned asset shall be (A) regarded as a trust-like device, and
 28 (B) considered available to such individual from the date of transfer for
 29 the purpose of determining Medicaid eligibility. If such individual
 30 demonstrates to the department that the purpose of the transfer and its
 31 subsequent return was not to alter the penalty period or qualify such
 32 individual for Medicaid eligibility, the entire amount of the returned
 33 asset is considered available to the individual from the date of the
 34 return of the transferred asset.

35 [(3) The conveyance and subsequent return of an asset for the
 36 purpose of shifting costs to the Medicaid program shall be regarded as
 37 a trust-like device. Such asset shall be considered available for the
 38 purpose of determining Medicaid eligibility.

39 (4) For purposes of this section, an "institutionalized individual"
 40 means an individual who is receiving (A) services from a long-term
 41 care facility, (B) services from a medical institution which are
 42 equivalent to those services provided in a long-term care facility, or (C)
 43 home and community-based services under a Medicaid waiver.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	17b-261a(d)

AGE *Joint Favorable Subst.*