

State: North Dakota

TRANSFER OF ASSETS

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

The first date of the month in which the asset was transferred;

~~-X-~~ a. The first date of the month following the month of transfer For individuals applying for Medicaid payment of long term care services, the date on which the individual is eligible for medical assistance under the State Plan and would otherwise be receiving institutional level of care services, were it not for the imposition of the penalty period, would be covered by Medicaid (based on an approved application for such care); or

b. For individuals receiving Medicaid payment for long-term care services, the first day of the months following advance notice of the penalty period, but no later than the first day of the month that follows three full calendar months from the date of the report or discovery of the transfer; and which does not occur during any other period of ineligibility for services by reason of a transfer of assets penalty.

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

The average monthly cost to a private patient of nursing facility services in the agency.

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

The average monthly costs of nursing facility services in the state. The State has equalization of rates between private pay and Medicaid.

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 outlined below: