

# CHANGE NOTICE FOR MANUAL, NO. 02-02, Transfer of Resources

DATE: JUNE 20, 2001

Manual: Aged, Blind and Disabled Medicaid

Change No. 02-02

To: County Directors of Social Services

Effective: July 1, 2001 Make the following change(s)

---

## I. CONTENT OF THE CHANGE

A legal decision, Dillingham v. DHHS, has revised the requirements for rebutting the transfer of resources. Applicants cannot be required to provide "clear and convincing" evidence that a resource was transferred for a reason other than qualifying for Medicaid.

Rather, the applicant must show by the "greater weight of the evidence" that the asset was transferred exclusively for a reason other than qualifying for Medicaid.

Also, applicants cannot be required to provide only written evidence. Written evidence may be requested but oral evidence is acceptable. Both written and oral evidence must be considered when determining the reason for the transfer of the resource.

Other changes made are basically policy clarifications which include to whom transfer of resources rules do not apply, determining the lookback period, tenancy-in-common interests, and issues related to the sanction period.

## II. EFFECTIVE DATE AND IMPLEMENTATION INSTRUCTIONS

This policy change is effective July 1, 2001

## III. INSTRUCTIONS FOR MAINTENANCE OF THE MANUAL

Remove MA-2240, pages 1-17.  
Insert MA-2240, pages 1-18.

Please direct any questions to your Medicaid Program Representative.

Paul R. Perruzzi  
Director

[This material was researched and prepared by Cinnamon Narron, Policy Consultant, Medicaid Eligibility Unit]