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HOUSE BILL NO. 1140

Offered January 25, 1994

A *BILL* to amend the Code of Virginia by adding a section numbered 32.1-325.02, relating to disclaimers of interests as uncompensated transfers of assets for Medicaid eligibility purposes under certain circumstances.

Patrons—Cantor, Albo, McDonnell and Wilkins; Senators: Bell, Stolle and Woods

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 32.1-325.02 as follows:**

§ 32.1-325.02. Determinations of assets; disclaimers of interests to be considered uncompensated transfers of assets for Medicaid eligibility purposes under certain circumstances.

A. When determining eligibility for medical assistance services, "assets" means, in regard to an individual, all income and resources of the individual and the individual's spouse, including, but not limited to, any income or resources which the individual or such individual's spouse is or becomes entitled to, but does not receive, because of any action by such individual or such individual's spouse, or by a person, including a court or administrative body, with legal authority to act in the place of or on behalf of the individual or such individual's spouse, or by any person, including any court or administrative body, acting at the direction of or upon the request of the individual or such individual's spouse.

B. For the sole purpose of determining eligibility for medical assistance services as provided in this title, Chapter 6 (§ 63.1-86 et seq.) of Title 63.1, and the regulations of the Department of Medical Assistance Services, any disclaimer of succession pursuant to Chapter 8 (§ 64.1- 188 et seq.) Title 64.1 shall be considered an uncompensated transfer of assets equal to the value of any interest disclaimed by any person who would, by reason of the disclaimer of succession, retain Medicaid eligibility or become eligible for medical assistance within (i) thirty-six months of the date that the disclaimer instrument is filed with a court of competent jurisdiction when the disclaimer instrument relates to any property other than property passed through a trust or (ii) sixty months of the date that the disclaimer instrument is filed with a court of competent jurisdiction when the disclaimer instrument relates to payments from a trust or portions of a trust.

INTRODUCED

HB1140