
**DEPARTMENT
POLICY****MA ONLY**

Divestment results in a penalty period in MA, **not** ineligibility. Divestment policy does **not** apply to Qualified Working Individuals (PEM 169).

Divestment is a type of transfer of a resource and not an amount of resources transferred.

Divestment means a transfer of a resource (see [“RESOURCE DEFINED”](#) below) by a client or his spouse that:

- Is within a specified time (see [“LOOK-BACK PERIOD”](#) below), and
- Is a transfer for [“LESS THAN FAIR MARKET VALUE”](#), and

Note: See [“Annuity Not Actuarially Sound”](#) and [“Joint Owners and Transfers”](#) below and PEM 401 about special transactions considered transfers for less than fair market value.

- Is **not** listed below under “TRANSFERS THAT ARE NOT DIVESTMENT.”

During the penalty period, MA will **not** pay the client’s cost for:

- LTC services, or
- Home and community-based services, or
- Home Help, or
- Home Health.

MA will pay for other MA-covered services.

Do **not** apply a divestment penalty period when it creates an undue hardship. See [“UNDUE HARDSHIP”](#) below.

LOA 2 does **not** support this policy. You must manually compute the divestment penalty period and notify the client.

**RESOURCE
DEFINED**

Resource means all the client’s and his spouse’s assets and income. It includes all assets and all income, even countable and/or excluded assets, the individual or spouse receive. It also includes all assets and income that the individual (or their spouse) were entitled to but did **not** receive because of action by one of the following:

- The client or spouse.
- A person (including a court or administrative body) with legal authority to act in place of or on behalf of the client or his spouse.

- Any person (including a court or administrative body) acting at the direction or upon the request of the client or his spouse.

TRANSFER OF A RESOURCE

Transferring a resource means giving up all or partial ownership in (or rights to) a resource. **Not** all transfers are divestment. Examples of transfers include:

- Selling an asset for fair market value (not divestment).
- Giving an asset away (divestment).
- Refusing an inheritance (divestment).
- Payments from a “**MEDICAID TRUST**” that are **not** to, or for the benefit of, the person or his spouse. See [PEM 401](#) (divestment).
- Putting assets or income in a trust. See [PEM 401](#).
- Giving up the **right** to receive income such as having pension payments made to someone else (divestment).
- Giving away a lump sum or accumulated benefit (divestment).
- Buying an annuity that is **not** actuarially sound (divestment).
- Giving away a vehicle (divestment).
- Putting assets or income in an LLC (Limited Liability Company)

Also see [“Joint Owners and Transfers”](#) for examples.

Transfers to an LLC

Treat transfers to an LLC (Limited Liability Company) as a divestment unless the client retains all rights to the asset or income invested and may withdraw the asset invested on demand.

Treat transfers to an LLC that has no discernible product (goods and or service) produced as a divestment.

Transfers by Representatives

Treat transfers by any of the following as transfers by the client or spouse.

- Parent for minor.
- Legal guardian.
- Conservator.
- Court or administrative body.
- Anyone acting in place of, on behalf of, at the request of or at the direction of the client or spouse.

Joint Owners and Transfers

When a client jointly owns a resource with another person(s), any action by the client or by another owner that reduces or eliminates the client's ownership or control is considered a transfer by the client.

Example: Mr. Jones is applying for MA. In 2005, he added his sister's name to his bank account. Each is free to withdraw as much money as desired so adding the sister's name did **not** affect the client's ownership or control. On September 1, 2007, the sister withdrew \$10,000 and deposited the money in her own bank account. Mr. Jones is considered to have transferred \$10,000 on September 1, 2007, the day he no longer had ownership and control of his money.

Example: Mr. Jones is applying for MA. On September 1, 2007, Mr. Jones gave his sister half interest in real estate. His equity value at the time was \$100,000. The ownership arrangement prevents either sibling from selling without the other's permission. Mr. Jones transferred a resource on September 1, 2007, the day he reduced his ownership and control by giving his sister part ownership and the power to prevent sale. The amount transferred depends on whether his sister is refusing to sell. The transferred amount is:

- \$100,000 if she now refuses to sell.

Note: The asset is unavailable and **not** countable for purposes of Mr. Jones' asset eligibility.

- \$50,000 if she now agrees to sell.

Note: Unless otherwise excluded, one-half the equity for the month being tested is a countable asset for purposes of Mr. Jones' asset eligibility.

The same policy applies to resources the client's spouse owns jointly with other persons.

Exception: No penalty is imposed if the parties involved verify that the resource transferred actually belonged solely to the person to whom it was transferred.

Annuity Not Actuarially Sound

Purchase of an annuity that is **not** actuarially sound is a transfer for less than fair market value. The transfer was made by the annuity's owner.

Owner means the person who pays the premium for the annuity.

Annuitant means the person to whom the annuity payments are made during the guarantee period of the annuity.

An annuity is **not** actuarially sound if the annuitant is **not** expected to live until the end of the guarantee period of the annuity. Use the Life

Expectancy Tables, [EXHIBIT I - FEMALE](#) or [EXHIBIT II - MALE](#) to make this determination.

Note: Guarantee period may be called “annuity certain” or “period certain”.

Example: John purchased an annuity at age 65 with a guarantee period of 10 years and payments starting at purchase. John’s life expectancy is 16.67 years. The annuity is actuarially sound.

Example: Sally purchased an annuity at age 70 with a guarantee period of 15 years and payments starting five years after purchase. The annuity is **not** actuarially sound because Sally’s life expectancy at purchase was 15.72 years while the guarantee period ends in 20 years (five year delay plus 15 years).

Example: Diane purchased an annuity at age 65 with a guarantee period of 25 years. The annuity is not actuarially sound because Diane’s life expectancy is only 19.50 years.

The amount transferred for less than fair market value for an annuity that is **not** actuarially sound is the amount that would be paid after the end of the person’s life expectancy.

Example: Diane purchased an annuity at age 65 with a guarantee period of 25 years. The annuity is **not** actuarially sound because Diane’s life expectancy is only 19.50 years. The amount transferred for less than fair market value is the value of the payments due in the last 5.5 years of the annuity (25 minus 19.50 = 5.50).

Example: Sally purchased an annuity at age 70 with a guarantee period of 15 years and payments starting five years after purchase. The annuity is **not** actuarially sound because Sally’s life expectancy at purchase was 15.72 years while the guarantee period ends in 20 years. The amount transferred for less than fair market value is the value of the payments due in the last 4.28 years of the annuity (20 - 15.72 = 4.28).

LOOK-BACK PERIOD

The first step in determining the period of time that transfers can be looked at for divestment is determining the **baseline date**. See [“Baseline Date”](#) below.

Once you have determined the baseline date, you determine the look-back period. The look back period is 60 months prior to the baseline date for all transfers made after February 8, 2006 and 36 or 60 months (depending on the type of resource transferred) prior to the baseline date for transfers made on or before February 8, 2006. See “Medicaid Trusts” [PEM 401](#).

Entire Period Transfers that occur **on** or **after** a client's baseline date must be considered for divestment. In addition, transfers that occurred within the 60 month look-back period must be considered for divestment.

Penalty Situation A divestment determination is **not** required unless, sometime during the month being tested, the client was in a penalty situation. To be in a penalty situation, the client must be eligible for MA (other than QDWI) and be one of the following:

- In an LTC facility.
- ["APPROVED FOR THE WAIVER"](#) (PEM 106).
- Eligible for Home Help.
- Eligible for Home Health.

Baseline Date A person's baseline date is the **first** date that the client was eligible for Medicaid and one of the following:

- In LTC.
- ["APPROVED FOR THE WAIVER"](#) (PEM 106).
- Eligible for Home Health services.
- Eligible for Home Help services

A client's baseline date does **not** change even if one of the following happens:

- The client leaves LTC.
- The client is no longer ["APPROVED FOR THE WAIVER"](#) (PEM 106).
- The client no longer needs Home Help.
- The client no longer needs Home Health.

LESS THAN FAIR MARKET VALUE

Less than fair market value means the compensation received in return for a resource was worth less than the fair market value of the resource.

Note: Also see ["Annuity Not Actuarially Sound"](#) above.

Compensation must have tangible form and intrinsic value.

Relatives can be paid for providing services; however, assume services were provided for free when no payment was made at the time services were provided. A client can rebut this presumption by providing tangible evidence that a payment obligation existed at the time the service was provided (e.g., written agreement signed at the time services were first provided). The policy in PAM 130 allowing use of best available information or your best judgment as verification does **not** apply.

Value of Transferring Right to Income

When a person gives up his right to receive income, the fair market value is the total amount of income the person could have expected to receive.

Use [EXHIBIT I - LIFE EXPECTANCY TABLE - FEMALE](#) or [EXHIBIT II - LIFE EXPECTANCY TABLE - MALE](#) to compute the fair market value of a lifetime income source such as a pension. Base the calculation on the person's sex and age on the date of transfer.

Home Caretaker & Personal Care Contracts

A contract/agreement that pays prospectively for expenses such as repairs, maintenance, property taxes, homeowner's insurance, heat and utilities for real property/homestead or that provides for monitoring health care, securing hospitalization, medical treatment, visitation, entertainment, travel and/or transportation, financial management or shopping, etc. would be considered a divestment. Consider all payments for care and services which the client made during the "look back" period as divestment.

Note: The preceding are examples and should not be considered an all inclusive or exhaustive list.

Relatives who provide assistance or services are presumed to do so for love and affection, and compensation for past assistance or services shall create a rebuttable presumption of a transfer for less than fair market value. A relative is anyone related to the client by blood, marriage or adoption.

Such contracts/agreements shall be considered a transfer for less than fair market value unless the compensation is in accordance with all of the following:

- The services must be performed **after** a written legal contract/agreement has been executed between the client and provider. The services are not paid for until the services have been provided. The contract/agreement must be dated and the signatures must be notarized; **and**
- At the time of the receipt of the services, the client is not residing in a nursing facility, adult foster care home, institution for mental diseases, inpatient hospital, intermediate care facility for mentally retarded or eligible for home and community based waiver, home health or home help; **and**
- At the time services are received, the services must have been recommended in writing and signed by the client's physician as necessary to prevent the transfer of the client to a residential care or nursing facility. Such services cannot include the provision of companionship; **and**

- DHS will verify the contract/agreement by reviewing the written instrument between the client and the provider which must show the type, frequency and duration of such services being provided to the client and the amount of consideration (money or property) being received by the provider, **or** In accordance with a service plan approved by DHS. If the amount paid for services is above fair market value, then the client will be considered to have transferred the asset for less than fair market value. If in question, fair market value of the services may be determined by consultation with an area business which provides such services; **and**
- The contract/agreement must be signed by the client or legally authorized representative, such as an agent under a power of attorney, guardian, or conservator. If the agreement is signed by a representative, that representative cannot be the provider or beneficiary of the contract/agreement.

Assets transferred in exchange for a contract/agreement for personal services/assistance or expenses of real property/homestead provided by another person after the date of application are considered available and countable assets.

Transferring Non-countable or Excluded Resources

Transfers of resources that are excluded or **not** countable assets under SSI-related MA policy may be divestment.

Transfer of the following may be divestment:

- Homestead of L/H and waiver client (see [PEM 106](#)) or the L/H and waiver client's spouse even if the transfer occurred before the client was institutionalized or approved for the waiver.
- Assets that were **not** countable because they were unavailable or **not** salable.

TRANSFERS THAT ARE NOT DIVESTMENT

Transferring Excluded Income

Transferring income that is **not** countable income for SSI-related MA according to PEM 500 is **not** divestment.

Transfers Involving Spouse

It is **not** divestment to transfer resources from the client to:

- The client's spouse.
- Another ["SOLELY FOR THE BENEFIT OF"](#) the client's spouse.

Transfers from the client's spouse to another ["SOLELY FOR THE BENEFIT OF"](#) the client's spouse are **not** divestment.

Transfers Involving Child	Transfers to the client's blind or disabled (see PEM 260) child, regardless of the child's age or marital status, are not divestment. This includes transfers to a trust established " SOLELY FOR THE BENEFIT OF " the child.
Transfer to Funeral Plan	See " Life Insurance Funded Funeral " in PEM 400 when a person has irrevocably transferred ownership in life insurance or a similar device designated for funeral expenses.
Transfer to Trust	Transfers to a trust established " SOLELY FOR THE BENEFIT OF " a disabled (see PEM 260) person under age 65 are not divestment.
Purchase of Funeral Contract	Placing money in an irrevocable prepaid funeral contract (see PAM 805) is not divestment.
Asset Conversion	<p>Converting an asset from one form to another of equal value is not divestment even if the new asset is exempt. Most purchases are conversions.</p> <p>Example: Using \$5,000 from savings to buy a used car priced at \$5,000 is conversion for equal value.</p> <p>Example: Trading a boat worth about \$8,000 for a car worth about \$8,000 is conversion for equal value.</p> <p>Payment of expenses such as one's own taxes or utility bills is also not divestment.</p>
Transferring Homestead to Family	<p>It is not divestment to transfer a homestead to the client's:</p> <ul style="list-style-type: none"> • Spouse (see "Transfers Involving Spouse" above). • Blind or disabled child (see "Transfers Involving Child" above). • Child under age 21. • Child age 21 or over who: <ul style="list-style-type: none"> • Lived in the homestead for at least two years immediately before the client's admission to LTC or PEM 106 waiver approval, and • Provided care that would otherwise have required LTC or PEM 106 waiver services, as documented by a physician's (M.D. or D.O.) statement. • Brother or sister who: <ul style="list-style-type: none"> • Is part owner of the homestead, and • Lived in the homestead for at least one year immediately before the client's admission to LTC or PEM 106 waiver approval.

Transfers for Another Purpose

As explained below, transfers exclusively for a purpose other than to qualify or remain eligible for MA are **not** divestment.

Assume transfers for less than fair market value were for eligibility purposes until the client or spouse provides convincing evidence that they had no reason to believe LTC or waiver services might be needed.

Example: Mr. Smith, age 40, was in good health when he gave his vacation cottage to his nephew. The next day Mr. Smith was in an automobile accident. His injuries require long-term care. The transfer was **not** divestment because Mr. Smith could **not** anticipate his need for LTC services.

Exception:

- Preservation of an estate for heirs or to avoid probate court is **not** acceptable as “another purpose.”
- That the asset or income is **not** counted for Medicaid does **not** make its transfer for “another purpose.”

Trustee Fees

Trusts which designate a business as trustee (e.g., bank) usually must compensate the trustee. Reasonable compensation is **not** divestment. Reasonable compensation means compensation within the prevailing rate for the community. For example, banks usually base their fee on a percentage of the value of the principal. There may be a basic charge in addition to the percentage or the percentage may vary based on the value of the trust.

SOLELY FOR THE BENEFIT OF

All of the following conditions must be met for a transfer or for a trust to be solely for the benefit of a person.

- The arrangement must be in writing and legally binding on the parties.
- The arrangement must ensure that none of the resources can be used for someone else during the person's lifetime, except for [“Trustee Fees.”](#)
- The arrangement must require that the resources be spent for the person on a actuarially sound basis. This means that spending must be at a rate that will use up all the resources during the person's lifetime. Life expectancies are in [EXHIBIT I - FEMALE](#) OR [EXHIBIT II - MALE](#).

Exception: Trusts meeting the criteria for [“Exception A”](#) or [“Exception B”](#) in PEM 401 do **not** have to spend resources on an actuarially sound basis.

PENALTY PERIOD**No Maximum
Penalty**

There is no maximum limit on the penalty period for divestment under this new policy. There is no minimum amount of resource transfer before incurring a penalty, determine a penalty on any amount of resources that are transferred and meet the definition of a divestment even if the penalty is for one day. Divestment is a type of transfer NOT an amount of transfer.

Any penalty period established under previous policy continues until it ends.

Apply the penalty policy in place at the time of transfer for any transfers made before February 8, 2006.

**Computing Penalty
Period**

The penalty period is computed on the total "Uncompensated Value" of all resources divested.

Determine the "Uncompensated Value" for each resource transferred and combine into a total "Uncompensated Value".

Divide the total "Uncompensated Value" by the average monthly private LTC Cost in Michigan for the client's "Baseline Date." This gives the number of full months for the penalty period. Multiply the fraction remaining by 30 to determine the number of days for the penalty period in the remaining partial month.

Apply the total penalty months and days. Apply a penalty even if the total amount of the penalty is for only a partial month.

The penalty is applied to the months (or days) an individual is eligible for Medicaid and actually in LTC, Home Health, Home Help, or the MIChoice Waiver. The divestment penalty period cannot be applied to a period when the individual is not eligible for Medicaid for any reason (e.g. the case closes for ANY reason) or is eligible for Medicaid but is NOT in LTC, Home Help, Home Health, or the MIChoice Waiver. Restart the penalty when the individual is again eligible for Medicaid and in LTC, Home Help, Home Health, MIChoice Waiver.

A group 2 deductible eligible individual is not eligible for Medicaid until the deductible is met. Apply the penalty only to the days of the month after the deductible is met.

The 1st day the client is eligible to receive MA coverage for LTC, MIChoice, home help, or home health services is the 1st day after the penalty period ends.

Baseline Date In Calendar Year	LTC Cost
2009	\$6362
2008	\$6191
2007	\$5938
2006	\$5549
2005	\$5367
2004	\$5250
2003	\$5043
2002	\$4703
2001	\$4518
2000	\$4331
1999	\$3981
1998	\$3711
1997	\$3507
Before January 1997	\$3441

The penalty period starts on the date which the individual is eligible for Medicaid and would otherwise be receiving institutional level care (LTC, MIChoice waiver, or home help or home health services), and is not already part of a penalty period. If a penalty is determined for an unreported transfer in the past, apply the penalty from the first day after timely notice is given. See "Recipient Exception" below.

Recipient Exception

Timely notice must be given to LTC recipients and ([PEM 106](#)) waiver recipients before actually applying the penalty. Adequate notice must be given to new applicants.

Uncompensated Value

The uncompensated value of a divested resource is

- The resource's cash or equity value.
- Minus any compensation received.
- The uncompensated value of a promissory note, loan, or mortgage is the outstanding balance due on the "Baseline Date"

Spouses Sharing a Penalty

A client can be penalized if he or his spouse divests. The penalty is imposed on whichever spouse is in a "[Penalty Situation.](#)" If both spouses are in a penalty situation, the penalty period (or any remaining part) must be divided between them.

Example: Mr. Brown is in LTC and under a divestment penalty for 1/1/04 through 12/31/05. On 9/9/04, Mrs. Brown enters LTC and applies for MA. She is eligible for MA starting in September. There are 16 months of penalty left (9/04 - 12/05). Each spouse must serve 8 months. Mr. Brown's penalty is now 1/1/04 through 4/30/05. Mrs. Brown's penalty is 9/1/04 through 4/30/05.

Resources Returned

Cancel a divestment penalty if either of the following occur before the penalty is in effect:

All the transferred resources are returned and retained by the individual.

Fair market value is paid for the resources.

Recalculate the penalty period if either of the following occurs while the penalty is in effect:

- All the transferred resources are returned.
- Full compensation is paid for the resources.

Use the same per diem rate originally used to calculate the penalty period.

Once a divestment penalty is in effect, return of, or payment for, resources **cannot** eliminate any portion of the penalty period already past. However, you must recalculate the penalty period. The divestment penalty ends on the later of the following:

- The end date of the new penalty period.
- The date the client notified you that the resources were returned or paid for.

UNDUE HARDSHIP

Waive the penalty if it creates undue hardship. Assume there is no undue hardship unless you have evidence to the contrary.

Undue hardship exists when the client's physician (M.D. or D.O.) says:

- Necessary medical care is **not** being provided, and
- The client needs treatment for an emergency condition.

A medical emergency exists when a delay in treatment may result in the person's death or permanent impairment of the person's health.

A psychiatric emergency exists when immediate treatment is required to prevent serious injury to the person or others.

See PEM 100, Policy Exception Request Procedure.

**VERIFICATION
REQUIREMENTS**

Verification is not required when the client states he and his spouse have not transferred resources **unless**:

- The client's statement is unclear, inconsistent or conflicts with known facts, **or**
- Existing information in the case record indicates divestment may have occurred.

Verify the following to document divestment:

- Date of transfer.
- Fair market value or cash value.
- Uncompensated value.

Obtain a statement from the LTC or waiver client's physician (M.D. or D.O.) to verify:

- Undue hardship, **or**
- The client's non-disabled child age 21 or older provided care that would otherwise have required LTC or waiver services.

Verify the child's length of residence if a homestead was transferred to a nondisabled child age 21 or older.

Verify the sibling's ownership interest and length of residence in the homestead if a homestead was transferred to a sibling.

Verify disability and blindness according to PEM 260.

**Verification
Sources**

Sources to verify transfers and the reasons for them include, but are *not* limited to, the following:

- Legal documents.
- Payment or tax records.
- Bills of sale.
- Court or attorney records.
- Correspondence regarding the transaction.
- Bank books or statements.

Sources to verify ownership interest in a homestead include, but are *not* limited to:

- Deeds.
- Mortgages.
- Purchase agreements.
- Contracts.
- Other court or county records.

Sources to verify length of residence in a homestead include, but are not limited to:

- Driver's license or State I.D.
- Income tax returns.
- Voter registration.
- Cancelled mail.
- Other type of I.D. which has both name and address.
- Written statement from one of the following who has knowledge of length of residence in the homestead:
 - Physician.
 - Clergy.
 - Other professional.

CIMS INPUT

Use the following data elements to input the divestment penalty on CIMS (FPAC transaction):

- Medical services authorization begin date (AU-BEG).
- Medical services authorization end date (AU-END).
- Level of care (LC).

Use LC code 56.

EXHIBIT I - LIFE EXPECTANCY TABLE - FEMALE

FEMALE LIFE EXPECTANCY TABLE					
Age	Life Expectancy	Age	Life Expectancy	Age	Life Expectancy
0	79.96	40	41.46	80	9.22
1	79.45	41	40.52	81	8.65
2	78.49	42	39.58	82	8.11
3	77.51	43	38.65	83	7.59
4	76.52	44	37.72	84	7.09
5	75.54	45	36.80	85	6.62
6	74.55	46	35.88	86	6.17
7	73.56	47	34.96	87	5.74
8	72.57	48	34.06	88	5.33
9	71.58	49	33.15	89	4.96
10	70.58	50	32.25	90	4.60
11	69.59	51	31.35	91	4.28
12	68.60	52	30.46	92	3.97
13	67.61	53	29.57	93	3.70
14	66.62	54	28.68	94	3.44
15	65.64	55	27.81	95	3.22

FEMALE LIFE EXPECTANCY TABLE					
16	64.66	56	26.94	96	3.01
17	63.68	57	26.07	97	2.83
18	62.71	58	25.22	98	2.66
19	61.74	59	24.37	99	2.50
20	60.76	60	23.53	100	2.36
21	59.79	61	22.71	101	2.22
22	58.82	62	21.89	102	2.08
23	57.84	63	21.08	103	1.95
24	56.87	64	20.29	104	1.83
25	55.90	65	19.50	105	1.71
26	54.93	66	18.72	106	1.60
27	53.96	67	17.95	107	1.49
28	52.99	68	17.19	108	1.39
29	52.02	69	16.45	109	1.29
30	51.05	70	15.72	110	1.20
31	50.08	71	15.01	111	1.11
32	49.11	72	14.31	112	1.03
33	48.14	73	13.62	113	0.95
34	47.18	74	12.95	114	0.87
35	46.22	75	12.29	115	0.80
36	45.26	76	11.64	116	0.73
37	44.30	77	11.01	117	0.67
38	43.35	78	10.40	118	0.62
39	42.40	79	9.80	119	0.57

Example: In January 2004, Mrs. Jay established a Medicaid trust and ordered her \$500 per month pension paid to the trust. She was 78 years old. The trustee cannot use the pension for Mrs. Jay. Mrs. Jay transferred \$61,440 (\$500 X 12 months X 10.40 years).

EXHIBIT II - LIFE EXPECTANCY TABLE - MALE

MALE LIFE EXPECTANCY TABLE					
Age	Life Expectancy	Age	Life Expectancy	Age	Life Expectancy
0	74.83	40	37.28	80	7.62
1	74.40	41	36.36	81	7.15
2	73.43	42	35.46	82	6.70
3	72.46	43	34.56	83	6.26
4	71.47	44	33.67	84	5.84
5	70.49	45	32.78	85	5.45
6	69.50	46	31.90	86	5.08
7	68.52	47	31.03	87	4.73
8	67.53	48	30.17	88	4.40

MALE LIFE EXPECTANCY TABLE					
9	66.54	49	29.31	89	4.09
10	65.55	50	28.46	90	3.80
11	64.55	51	27.62	91	3.54
12	63.56	52	26.79	92	3.29
13	62.57	53	25.96	93	3.06
14	61.59	54	25.14	94	2.86
15	60.61	55	24.33	95	2.68
16	59.65	56	23.52	96	2.52
17	58.70	57	22.71	97	2.38
18	57.75	58	21.92	98	2.25
19	56.81	59	21.13	99	2.13
20	55.88	60	20.36	100	2.02
21	54.95	61	18.60	101	1.91
22	54.02	62	18.85	102	1.81
23	53.10	63	18.11	103	1.71
24	52.17	64	17.38	104	1.61
25	51.25	65	16.67	105	1.52
26	50.32	66	15.96	106	1.43
27	49.38	67	15.27	107	1.35
28	48.45	68	14.59	108	1.26
29	47.52	69	13.93	109	1.19
30	46.58	70	13.27	110	1.11
31	45.64	71	12.64	111	1.04
32	44.70	72	12.01	112	0.97
33	43.76	73	11.41	113	0.91
34	42.83	74	10.81	114	0.84
35	41.89	75	10.24	115	0.78
36	40.96	76	9.68	116	0.72
37	40.04	77	9.14	117	0.67
38	39.11	78	8.62	118	0.62
39	38.19	79	8.11	119	0.57

Example: In January 2004, Mr. Jay established a Medicaid trust and ordered his \$500 per month pension paid to the trust. He was 78 years old. The trustee cannot use the pension for Mr. Jay. Mr. Jay transferred \$46,980 ($\$500 \times 12 \text{ months} \times 8.62 \text{ years}$).

LEGAL BASE MA

Social Security Act, Sections 1902(a)(18), 1917

JOINT POLICY DEVELOPMENT

Medicaid, Adult Medical Program (AMP) also known as Adult Benefit Waiver (ABW), Transitional Medical Assistance (TMA/TMA-Plus), and Maternity Outpatient Medical Services

(MOMS) policy has been developed jointly by the Department of Community Health (DCH) and the Department of Human Services (DHS).