

# OPI-M: Disqualifying Transfer of Assets QRG

## Purpose of the QRG

This QRG will:

- Describe when transfers are disqualifying,
- Help calculate uncompensated values for disqualifying transfers, and
- Determine the duration of disqualification for OPI-M individuals.

NOTE: This guide is for OPI-M use only.

## Understanding Disqualifying Transfers for OPI-M

Individuals applying for or receiving OPI-M benefits are subject to the disqualifying transfer of assets rules in OAR 461-140-0210 to 461-140-0300. This is similar to Medicaid Long-term Services and Supports (LTSS) but a different resource limit standard applies. If a recipient of OPI-M reports an asset transfer during their Continuous Eligibility period, the disqualification (DQ) may not be imposed until their renewal for OPI-M.

For OPI-M, the lookback period is 5-years (or 60months) for transfers made by the individual or their spouse. The transfers during the lookback period are evaluated for possible disqualifications from OPI-M.

Not all transfers are disqualifying. However, we presume a transfer is for the purpose of establishing or maintaining eligibility unless criteria is met that is outlined in OAR [461-140-0242](#).

The disqualifications described in this QRG are only for the individual's OPI-M benefit. If they switch to Medicaid LTSS, the worker will calculate any disqualifications in the ONE system. If the individual had other benefits, the disqualification is only for their OPI-M benefits.

## Determining the Length of the Disqualification Period

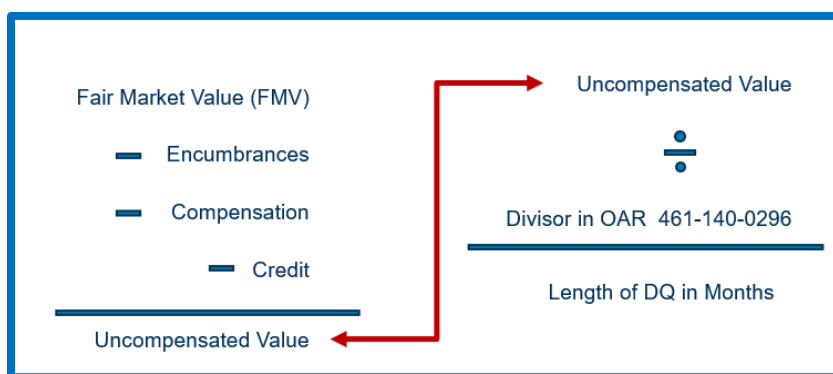
For the transfer to be considered disqualifying, there must be an uncompensated value.

OPI-M will use the current OPI-M individual resource limit for determining uncompensated value of assets. See the [OPI-M Tools - Resources](#) webpage for current OPI-M income and resource standards, as the limits change each year.

Individuals with countable resources under the OPI-M resource limit may get a “credit” when calculating the uncompensated value, for both initial and ongoing OPI-M applications. The credit is the difference between their countable resources at the time of the transfer and the current OPI-M resource limit. This may reduce the uncompensated value, which can reduce the or negate the disqualification period.

For multiple transfers within the lookback period, add all the transfers using fair market value to calculate the uncompensated value. Use the date of the first transfer to determine countable resources when there have been multiple transfers during the look back period. For example, if John transferred \$10,000 on 1/1/2024 and transferred \$90,000 on 4/3/2024, the other countable resources at time of first transfer would be the amount on 1/1/2024.

## Disqualifying Transfer Equation



Once you know the number of months for the DQ, calculate the begin and end dates of the disqualification. For the DQ end date, use seven digits after the decimal. The equation will be explained in the examples below.

## **Initial Date of Disqualification Period**

### **Applicant for OPI-M**

For applicants the first day of the disqualification period is either:

- The service request date, if they meet all eligibility requirements except for the disqualifying transfer, or
- The date they meet all eligibility requirements except for the disqualifying transfer.

### **Ongoing OPI-M Recipient**

For ongoing OPI-M recipients, the first day of the disqualification period is:

- The date their renewal for OPI-M services would begin, if they meet all eligibility requirements except for the disqualifying transfer.

## **Returned Assets**

In some situations, it may be possible for the individual to return the transferred asset either partially or full. If so, the length of disqualification needs to be recalculated.

The disqualification is voided if the transfer that caused the disqualification is rescinded. The duration of the disqualification is recalculated if the terms of the transfer are modified. Returned assets are included in the eligibility determination for any retroactive period.

## Notices

The [540T](#) notice must include the length of the disqualification period in months and days, the type of transferred asset(s), uncompensated value, and information on requesting a Hardship Waiver. Hearings rights must be included on the notice.

## Hardship Waivers

In some circumstances, the disqualification can be waived if it creates undue hardship by depriving the individual of medical care, housing, food, or clothing. The lack of these necessities must harm their health and safety.

The individual must agree to cooperate with the Department to recover the asset, including consulting an attorney and pursuing legal action. Hardships are determined by [OPI-M Policy](#) on an [APD 544](#).

## Examples

Scenario: A person applies for OPI-M on 7/8/2024. They gave their grandchild \$50,000 to help with college expenses on 9/2/2022. At the time of the gift, they had \$32,000 in other countable resources. The grandchild did not give anything to their grandparent in return nor did they take over any loans. They otherwise met financial and service eligibility had it not been for the disqualification.

Equation	Math for Scenario
FMV	\$50,000
– Loans (encumbrances)	– \$0
– Compensation Received	– \$0
– Credit (OPI-M Resource Amount – Countable Resources at time of Transfer)	– \$62,523 (\$94,523-\$32,000)
<hr/> Uncompensated Value	<hr/> -\$12,523

No additional calculation is made because the Uncompensated Value is negative, there is no disqualification period for this transfer.

Scenario: A married person applies for OPI-M on 9/5/2024. The spouse gave away their 2021 Grand Momentum RV (FMV: \$70,484) and their 2010 Dodge 1500 4WD Ram (FMV: \$9,500). They traveled to Arizona every year but are unable to make that journey and gave their RV and truck to their son on July 2, 2023. At the time of the gift, they had \$105,000 in other countable resources. They did not receive any compensation and the RV and truck were paid off. They otherwise met financial and service eligibility had it not been for the disqualification, including being within resource limits for OPI-M now.

Equation	Math for Scenario
FMV – Loans (encumbrances) – Compensation Received – Credit (OPI-M Resource Amount – Countable Resources at time of Transfer) <hr/> Uncompensated Value	\$79,984 (added truck and RV FMVs) – \$0 – \$0 – \$0 (They had more than the OPI-M Resource Limit at time of transfer.) <hr/> 79,984

We need to calculate the length of disqualification and start/end dates of the disqualification period.

Equation	Math for Scenario
Uncompensated Value $\frac{\bullet}{\bullet}$ Divisor in OAR 461-140-0296 <hr/> Length in Months of Disqualification	\$79,984 $\frac{\bullet}{\bullet}$ \$10,342 <hr/> 7.7339005 Months (Use 7 digits, no rounding)

They are disqualified for 7.7339005 months. Next, we'll show when they may be eligible for OPI-M after the disqualification period.

## Length of the Disqualification

Disqualification Period starts on 9/5/2024.

7 full months ends on 4/4/2025. Then we'll start the remaining days calculation using .7339005 in the above calculation using 30 days, as there are 30 days in April.

$30 \text{ days} \times .7339005 = 22.017015 \text{ days}$

The digits after the decimal are dropped and not rounded because there are no partial days of disqualification. They are disqualified from OPI-M for 7 months 22 days beginning on 9/4/2024 to 4/26/2025.

## Resources

[OEP – Disqualifying Transfer of Assets QRG](#): QRG addresses how to determine if a transfer is disqualifying for Medicaid LTSS.

[411-015-0025\(1\)\(d\)](#): OPI-M Financial Eligibility rules on transfer of assets.

[APD-PT-24-025](#): Transmittal for OPI-M Disqualifying Transfer of Assets

OPI-M TUFSS DQ Videos – On the [TUFSS OPI-M Resources and Training site](#)