

Policy Transmittal Aging and People with Disabilities



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Number: APD-PT-24-025

Issue date: 10/16/2024

Topic: Long Term Care

Due date:

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other:

Applies to (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging: Types A and B | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children’s Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> ODDS Children’s Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Disqualifying Transfer of Assets for Oregon Project Independence – Medicaid (OPI-M)		
Policy/rule number(s):	OAR 461-140-0210 to 461-140-0300, OAR 411-014-0025	Release number:	
Effective date:	Upon release	Expiration date:	
References:	Oregon Project Independence – Medicaid		
Web address:	OPI-M Tools - Resources		

Discussion/interpretation:

The purpose of this policy transmittal (PT) is to define the disqualifying transfer of assets rules for Oregon Project Independence – Medicaid (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. This is a change specific to OPI-M only.

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

Implementation/transition instructions:

Effective immediately, the disqualification period for disqualifying transfer of assets will be calculated using the OPI-M resource limit as the “credit” when determining the uncompensated value of the transferred asset(s). This will result in fewer and shorter disqualification periods.

A five-year review of all assets is required for OPI-M. The length of the disqualification period is determined by the uncompensated value of the transferred asset(s) and the divisor in OAR [461-140-0296\(2\)](#). Use the fair market value and the individual’s countable resources at the time of the transfer to determine the uncompensated value of the transferred asset(s). See OAR [461-140-0250](#) for more information on determining the uncompensated value while applying the OPI-M resource limit.

Individuals with countable resources less than the OPI-M resource limit get a “credit” when the uncompensated value is calculated. The credit is the difference between their countable resources at the time of the transfer and the current OPI-M resource limit. This may bring them up to the resource limit and reduce the uncompensated value, which can reduce the disqualification period.

Note: Disqualification periods served for OPI-M do not apply to LTSS services. If a consumer that served a disqualification period for OPI-M later applies for LTSS services, a new disqualification period will be calculated if the disqualifying transfer(s) were made within the five-year review of all assets at the time of the LTSS application.

Example: An OPI-M applicant had \$70,000 and gave away \$20,000 to their grandchild for school on 10/6/2023. At the time of transfer, they had \$50,000 ($\$70,000 - \$20,000 = \$50,000$) in remaining countable resources. The current individual resource limit for OPI-M is \$94,523, resulting in a credit of \$44,523 ($\$94,523 - \$50,000 = \$44,523$) towards the uncompensated value of the transferred asset. Despite giving an asset away, the applicant will not have a disqualification period because the credit is more than the transfer amount and the applicant would still be under the OPI-M resource limit even if they recovered the transferred asset.

Example: An OPI-M applicant had \$120,000 and gave away \$30,000 to their child for a house down payment on 3/2/2024. At the time of the transfer, they had \$90,000 ($\$120,000 - \$30,000 = \$90,000$) in remaining countable resources. The current

individual resource limit for OPI-M is \$94,523, resulting in a credit of \$4,523 (\$94,523 - \$90,000 = \$4,523) towards the uncompensated value of the transferred asset. After applying the credit, the uncompensated value of the transferred asset is \$25,507. The individual would serve a disqualification period based on this uncompensated value. **Important: Any OPI-M cases previously determined to have a disqualification period need to be recalculated to reflect this policy change.**

Training/communication plan:

Additional information about OPI-M services and financial eligibility is being developed and will be announced at the OPI-M Q&A daily sessions and posted on the OPI-M Training & Resources site. Previous training material is being updated to reflect this policy change and a quick reference guide is being developed.

Local/branch action required:

Staff determining OPI-M eligibility must familiarize themselves with this policy and other tools available on the OPI-M CM Tools webpage.

Central office action required:

Central Office (CO) is working to update the OPI-M rules to reflect this change. CO staff is available for technical support. Questions, requests for support or feedback specific to OPI-M can be submitted [here](#).

Field/stakeholder review: Yes No

If yes, reviewed by: Operations and Policy review team

Filing instructions:

If you have any questions about this policy, contact:

Contact(s): Please send questions through the OPI-M Questions, Support and Feedback online form .	
Phone:	Fax:
Email:	