

Deprivation of Resources Q&A

1. **Q:** Is there a limit to the amount of resources that can be transferred to the applicant or client's blind or disabled child without it being considered a deprivation?
A: Per 477 NAC 23 **003.04(K)**, if the transfer was made to their child/stepchild and that individual has been determined to be blind or disabled per the Social Security Administration, there is no limit to the amount of resources that can be transferred directly to them or to a trust established solely for their benefit.

2. **Q:** Attestation is now accepted as verification of a nursing home trust account balance. When would we need to send a VR or call the facility to verify the balance?
A: If the attested balance of the nursing home trust, when combined with other verified resources, would make the client ineligible, or there is questionable information, verification might be needed. Additionally, if the nursing home trust was the account in which the monthly income had been deposited and the client has attested, they no longer have this account, follow up may be needed to determine where the income is now being deposited.

3. **Q:** Does fair market value have to be reviewed on an otherwise excludable vehicle type if it is sold, traded or given away.
A: Yes. Ownership of excludable motor vehicles can be verified by client attestation and must be documented in case narrative. Use the trade-in value listed in Kelly Blue Book. Use 12,000 per year to determine the mileage if it was not attested and unavailable in the DMV interface.

4. **Q:** Does an ineligibility period based on a resource deprivation get recalculated if the individual's Level of Care (LOC) or living arrangement changes?
A: The period of ineligibility is determined at the point in time where the agency has a valid application or request for coverage of institutionalized care and the individual is otherwise eligible for Medicaid, except for the deprivation. If an applicant experiences a significant increase in their private pay level at some point during their period of ineligibility, we can recalculate the time left to be served based on the new LOC. **477 NAC 23 003.04(H)**.

5. **Q:** Can a client opt to withdraw their waiver request in order to not serve the penalty period?
A: If a deprivation of resources has been determined, but not yet imposed (client has not been noticed) then the client can withdraw their waiver request and remain in a Medicaid Spenddown budget. If we have imposed the deprivation of resources penalty (client has been noticed) the client cannot withdraw their waiver request, and the deprivation penalty must remain and be served. This results in their Medicaid case closing. Once the penalty period lapses the client may reapply. For additional information please refer to the [Deprivation of Resources Process Guide](#).

6. **Q:** Does the individual pay the private pay rate to the facility during the penalty period?

A: Once the penalty period has been determined, the individual will pay the private pay rate during that period if they are in a facility.

NOTE: The individual has the option to reside outside of a facility under family care while they serve out their penalty period. They **would not** be eligible for AABD, SLMB or QI1 during their deprivation penalty period.