

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0377

SENATE BILL NO. 53

Introduced by: The Committee on Health and Human Services at the request of the
Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the consideration of
2 assets for the purpose of long-term care eligibility.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 28-6-3.1 be amended to read as follows:

5 28-6-3.1. Any real or personal assets disposed of by an individual, the individual's spouse,
6 or other person acting on behalf of or at the request of the individual, applying for or receiving
7 Title XIX medical assistance for long-term care and home and community based services
8 through the Department of Social Services at less than fair market value, at any time on or after
9 a look back date as defined ~~in this section~~ by rules promulgated pursuant to chapter 1-26 by the
10 department, are presumed to be assets to the fullest extent allowable for federal financial
11 participation when determining eligibility.

12 ~~— The look back date is a date thirty-six months prior to the first date on which the individual~~
13 ~~is both institutionalized and has applied to the Department of Social Services for long-term care~~
14 ~~medical assistance, or in the case of a trust or similar legal device that is treated as an asset~~
15 ~~disposed of at less than fair market value, the look back date is a date sixty months prior to the~~



1 ~~first date on which the individual is both institutionalized and has applied to the Department of~~
2 ~~Social Services for long-term care medical assistance.~~

3 The ~~Department of Social Services~~ department shall promulgate rules, pursuant to chapter
4 1-26, to determine eligibility for medical assistance for long-term care which shall relate to the
5 following areas:

- 6 (1) The period of ineligibility when real or personal assets are given away or sold at less
7 than fair market value;
- 8 (2) Exemptions; and
- 9 (3) Such other standards and requirements as may be necessary for federal financial
10 participation.