

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0363

SENATE HEALTH AND HUMAN SERVICES

COMMITTEE ENGROSSED NO. **SB 64** - 01/22/2007

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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, are presumed to be assets to the fullest extent
10 allowable for federal financial participation when determining eligibility.

11 ~~The look back date is a date thirty-six months prior to the first date on which the individual~~
12 ~~is both institutionalized and has applied to the Department of Social Services for long-term care~~
13 ~~medical assistance, or in~~ If the asset was disposed of prior to February 8, 2006, and was not a
14 trust or similar legal device, the look back date is a date thirty-six months prior to the first date



1 on which the individual is both institutionalized and has applied to the Department of Social
2 Services for long-term care medical assistance. If the asset was disposed of after February 7,
3 2006, the look back date is a date sixty months prior to the first date on which the individual is
4 both institutionalized and has applied to the Department of Social Services for long-term care
5 medical assistance. In the case of a trust or similar legal device that is treated as an asset
6 disposed of at less than fair market value, the look back date is a date sixty months prior to the
7 first date on which the individual is both institutionalized and has applied to the Department of
8 Social Services for long-term care medical assistance.

9 The Department of Social Services shall promulgate rules, pursuant to chapter 1-26, to
10 determine eligibility for medical assistance for long-term care which shall relate to the following
11 areas:

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