

AN ACT

ENTITLED, An Act to revise certain provisions regarding the consideration of assets for the purpose of long term care eligibility.

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

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

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

If the asset was disposed of prior to February 8, 2006, and was not a trust or similar legal device, the look back date is a date thirty-six months prior to the first date on which the individual is both institutionalized and has applied to the Department of Social Services for long-term care medical assistance. If the asset was disposed of after February 7, 2006, the look back date is a date sixty months prior to the first date on which the individual is both institutionalized and has applied to the Department of Social Services for long-term care medical assistance. In the case of a trust or similar legal device that is treated as an asset disposed of at less than fair market value, the look back date is a date sixty months prior to the first date on which the individual is both institutionalized and has applied to the Department of Social Services for long-term care medical assistance.

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

- (1) The period of ineligibility when real or personal assets are given away or sold at less than fair market value;

- (2) Exemptions; and
- (3) Such other standards and requirements as may be necessary for federal financial participation.

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I certify that the attached Act
originated in the

SENATE as Bill No. 64

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 64
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State