

CHANGE NOTICE 08-01, Resources Owned by Incompetent Individuals

DATE: FEBRUARY 14, 2001

Manual: Family and Children's Medicaid

To: County Directors of Social Services

Effective: March 1, 2001

I. CONTENT OF CHANGE

Resources owned by individuals who are alleged to be incompetent may be excluded in determining Medicaid eligibility. State regulations have been changed to place more stringent requirements on when these resources may be excluded. Section MA-3240 has been revised as follows:

A. Durational Requirement

In order for resources of an allegedly incompetent individual to be excluded, the evidence presented must verify that the person was incompetent for a period of time at least 30 consecutive days or that ends with his or her death. Prior to this change there was no durational requirement.

B. Those Individuals Who Can Verify Incompetence

Those individuals, whose statement can be accepted as verification of incompetence, are limited to physicians, psychologists, nurses, and social workers. Prior to this change friends and family members could also provide statements to verify incompetence.

C. Definitions and Organization

1. Definitions have been updated to add:

- "General guardian," who is both a guardian of the person and the estate, and

- “Interim guardian,” who is appointed to handle an immediate need before a competency hearing can be held and
 - The definition from state law of “incompetent adult.”
2. The material has been slightly reorganized.

II. EFFECTIVE DATE AND IMPLEMENTATION

This change is effective March 1, 2001.

- Apply the new policy to any instance of alleged incompetence beginning on or after March 1, 2001.
- Apply the policy in effect prior to March 1, 2001, to any instance of alleged incompetence beginning prior to March 1, 2001.

III. MAINTENANCE OF MANUAL INSTRUCTIONS

Remove MA-3240, pages 21 – 28.

Insert attached MA-3240, pages 21 – 29, effective March 1, 2001.

If you have any questions, please contact your Medicaid Program Representative.

Paul R. Perruzzi
Director

[This material was researched and prepared by Andy Wilson and Denise Rogers, Medicaid Eligibility Unit.]