

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Wyoming

MORE LIBERAL METHODS OF TREATING RESOURCES
UNDER SECTION 1902(r)(2) OF THE ACT*

Section 1902(f) State

Non-Section 1902(f) State

An individual who has been determined eligible to receive Medicaid benefits and who has been institutionalized as a Medicaid recipient for at least six (6) months may have those excess resources which are due to the value of a residence disregarded for purposes of eligibility while a "bona fide effort to sell" the residence is undertaken. The resources to be disregarded shall be limited to the residence of the Medicaid recipient who no longer intends to return home, with respect to which residence the recipient had previously signed a statement of intent to return home.

A bona fide effort to sell occurs when a Medicaid recipient who no longer has an intent to return to the residence in question makes reasonable efforts to sell that residence, agrees that the net proceeds from the sale of the residence shall be used to repay Medicaid funds expended on the recipient's behalf, agrees that the residence shall not be sold for less than eighty (80%) percent of its fair market value, and further agrees that the State may place a lien upon the residence to ensure that Medicaid funds expended are recouped from the sale of the residence. Such agreement shall be reduced to a Stipulation and Consent to Placement of Lien (hereinafter referred to as "Stipulation and Consent"), to be executed by the Medicaid recipient or the duly authorized representative of the recipient. If a Medicaid recipient who has entered into such a Stipulation and Consent sells the residence in question for less than eighty (80%) percent of its fair market value, the recipient shall immediately be declared ineligible for Medicaid benefits, and a period of ineligibility shall be reassessed in accordance with the provisions of this State Plan.

During the period of the bona fide effort to sell, Medicaid eligibility shall not be adversely affected by including the value of the residence being sold in the computation of the resources available to the Medicaid recipient, so long as the Medicaid recipient complies with all provisions of this Plan. Because a loss of eligibility to receive Medicaid benefits would potentially create a life-threatening break in the continuum of care for the institutionalized

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Medicaid recipient, such eligibility shall (so long as the recipient remains otherwise eligible to receive Medicaid benefits) continue throughout the duration of the bona fide effort to sell.

In order to qualify for continued Medicaid eligibility for the duration of the bona fide effort to sell, the Medicaid recipient or the duly authorized representative of the recipient must enter into a Stipulation and Consent as described herein. Such Stipulation and Consent shall describe the duties of the recipient and of the State with regard to the bona fide effort to sell and shall, in order to ensure repayment to the State of benefits paid on the recipient's behalf by the Medicaid program, authorize the State to place a lien upon the residence which is the subject of the bona fide effort to sell. The Stipulation and Consent shall provide that:

1. If the net proceeds of the sale of the residence exceed the amount of Medicaid benefits paid on the recipient's behalf, that portion of the net proceeds necessary to reimburse the State in full for the Medicaid benefits paid as of the date of reimbursement shall be paid to the Wyoming Department of Health, the remainder of the net proceeds shall be paid to the recipient, and the recipient's eligibility for Medicaid benefits shall be redetermined;
2. If the net proceeds of the sale of the residence are equal to the amount of Medicaid benefits paid on the recipient's behalf as of the date of reimbursement, the net proceeds shall be paid to the Wyoming Department of Health; and
3. If the net proceeds of the sale of the residence are less than the amount of Medicaid benefits paid on the recipient's behalf as of the date of reimbursement, the net proceeds shall be paid to the Wyoming Department of Health and the Medicaid program may pursue reimbursement for unreimbursed Medicaid expenditures through all mechanisms legally available to the Medicaid program.

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