



Date: July 21, 2017

DMS Operations Memo 17-33

To: Income Maintenance Supervisors
 Income Maintenance Lead Workers
 Income Maintenance Staff

Affected Programs:	
<input checked="" type="checkbox"/> BadgerCare Plus	<input checked="" type="checkbox"/> Caretaker Supplement
<input type="checkbox"/> FoodShare	<input type="checkbox"/> FoodShare Employment and Training
<input checked="" type="checkbox"/> Medicaid	
<input type="checkbox"/> SeniorCare	

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 Bureau of Enrollment Policy and Systems
 Division of Medicaid Services

CARES Worker Web Enhancements to Support Medicaid Divestment Policy

TABLE OF CONTENTS

CROSS REFERENCE 2

EFFECTIVE DATE 2

PURPOSE 3

BACKGROUND 3

POLICY 3

CARES 4

 CWW Enhancements 4

 Asset Gatepost Page 4

 Asset Summary Page 6

 Transfer/Divestment of Assets Page 6

 Effective Period Section 8

 Additional Information Section 8

 Divestment Penalty Information Section 10

 Page Level Change Reason 13

 Split With Spouse Change Reason 13

 Spouse Discharged/Deceased Change Reason 16

 Detail Level Change Reason 17

 Undue Hardship—Timely Change Reason 17

 Undue Hardship—Untimely Change Reason 18

Fair Hearing Change Reason	18
Cured Change Reason.....	19
Worker Error Change Reason.....	19
Other Change Reason	19
Communicating Divestment Penalty Period Changes to ForwardHealth interChange	19
Comments Section	19
Obsolete Information Section	20
Divestment Details Dynasection.....	20
Liquid Assets Page.....	27
Institutions Page.....	29
Permanent Demographics Page	29
Assets Determination Summary Page.....	30
Transfer/Divestment of Assets Pages Created Prior to August 5, 2017	32
Confirmed Assistance Group Summary Page.....	33
Correspondence Enhancements	33
Notice of Decision	33
Approval Notice of Decision for Institutional Medicaid	33
Denial Notice of Decision for Home and Community-Based Waivers	33
Verification Checklist	34
Undue Hardship Member Letter and Undue Hardship Waiver Request	35
ACCESS	35
CONTACTS	37

CROSS REFERENCE

- Medicaid Eligibility Handbook, [Chapter 17 Divestment](#) and [Section 22.4 Undue Hardship](#)
- BadgerCare Plus Eligibility Handbook, [Section 42.1 Long-Term Care Eligibility Requirements for Childless Adults Eligible for BadgerCare Plus](#)
- SSI Caretaker Supplement (CTS) Handbook, [Section 3.2.3 Divestment](#)
- FoodShare Wisconsin Handbook, [Section 4.4.1 Assets](#)
- Process Help, [Section 72.1 Institutional Divestment](#)
- Operations Memos [13-38](#), [15-07](#), and [17-21](#)

EFFECTIVE DATE

August 5, 2017

PURPOSE

This Operations Memo announces the implementation of new functionality in CARES Worker Web (CWW) related to the transfer or divestment of assets as part of determining eligibility for long-term care services covered under Wisconsin Medicaid. The following updates will be made on August 5, 2017:

- Enhancements to CWW pages:
 - Asset Gatepost
 - Asset Summary
 - Transfer/Divestment of Assets
 - Liquid Assets
 - Institutions
 - Permanent Demographics
 - Assets Determination Summary
 - Confirmed Assistance Group Summary
- Automation of divestment penalty period calculations
- Enhancements to and automation of CARES correspondence related to divestment penalty periods
- Enhancements to ACCESS

BACKGROUND

Divestment is the act of transferring income, nonexempt assets, and/or homestead property for less than fair market value, avoiding receipt of income or assets to which a person is entitled, or purchasing certain types of assets. If an applicant, applicant's spouse, member, or member's spouse divested during a 60-month look back period or anytime thereafter, the person may be found ineligible for coverage for long-term care services for a period of time based on the value of the divestment. The long-term care services that may be affected include those covered by Home and Community-Based Waivers (HCBW), institutional Medicaid, and BadgerCare Plus.

Note: Divestment also applies to Caretaker Supplement and FoodShare. For Caretaker Supplement, if a person changes legal title or other right of ownership to nonexempt real or personal property within two years of the date of application or renewal, the person and anyone for whom the person is legally responsible and for whom Caretaker Supplement is requested are ineligible for Caretaker Supplement if the divested amount plus their other assets total more than \$1,000. These people are ineligible for two years or until the group expends an amount equal to the divestment. For FoodShare, food units that include an elderly, blind, or disabled member with gross income over 200% of the Federal Poverty Level are tested under Supplemental Nutrition Assistance Program rules, which include an asset limit and divestment policy. There is no change to the current FoodShare divestment policy or process.

The changes announced in this Memo align CWW with existing Medicaid divestment policy and automate divestment processes that were previously manually performed.

POLICY

There is no policy change associated with this Memo.

CARES

CARES will be updated to support institutional Medicaid and HCBW divestment policies and automate the divestment penalty period calculation and member correspondence for these programs. Divestment processes for FoodShare and institutionalized childless adults eligible under BadgerCare Plus will continue to be handled manually by workers.

The following pages will be updated in CWW:

- Asset Gatepost
- Asset Summary
- Transfer/Divestment of Assets
- Liquid Assets
- Institutions
- Permanent Demographics
- Assets Determination Summary
- Confirmed Assistance Group Summary

The following correspondence will be updated to accurately reflect divestment-related information and will be sent to applicants or members through CARES when a long-term care divestment penalty period has been imposed:

- Notice of Decision for institutional Medicaid
- Notice of Decision for HCBW
- Verification Checklist
- Undue hardship member letter and Undue Hardship Request form

CWW ENHANCEMENTS

Note: Although this Memo generally refers to drop-down menus for entry selection by workers, many of these fields also provide a reference table for entry selection.

ASSET GATEPOST PAGE

The Asset Gatepost page will display the correct divestment look back periods for all programs in the “Transfer/Divestment Asset” section. For institutional Medicaid and HCBW, the page will specify a look back period of five years for all assets. For Caretaker Supplement, the page will specify a look back period of two years.

If it is determined that a person has divested assets, the worker must select **Y – Yes** to the question “Has anyone transferred or divested, sold or given away real property or any other assets?” in the “Transfer/Divestment Asset” section of the Asset Gatepost page.

Asset Gatepost Cancel

Effective Period
Last Updated: **06/27/2017**

ACP Asset Information
Has the asset information from the latest ACP application PDF been processed?

Liquid Asset
Does anyone in your household have any of the following Liquid assets?

* Cash:	<input type="text"/>	* Tax Shelter Account:	<input type="text"/>
* Savings Account:	<input type="text"/>	* Christmas Club:	<input type="text"/>
* Savings Certificate:	<input type="text"/>	* IRA Account:	<input type="text"/>
* Checking Account:	<input type="text"/>	* Keogh Plan:	<input type="text"/>
* Prepaid Debit Card:	<input type="text"/>	* Credit Union:	<input type="text"/>
* Trust Funds:	<input type="text"/>	* Tax Refund:	<input type="text"/>
* Stocks and Bonds:	<input type="text"/>	* Escrow Account for Home Sale:	<input type="text"/>
* EBD Medicaid Annuity:	<input type="text"/>	* Money Owed:	<input type="text"/>
* US Savings Bond:	<input type="text"/>	* Child Support DEFRA Disregard:	<input type="text"/>
* Money Market:	<input type="text"/>	* Excess Over Life of Grant:	<input type="text"/>
* Monthly Excess Over Grant:	<input type="text"/>	* Other:	<input type="text"/>
* Special Resource:	<input type="text"/>		

Vehicle Asset
* Does anyone in your household own or is anyone buying a Vehicle (car, truck, boat, snowmobile, other)?

Real Property Asset
* Does anyone in your household own or is anyone buying real property / life estate / mortgage / land contract?

Personal Property Asset
* Does anyone in your household own or is anyone buying Personal property of exceptional value?

Burial Asset
* Does anyone in your household own or is anyone buying a Burial asset?

Lump Sum Received
* Has anyone in your household received a lump sum in the last three months?

Life Insurance Asset
* Does anyone in your household own or is anyone buying Life Insurance?

Transfer/Divestment Asset
* Has anyone transferred or divested, sold or given away real property or any other assets?
- For Institutions/Waivers, this applies to transfers or divestments in the past 5 years.
- For FoodShare, this only applies to transfers or divestments in the past 3 months and does not include real property, vehicles, or other assets that are excluded for FoodShare.
- For CTS, this applies to transfers or divestments in the past 2 years.

Cancel

Figure 1 Asset Gatepost Page

ASSET SUMMARY PAGE

The Asset Summary page will be updated to display the divestment penalty period start and end dates instead of the type and subtype of the divestment.

Asset Summary
Cancel

Liquid Assets										
Row	Individual	Begin Month	End Month	Last Updated	Delete Reason	Seq	Account #	Type	Amount	
No data found.										

Vehicle Assets										
Row	Individual	Begin Month	End Month	Last Updated	Delete Reason	Seq	ID Number	Type	Amount	
No data found.										

Real Property Assets										
Row	Individual	Begin Month	End Month	Last Updated	Delete Reason	Seq	Address	Type	Amount	
No data found.										

Personal Property Assets										
Row	Individual	Begin Month	End Month	Last Updated	Delete Reason	Seq	Jointly Owned	Type	Amount	
No data found.										

Burial Assets										
Row	Individual	Begin Month	End Month	Last Updated	Delete Reason	Seq	Account #	Type	Amount	
No data found.										

Lump Sums Received										
Individual	Begin Month	End Month	Last Updated	Delete Reason	Seq	Received Date	Type	Amount		
No data found.										

Life Insurance Assets										
Row	Individual	Begin Month	End Month	Last Updated	Delete Reason	Seq	Policy Number	Type	Amount	
No data found.										

Asset Transfers/Divestments										
Row	Individual	Begin Month	End Month	Last Updated	Delete Reason	Seq	Start Date	End Date	Amount	
	DIVESTMENT CASE 77M PP	06/2017		06/27/2017		1	06/27/2017	01/04/2018	\$50,000.00	

Individual

Begin Month

Updated on or before

Figure 2 Asset Summary Page

TRANSFER/DIVESTMENT OF ASSETS PAGE

If the worker selects Yes to the question “Has anyone transferred or divested, sold or given away real property or any other assets?” on the [Asset Gatepost Page](#), the Transfer/Divestment of Assets page will

be scheduled in the CWW driver flow. This page will collect appropriate divestment information and automatically calculate divestment penalty periods. The page will consist of the following sections:

- “Effective Period”
- “Additional Information”
- “Divestment Penalty Information”
- “Comments”
- “Obsolete Information”
- “Divestment Details”

Transfer / Divestment of Assets Cancel Reset

Effective Period

* Begin Month: MM / / YYYY End Month: MM / / YYYY Last Updated:

Delete Reason:

Additional Information

* Individual: Sequence: 0

* Initial Look Back Period: * Anticipated Penalty Period Start Date: MM / DD / YYYY

* Average Daily Nursing Home Rate: 2016/07/01 - 259.08 Total Amount: \$ 0.00

Divested:

Divestment Penalty Information

Start Date: MM / DD / YYYY End Date: MM / DD / YYYY

Change Reason: Change Effective Date: MM / DD / YYYY Effective Days Remaining:

Override Amount: \$ 0 . 00 Override Average Daily Nursing Home Rate:

Override Start Date: MM / DD / YYYY Override End Date: MM / DD / YYYY

Comments

Comment:

Current Size = 0 characters (1000 characters max.)

Obsolete Information

Transferred To: Relation:

Verification (Transferred To):

Enter New Begin Month MM / YYYY Go

Divestment Details

* Divested by: * Date of Divestment: MM / DD / YYYY

* Type: * Sub-Type:

Disregard Reason: Verification:

* Market Value: \$. * Verification:

Amount Owed: \$. Verification:

Amount Received: \$. Verification:

Amount Divested: \$ 0.00 Verification:

Allowable Medical Expenses: \$. Verification:

Individual Sequence Updated on or before

 MM / DD / YYYY Go

Figure 3 Transfer/Divestment of Assets Page

Effective Period Section

When workers run eligibility on a case, divestment information will be considered for the dates workers enter in the “Effective Period” section.

Figure 4 Effective Period Section

The “Effective Period” section includes the following fields:

- **Begin Month.** Workers must enter the first month for which the information on the page should be considered in the eligibility determination in the Begin Month field. If workers enter information in the Begin Month field but leave the End Month field blank, the information on this page will be used until the divestment penalty period listed on the page has ended. At intake, if a person requested backdated eligibility and divested during the look back period, workers must enter the first month eligibility was requested in the Begin Month field to ensure the divestment is considered in the eligibility determination for the proper months.

Example 1: If Nancy applies in December, requests a three-month back date, and divests in the five-year look back period (prior to September), the worker must enter September in the Begin Month field, not December. However, if Nancy applies in December and divests in October or November, the worker must enter the month the divestment occurred in the Begin Month field because Nancy could be eligible for benefits prior to the divestment.

- **End Month.** The End Month field specifies the last month for which the information on this page will be considered when eligibility is run. If the page has an active divestment penalty period, the End Month field should not be filled out until after that divestment penalty period has ended. As a best practice, workers should end date this page when processing a case with an expired divestment penalty period rather than deleting the page.
- **Last Updated.** This field will be automatically updated by CWW when the page is updated by the worker. Upon navigating to an existing Transfer/Divestment of Assets page, this field will display the last date on which the page was updated.
- **Delete Reason.** If a page were to be created in error, workers can select the deletion code “AE” (Error/Data Ignored) from the Delete Reason drop-down menu and enter the same month and year in the Begin Month and End Month fields. If a page is deleted, workers must be sure that any verification code of “?”, “Q?”, “NV,” or “QV” is not used on any page being deleted to prevent processing issues. If workers attempt to delete a page that has an active divestment penalty period, an informational edit will appear on the page and will state “Divestment penalty period is in effect. Review before deleting the page.” Workers must ensure that the information on the page is correct prior to deleting the page.

Additional Information Section

Workers will specify the person to whom the divestment penalty period will apply, the date the divestment penalty period is expected to start, and the average daily nursing home rate in the “Additional Information” section.

Additional Information	
* Individual:	<input type="text" value=""/> Sequence: 0
* Initial Look Back Period:	* Anticipated Penalty Period Start Date: MM / DD / YYYY
* Average Daily Nursing Home Rate:	Total Amount \$ 0.00 <input type="button" value="Calculate"/>
	Divested:

Figure 5 Additional Information Section

The “Additional Information” section includes the following fields:

- **Individual.** Workers must select the person to whom the divestment penalty period will apply from a drop-down menu of all case members.
- **Sequence.** Each divestment that workers enter is assigned a unique CWW-generated number that is referred to as a sequence.
- **Initial Look Back Period.** Workers should select **Y – Yes** to indicate if the divestment entry is for a divestment that occurred during the look back period at intake or **N – No** to indicate if the divestment entry is for an ongoing case. CWW will use this field to determine whether multiple divestment details can be entered in the [Divestment Details dynasection](#) for different months. The value **C – Conversion** will be populated by CWW for Transfer/Divestment of Assets page sequences created before August 5, 2017.
- **Anticipated Penalty Period Start Date.** Workers must enter the expected start date of the divestment penalty period based on current policy.

Example 2: Carrie is residing continuously in an institution as of February 21, and is applying for benefits in May with a three-month backdate. The Anticipated Penalty Period Start Date would be February 21.

Example 3: Annalise is currently receiving institutional Medicaid and reports a new divestment on April 25. The Anticipated Penalty Period Start Date would be June 1, the first of the month after timely notice can be provided.

Example 4: James is currently serving a divestment penalty period that ends on December 2, and reports a new divestment on July 5. The Anticipated Penalty Period Start Date would be December 3, the day after the current divestment penalty period ends.

There are a number of validations that will assist workers in entering the proper Anticipated Penalty Period Start Date. For example, CWW will not allow an Anticipated Penalty Period Start Date that is prior to the Begin Month on the sequence, greater than five months ago, or overlapping an existing divestment penalty period. CWW will also display a warning message if a worker is processing an intake application but the entered Anticipated Penalty Period Start Date is in the future. This warning message will state “Future ‘Anticipated Penalty Period Start Date’ should not be entered if ‘Look Back Period’ is ‘Yes.’”

- **Average Daily Nursing Home Rate.** This field will automatically display the current effective average daily nursing home rate. If needed, workers can select a different valid rate from the drop-down menu or a reference table. The drop-down menu and reference table include valid average daily nursing home rates from July 2008 to the present. Workers must choose the appropriate average daily nursing home rate based on policy.

Reference Table Value Chooser		
Reference Table Information		
Table ID: TNHR	Table Description: NURSING HOME RATE	Effective Date: 04/12/2017
County: 99		
Table Element Information		
CODE ▲	EFFECTIVE DATE	NH DLY RATE
2008/07/01	2008/07/01	205.78
2009/07/01	2009/07/01	209.16
2010/07/01	2010/07/01	204.35
2011/07/01	2011/07/01	215.46
2012/07/01	2012/07/01	215.46
2013/07/01	2013/07/01	243.49
2014/07/01	2014/07/01	241.78
2015/07/01	2015/07/01	252.95
2016/07/01	2016/07/01	259.08
2017/07/01	2017/07/01	278.05

Figure 6 Average Daily Nursing Home Rates Reference Table

Example 5: William applies for HCBW on September 1, 2017, and divests during the look back period. As a result, the worker must select the rate effective starting July 1, 2017.

Example 6: Maureen applies for institutional Medicaid on June 10, 2018, but the worker does not process the application until July 2, 2018. The rate effective July 1, 2018, will be displayed. The worker must select the rate that was effective July 1, 2017.

- **Total Amount Divested.** This field will display the total of all individual Amount Divested fields in the [Divestment Details dynasection](#). For a new divestment, the amount will not populate until workers enter all required information on the page and click **Calculate**.

The Calculate button will be enabled only after workers enter all required information on the Transfer/Divestment of Assets page. Workers cannot save the page sequence without clicking **Calculate**. Once the button is clicked, CWW will populate the Total Amount Divested field. Once the information on the sequence is confirmed, all of the fields in the “Additional Information” section will become read-only and the Calculate button will be disabled.

Divestment Penalty Information Section

The “Divestment Penalty Information” section will display the divestment penalty period that is calculated for the sequence by CARES during eligibility processing and set by confirmation. This section will be read-only when workers create a new sequence. Workers cannot enter information in this section until the Start Date and End Date have been set through the confirmation process. This section allows workers to update the divestment penalty period based on subsequent changes to the case, such as a fair hearing decision.

Divestment Penalty Information			
Start Date:	07 / 01 / 2017	End Date:	01 / 08 / 2018
Change Reason:	FH - FAIR HEARING	Change Effective Date:	08 / 01 / 2017
Override Amount:	\$ 0 . 00	Override Average Daily Nursing Home Rate:	2016/07/01 - 259.08
Override Start Date:	07 / 01 / 2017	Override End Date:	06 / 30 / 2017
			Effective Days Remaining:
			Calculate Amount/End Date

Figure 7 Divestment Penalty Information Section

The “Divestment Penalty Information” section includes the following fields:

- Start Date. Set by the confirmation process, this is when the divestment penalty period for this sequence starts.
- End Date. Set by the confirmation process, this is when the divestment penalty period for this sequence ends.

Note: The displayed Start Date and End Date will be sent to ForwardHealth interChange for that sequence.

- Change Reason. This field will be blank if change information is not entered on this page. After the information in this section has been set by confirming the case, workers can make changes to the divestment penalty period only by entering a Change Reason on the appropriate Transfer/Divestment of Assets page sequence. Workers can select a page level or detail level change reason depending on the type of change. Changes that will apply to the entire sequence, such as splitting the remaining penalty period with a spouse or allocating a remaining penalty period to a spouse when the institutionalized spouse is discharged or passes away, are considered page level change reasons. A page level change reason only allows workers to update fields within the “Divestment Penalty Information” section. Changes that require updates to one or more of the details in the [Divestment Details dynasection](#) are considered detail level change reasons. These include changes related to undue hardship, fair hearings, curing the divestment, and worker error (for example, if a worker entered the wrong market value for one of the divestment details). There is also an “other” reason that can be used when none of the other change reasons apply. Refer to the following tables for details regarding the different change types and the fields that may be edited for each type of change.

Page Level Change Reason	Editable Divestment Penalty Information Fields
Split with Spouse Spouse Discharged/Deceased	Change Effective Date Override Amount Override Nursing Home Rate Override Start Date Override End Date (Calculate Amount/End Date button is enabled.)

Detail Level Change Reason	Editable Divestment Penalty Information Fields	Editable Divestment Details Fields
Undue Hardship – Timely Undue Hardship – Untimely Fair Hearing Cured Worker Error Other	Change Effective Date Override Amount Override Nursing Home Rate Override Start Date Override End Date (Calculate Amount/End Date button is enabled.)	Market Value Amount Owed Amount Received Allowable Medical Expenses Disregard Reason Verification

Once a change reason is entered, the following fields must be updated in the “Divestment Penalty Information” section:

- **Change Effective Date.** This is the date on which the change or override applies to this divestment sequence.
- **Effective Days Remaining.** This is the number of penalty days remaining on the original penalty period based on the change effective date entered. This will be automatically updated by CWW. This field is only populated for the spousal change reasons.
- **Override Amount.** This is the total divested amount that should be used to calculate the overridden penalty period. This is updated after the divested amount is updated in the Divestment Details section, and **Calculate Amount/End Date** is clicked.
- **Override Nursing Home Rate.** This is the average daily nursing home rate that should be used to calculate the overridden penalty period.
- **Override Start Date.** This is the start date of the overridden penalty period.
- **Override End Date.** This is the end date of the overridden penalty period.

After making the necessary changes, workers should click **Calculate Amount/End Date** to update the divestment penalty period with the new override values. Once a change reason and change effective date have been entered and **Calculate Amount/End Date** has been clicked, CWW will update the Effective Days Remaining, Override Amount, Override Start Date, and Override End Date fields. Workers also have the option to manually calculate the override divestment penalty period, rather than using the Calculate Amount/End Date button. However, it is recommended that workers allow CWW to calculate the amount. If workers do not click the Calculate Amount/End Date button and do not enter an override end date, a red edit message will be displayed stating, “If ‘Change Reason’ is entered, ‘Override End Date’ is required.” If workers manually enter the override amount, override start date, and override end date instead of clicking the Calculate Amount/End Date button, and their manual calculation does not match the penalty period they have entered, a red edit message will be displayed stating, “Override Penalty Period calculation does not equal override penalty period length.”

If there are multiple sequences, the information in the “Divestment Penalty Information” section applies only to that sequence.

Page Level Change Reason

Split With Spouse Change Reason

When a member is serving a divestment penalty period and the member's spouse applies for and would be otherwise eligible for Long-Term Care Medicaid, half of the remaining penalty period must be assigned to each spouse.

Example 7: Ray was institutionalized, applied for institutional Medicaid, and was found eligible. His wife Kay moved to a condominium, transferred their homestead property to their son, and received no money in return. The worker calculated that the divested amount was \$100,000, and calculated a divestment penalty period for Ray. One year later, Kay is institutionalized and applies for institutional Medicaid. If Kay is otherwise eligible, the worker must split the remaining penalty period between Ray and Kay.

Example 8: John is eligible for HCBW services. He inherits \$10,000 and gives it immediately to his daughter Emily. This is reported and the worker enters it into the Transfer/Divestment of Assets page. John is ineligible for HCBW services due to the divestment. He then marries Kate who applies for HCBW a few months later. The worker should not split this divestment period because the asset was not transferred by Kate and was transferred by John prior to her becoming his spouse. If Kate is eligible for HCBW, she should open for that program, while John will continue to be ineligible for HCBW during the time of his divestment penalty period.

To split the remaining divestment penalty period between two spouses, workers **must** ensure the spouse would be otherwise eligible and then **take the following steps** for both companion cases on the same day.

On the case for which a divestment penalty period is currently effective, workers should do the following:

1. Select **SS - SPLIT WITH SPOUSE** from the Change Reason drop-down menu.
2. Enter the date on which the spouse became otherwise eligible for institutional Medicaid or HCBW in the Change Effective Date field. CARES will populate the Override Start Date field with the original start date and will populate the Override Average Nursing Home Rate field with the original average daily nursing home rate used to calculate the divestment penalty period.

Divestment Penalty Information			
Start Date:	07 / 01 / 2017	End Date:	01 / 08 / 2018
Change Reason:	SS - SPLIT WITH SPOUSE	Change Effective Date:	12 / 01 / 2017
Override Amount:	\$ 0 . 00	Override Average Daily Nursing Home Rate:	2016/07/01 - 259.08
Override Start Date:	07 / 01 / 2017	Override End Date:	MM / DD / YYYY
			Effective Days Remaining:
Calculate Amount/End Date			

Figure 8 Split With Spouse and Change Effective Date

3. Click Calculate Amount/End Date. CARES will automatically do the following:
 - Calculate the dollar value of the penalty period that has already been served (by comparing the change effective date to the start date to see how many days have passed and multiply this number of days by the override nursing home rate).
 - Calculate how many days still need to be served for the penalty period (by comparing the change effective date to the end date to determine how many days remain).
 - Populate the Effective Days Remaining field.

- Calculate the dollar value of the penalty period that still needs to be served (by equally splitting the Effective Days Remaining and multiplying the number of days by the Override Average Daily Nursing Home Rate).
- Calculate the override amount by adding the two amounts together.
- Populate the Override End Date field after determining the new number of days that still need to be served (override amount divided by the override average daily nursing home rate).

Divestment Penalty Information			
Start Date:	07 / 01 / 2017	End Date:	01 / 08 / 2018
Change Reason:	SS - SPLIT WITH SPOUSE	Change Effective Date:	12 / 01 / 2017
Override Amount:	\$ 44561 . 76	Override Average Daily Nursing Home Rate:	2016/07/01 - 259.08
Override Start Date:	07 / 01 / 2017	Override End Date:	12 / 19 / 2017
			Effective Days Remaining: 38
<input type="button" value="Calculate Amount/End Date"/>			

Figure 9 Calculate Revised Divestment Penalty

4. Continue processing the case, run eligibility, review the [Assets Determination Summary page](#), and confirm the case.

Workers must then update the companion case. On the spouse's Long-Term Care Medicaid case (the person who will now have a new divestment penalty period), workers should do the following:

1. Create a new Transfer/Divestment of Assets page.

Transfer / Divestment of Assets Cancel Reset

Effective Period

* Begin Month: / End Month: / Last Updated:

Delete Reason:

Additional Information

* Individual: Sequence:

* Initial Look Back Period: * Anticipated Penalty Period Start Date: / /

* Average Daily Nursing Home Rate: Total Amount Divested: **\$ 4,922.52**

Divestment Penalty Information

Start Date: / / End Date: / /

Change Reason: Change Effective Date: / / Effective Days Remaining:

Override Amount: \$. Override Average Daily Nursing Home Rate:

Override Start Date: / / Override End Date: / /

Comments

Comment:

Current Size = 0 characters (1000 characters max.)

Obsolete Information

Transferred To: Relation:

Verification (Transferred To):

/

Divestment Details

* Divested by: * Date of Divestment: / /

* Type: * Sub-Type:

Disregard Reason: Verification:

* Market Value: \$. * Verification:

Amount Owed: \$. Verification:

Amount Received: \$. Verification:

Amount Divested: **\$ 4,922.52** Verification:

Allowable Medical Expenses: \$. Verification:

Figure 10 Spouse's New Divestment Penalty

2. Enter all necessary divestment information. This includes creating a divestment detail and doing the following:
 - a. Selecting **SP – SPOUSE** from the Type drop-down menu.
 - b. Entering the amount left to be served (calculated on the other case) in the Market Value field. The Effective Days Remaining field on the first case can be used to calculate the dollar amount for the second case. For example, if there are 100 days remaining, divide that by two because each spouse must serve half of the remaining days. Then multiply the days for the spouse by the current average daily nursing home rate (50 x \$278.05 = \$13,902.50). Enter the final number as

the market value for the spouse. CWW will calculate a divestment penalty period that lasts for 50 days for the spouse.

- Continue processing the case, run eligibility, review the [Assets Determination Summary page](#), and confirm the case.

Assets Determination Summary Cancel Reset

Assistance Group Overview

Assistance Group: **MI S - SSI RELATED INSTITUTIONS MA** [icon] Sequence: **1**
 Benefit Begin Date: **12/01/2017** Benefit End Date: **12/31/2017**
 Determination Date: **12/01/2017**

Results

Assistance Group Status: **O - OPEN** Eligibility Status: **PASS**
 Assets Eligibility Determination Results: **PASS** FoodShare Categorically Eligible: **No**

Asset Divestment Penalty Period - IGNAS MADISON 32M PP

Divestment Penalty Period Start Date: **12/01/2017** Divestment Penalty Period End Date: **12/19/2017**

Asset Divestment Penalty Period Details

Total Amount Divested	Average Daily Nursing Home Rate	Penalty Period Length (Days)	Divestment Penalty Period Start Date	Divestment Penalty Period End Date
\$4,922.52	\$259.08	19	12/01/2017	12/19/2017

Counted Assets

Vehicle Assets:	\$	—
Liquid Assets:	+	—
Real Property Assets:	+	—
Personal Property Assets:	+	—
Life Insurance Assets:	+	—
Lump Sum Assets:	+	—
Burial Assets:	+	—
Deemed Assets:	+	— [icon]
Assets Allocated Out:	-	—
Assets Allocated In:	+	—
Total Counted Assets:	\$	—
Asset Limit:	\$ 2,000.00	[icon]
Overage Amount:	\$	—

[Navigation icons]

Assistance Group: **MI S - SSI RELATED INSTITUTIONS MA** [icon] Sequence: Updated on or before: MM/DD/YYYY [icon] [icon]

Cancel

Figure 11 Spouse's Assets Determination Summary Page

Spouse Discharged/Deceased Change Reason

When both spouses are currently receiving long-term care services (institutional Medicaid or HCBW) and/or serving divestment penalty periods and one is discharged from institutional care, disenrolls from an HCBW program, or dies, if that member has a penalty period, the remainder of it must be assigned to the spouse per policy.

Example 9: Carrie is married to Jack. Carrie is institutionalized and is eligible for institutional Medicaid for card services only as she is serving a divestment penalty period. She dies on May 1. Her husband Jack is open for HCBW. The worker assigns the remaining penalty period to Jack and closes his HCBW eligibility based on adverse action rules.

To apply the remaining divestment penalty period to the spouse, the worker must follow these steps.

On the case for the person who left the institution, disenrolled, or passed away, workers should do the following:

1. Select **SD – SPOUSE DISCHARGED/DECEASED** from the Change Reason drop-down menu.
2. Enter the day the spouse left the institution, disenrolled, or passed away in the Change Effective Date field. CARES will populate the Override Start Date field with the original start date and will populate the Override Average Daily Nursing Home Rate field with the original average daily nursing home rate used to calculate the divestment penalty period.
3. Click **Calculate Amount/End Date**. CARES will automatically do the following:
 - a. Calculate the dollar value of the penalty period that has already been served (by comparing the change effective date to the start date to determine how many days have passed and multiply this number of days by the override nursing home rate).
 - b. Calculate how many days still need to be served for the penalty period (by comparing the change effective date to the end date to determine how many days remain).
 - c. Populate the Effective Days Remaining field.

On the spouse's Long-Term Care Medicaid case (the person who remains in an institution), workers should do the following:

1. Create a new Transfer/Divestment of Assets page.
2. Enter all necessary information. This includes creating a divestment detail and doing the following:
 - a. Selecting **SP – SPOUSE** from the Type drop-down menu.
 - b. Entering the amount left to be served in the Market Value field. To calculate this value, workers can do one of the following:
 - 1) Subtract the override amount on the other case from the total amount transferred.
 - 2) Multiply the effective days remaining on the other case by the nursing home rate.
3. Continue processing the case, run eligibility, review the [Assets Determination Summary page](#), and confirm the case.

Detail Level Change Reason

Undue Hardship—Timely Change Reason

If a valid request for an undue hardship waiver is received within 20 calendar days of the mailing date of the [undue hardship member letter](#) and the request is approved, the entire divestment penalty period is waived. To waive the divestment penalty period for a timely undue hardship waiver, workers must do the following:

1. Select **UT – UNDUE HARDSHIP – TIMELY** from the Change Reason drop-down menu.
2. Enter the day the agency received the undue hardship waiver request in the Change Effective Date field. CARES will populate the Override Start Date field with the original start date.
3. Select **UT – UNDUE HARDSHIP – TIMELY** from the Disregard Reason drop-down menu, and select the applicable verification type for all appropriate details in the [Divestment Details dynasection](#).

4. Click **Calculate Amount/End Date**. CARES will automatically do the following:
 - Calculate and populate the override amount.
 - Populate the override end date after calculating the new number of days (by dividing the override amount by the override average daily nursing home rate). If all details were disregarded, the override end date will be the day prior to the override start date.
5. Continue processing the case, run eligibility, review the [Assets Determination Summary page](#), and confirm the case.

Undue Hardship—Untimely Change Reason

If a valid request for an undue hardship waiver is received more than 20 calendar days after the mailing date of the [undue hardship member letter](#) and the request is approved, any remaining divestment penalty period will be waived. To waive the remaining divestment penalty period for an untimely undue hardship waiver, workers must do the following:

1. Select **UU – UNDUE HARDSHIP – UNTIMELY** from the Change Reason drop-down menu.
2. Enter the date the agency received the undue hardship waiver request in the Change Effective Date field. CARES will populate the Override Start Date field with the original start date.
3. Select **UU – UNDUE HARDSHIP – UNTIMELY** from the Disregard Reason drop-down menu, and select the applicable verification type for all appropriate details in the [Divestment Details dynasection](#).
4. If all details were disregarded, click **Calculate Amount/End Date**, and CARES will populate the Override End Date field with the day prior to the change effective date. If only some of the details were disregarded, workers will need to manually enter the override amount and click **Calculate Amount/End Date** to set the override end date.
5. Continue processing the case, run eligibility, review the [Assets Determination Summary page](#), and confirm the case.

Fair Hearing Change Reason

There may be times when a fair hearing decision requires a change to the established divestment penalty period. If the administrative law judge (ALJ) determines that a divestment penalty period should be removed or changed, the worker must do the following:

1. Select **FH – FAIR HEARING** from the Change Reason drop-down menu.
2. Enter the day the fair hearing decision was made in the Change Effective Date field. CARES will then populate the Override Start Date field with the original start date.
3. Select **FH – FAIR HEARING** from the Disregard Reason drop-down menu, and select the applicable verification type for all appropriate details in the [Divestment Details dynasection](#), and/or make necessary changes as required by the ALJ's decision (for example, update the Market Value or Amounts Received fields).
4. Click **Calculate Amount/End Date**. CARES will automatically do the following:
 - Calculate and populate the override amount.
 - Populate the override end date after calculating the new number of days (by dividing the override amount by the override average daily nursing home rate).
5. Continue processing the case, run eligibility, review the [Assets Determination Summary page](#), and confirm the case.

If any of the dynasection details have a fair hearing disregard reason, the detail will not be counted toward the total amount divested. If all details are disregarded, CARES will set the override end date as

the day prior to the override start date. The page sequence will remain in CWW, but the divestment penalty period will no longer be considered during eligibility determination.

Cured Change Reason

When the total value of the divested amount is returned to the person, the entire penalty period is nullified, or cured. To cure a divestment, the worker must do the following:

1. Select **CU – CURED** from the Change Reason drop-down menu.
2. Enter the date on which the Wisconsin Department of Health Services received verification that the divestment was cured in the Change Effective Date field. CARES will populate the Override Start Date field with the original start date.
3. Update the amount received or amount owed to equal the market value, and select the applicable verification type for all details in the [Divestment Details dynasection](#).
4. Click **Calculate Amount/End Date**. CARES will populate the Override End Date field with the day prior to the override start date.
5. Continue processing the case, run eligibility, review the [Assets Determination Summary page](#), and confirm the case.

The full divested amount, including all details for multiple divestments that are lumped together because they occurred during the look back period or within the same month, must be returned in order to cure a divestment. CWW will not allow workers to save a Transfer/Divestment of Assets sequence if the change reason is CU – CURED, but the amount divested does not equal \$0.00.

Worker Error Change Reason

To change a divestment detail due to an error, workers must do the following:

1. Select **ER – ERROR** from the Change Reason drop-down menu.
2. Enter a date in the Change Effective Date field. CARES will populate the Override Start Date field with the original Start Date.
3. Delete or edit the “Divestment Detail” sections that were entered in error.
4. Click **Calculate Amount/End Date**. CARES will automatically do the following:
 - Calculate and populate the override amount.
 - Populate the override end date after calculating the new number of days (by dividing the override amount by the override average daily nursing home rate).
5. Continue processing the case, run eligibility, review the [Assets Determination Summary page](#), and confirm the case.

Other Change Reason

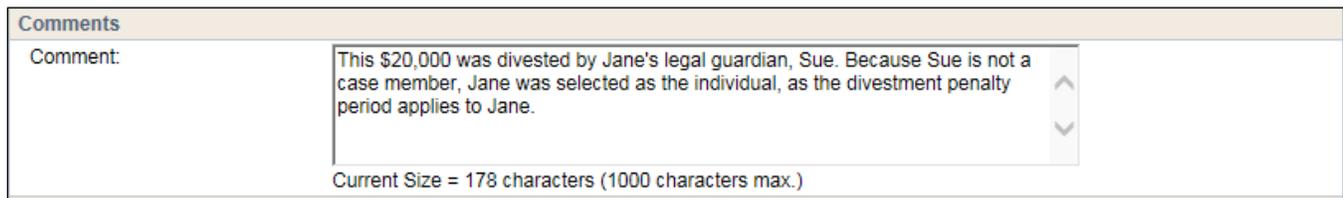
The “Other” change reason should **only** be used when no other reason applies. Workers must document the reason for the change in the [“Comments” section](#) of this page.

Communicating Divestment Penalty Period Changes to ForwardHealth interChange

Changes entered and confirmed in CWW after the divestment penalty period has been calculated and confirmed will only change the information in CWW, and will not update ForwardHealth interChange. If there is a change to a divestment penalty period after the penalty period has been confirmed, workers must contact the fiscal agent to ensure ForwardHealth interChange has the correct eligibility and divestment penalty period applied.

Comments Section

A new page-level comment box will allow workers to document divestment details on the Transfer/Divestment of Assets page. Comments can be up to 1,000 characters.



Comments

Comment: This \$20,000 was divested by Jane's legal guardian, Sue. Because Sue is not a case member, Jane was selected as the individual, as the divestment penalty period applies to Jane.

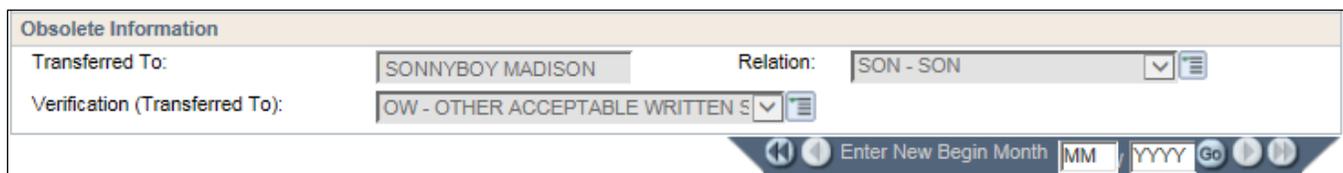
Current Size = 178 characters (1000 characters max.)

Figure 12 Comments Section

Obsolete Information Section

The “Obsolete Information” section will store information from the obsolete fields of the previous Transfer/Divestment of Assets page (before August 5, 2017). The following fields are no longer necessary for the Transfer/Divestment of Assets page, but will be stored in this section for informational purposes:

- Transferred To
- Relation
- Verification (Transferred To)



Obsolete Information

Transferred To: SONNYBOY MADISON Relation: SON - SON

Verification (Transferred To): OW - OTHER ACCEPTABLE WRITTEN S

Enter New Begin Month MM YYYY Go

Figure 13 Obsolete Information Section

If the Initial Look Back Period field indicates C – Conversion when the worker initially accesses the page and the divestment penalty period dates or override dates have not been set, the “Obsolete Information” section will be editable. If the Initial Look Back Period field indicates Y – Yes or N – No when the worker initially accesses the page or a divestment penalty period date or override date has been set on the page, the “Obsolete Information” section will be read-only.

Divestment Details Dynasection

Workers will be able to enter details of a person’s divestment(s) into the “Divestment Details” section. This is a dynamic section, referred to as a “dynasection,” that allows workers, depending on the situation and the applicable policy, to enter information into a single divestment detail or into multiple divestment details. Multiple divestment details can be entered in only the following two situations:

- When a worker is entering an initial application and the transfer of multiple assets occurred during the initial look back period. Per policy, all transfers of assets made by the member or the member's spouse during the initial look back period must be added together for the total amount divested. When entering divestment details for the initial look back period, workers must select **Y – Yes** from the Initial Look Back Period drop-down menu in the “Additional Information” section. Workers may enter up to 10 divestment details in the Divestment Details dynasection by clicking **Add Divestment Detail** to add each additional detail.
- When a worker is adding divestments to an ongoing case after the application date and the transfer of multiple assets occurred within a single month after the look back period. All divestments that occur in the same month must be added together for the total amount divested. For an ongoing case, workers must select **N – No** from the Initial Look Back Period drop-down menu in the “Additional Information” section.

For ongoing cases, if a member reports multiple divestments that occurred in different months, workers must enter these divestments on separate Transfer/Divestment of Assets page sequences. To set the penalty periods correctly, workers must confirm eligibility after entering the first sequence. Confirming eligibility will cause CWW to calculate the divestment penalty period and allow a new page sequence to be added. If a subsequent sequence needs to be added, workers will need to navigate back to the Transfer/Divestment of Assets page and review the populated Start Date and End Date fields for the confirmed sequence. Workers will then need to create a new sequence and enter the anticipated penalty period start date as the day after the divestment penalty period end date of the prior sequence. Workers must enter all sequences on the same day to ensure proper CARES notices are sent to the member.

Example 10: Jill has been open for institutional Medicaid for over a year. Jill's authorized representative calls to report that Jill recently inherited \$10,000 and a cottage from a deceased relative. Jill divested both of these assets by giving them to her granddaughter as gifts. She divested the \$10,000 in April, immediately after inheriting it, and the cottage in early May, as soon as she could sign over the deed.

The worker must do the following:

- Enter the \$10,000 divestment on the Transfer/Divestment of Assets page, run eligibility, review the divestment penalty period on the Assets Determination Summary page, and confirm.
- Navigate back to the Transfer/Divestment of Assets page where the start date and end date for the penalty period will now be populated for the liquid asset divestment (sequence one).
- Create a new Transfer/Divestment of Assets sequence and enter the divestment of the cottage. The anticipated penalty period start date for this sequence will be the day after the penalty period end date for the liquid asset divestment (sequence one). So, for example, if the penalty period end date for sequence one was August 13, the worker must enter August 14 in the Anticipated Penalty Period Start Date field for sequence two.
- Complete the rest of the Transfer/Divestment of Assets page and any other case processing.
- Run eligibility, review the divestment penalty periods on the Assets Determination Summary page, and confirm.

CWW will correctly set the two divestment penalty periods and send the correct notice, which will identify both divestment penalty periods.

If the Initial Look Back Period field indicates N – No and a worker attempts to enter multiple divestment details that are not in the same month and year, the worker will receive a red edit message stating, "Multiple Divestment Details can only be entered if they are from the same month and year."

Divestment Details		Delete	
* Divested by:	<input type="text"/>	* Date of Divestment:	MM / DD / YYYY
* Type:	<input type="text"/>	* Sub-Type:	<input type="text"/>
Disregard Reason:	<input type="text"/>	Verification:	<input type="text"/>
* Market Value:	\$ <input type="text"/> . <input type="text"/>	* Verification:	<input type="text"/>
Amount Owed:	\$ <input type="text"/> . <input type="text"/>	Verification:	<input type="text"/>
Amount Received:	\$ <input type="text"/> . <input type="text"/>	Verification:	<input type="text"/>
Amount Divested:	\$ 0.00	Verification:	<input type="text"/>
Allowable Medical Expenses:	\$ <input type="text"/> . <input type="text"/>	Verification:	<input type="text"/>
		Add Divestment Detail	

Figure 14 Divestment Details Dynasection

The following fields are included in the dynasection:

- **Divested by.** Workers must select the case member who transferred or divested assets from the Divested by drop-down menu. Only members entered on the case will appear in the drop-down menu. If the asset was transferred by a spouse or other person (such as a legal guardian) who is not listed on the case, workers must select the person to whom the divestment penalty period should apply (often the primary person) as the person who transferred the asset. Workers must document this action and the name of the person who transferred the asset in the [“Comments” section](#) on the Transfer/Divestment of Assets page.

Example 11: Jane applies for institutional Long-Term Care Medicaid. She has a legal guardian, Sue, who has control of Jane’s assets. Sue transferred \$20,000 out of Jane’s savings account and gave it to a charity the month before Jane applied for Medicaid. Although Sue caused this divestment by transferring the assets to a charity, Sue’s name will not appear in the Divested by drop-down menu. In this situation, the worker must choose Jane’s name from the drop-down menu and document in the comment box that Sue transferred the asset.

- **Date of Divestment.** Workers must enter the date on which the person divested the assets in the Date of Divestment field. To ensure that the date is within the look back period, the following warning message will be displayed if the worker enters a date that is greater than five years in the past: “Date of Divestment is greater than 5 years ago. Verify if the divestment occurred within the look back period.” For backdated requests or applications processed in the calendar month after they were received, the divestment date could be more than five years in the past (from the current date) but still be valid, per policy.

Note: Workers must follow current policy in deciding whether a transfer of assets that occurred during the look back period is a valid divestment. For example, if the transfer occurred when the person was a minor, it would continue to be exempt and not entered on the case.

- **Type.** The Type field indicates the type of asset that was divested. Workers must select the appropriate type. The allowable types include:
 - BA – BURIAL ASSET
 - LA – LIQUID ASSET
 - LI – LIFE INSURANCE
 - LS – LUMP SUM

- PP – PERSONAL PROPERTY
- RP – REAL PROPERTY
- VA – VEHICLE ASSET
- SP – SPOUSE: This new type was added for cases involving divestments that are split with a spouse or allocated to a spouse due to the discharge of a member's spouse from a nursing home or institution or due to the death of the spouse.
- Sub-Type. Workers must select the appropriate subtype from the drop-down menu or reference table. The selected subtype must correspond to the selected type. For example, if a worker selects **LI – LIFE INSURANCE** from the Type drop-down menu, the selected subtype must correspond with one of the LI codes listed in the Sub-Type drop-down menu.

Two new subtypes correspond to the new SP – SPOUSE type: SPSS – SPLIT WITH SPOUSE and SPSD – SPOUSE DISCHARGED/DECEASED. Workers should select **SPSS – SPLIT WITH SPOUSE** when a divestment penalty period must be split between two eligible spouses. Workers should select **SPSD – SPOUSE DISCHARGED/DECEASED** when a person's spouse was serving a divestment penalty period at the time the person was discharged from a nursing home or other institution or at the time of the person's death and the remainder of the divestment penalty period is being applied to the spouse who is currently eligible for, or newly applying and otherwise eligible for, Long-Term Care Medicaid.

There is also a new subtype for the RP – REAL PROPERTY type: RPHO – HOUSE. Workers should select **RPHO – HOUSE** when a person divests a house.

Note: Workers must combine all liquid asset (cash) divestments into one detail if they occurred in the initial look back period or for open or ongoing cases in the same month and year. CWW will not allow more than one divestment detail with the subtype LACA – Cash per sequence. If workers attempt to enter a second LACA – CASH subtype on a sequence, they will receive a red edit message stating, “Only one Divestment Detail with “LACA – CASH” subtype is allowed.”

- Disregard Reason. There may be instances when an asset was transferred, but workers have subsequently determined that the asset transfer is not a divestment. Those reasons are listed in the Disregard Reason drop-down menu.

The Disregard Reason field is optional. While the reference table lists many disregard reason codes, the codes that are applicable to Medicaid divestment policy are as follows:

- Existing Disregard Reason Codes:
 - CS – PROP PART OF COM SPOUSE SHARE
 - FV – INTENT TO OBTAIN FULL VALUE
 - IN – INTENT NOT TO BECOME ELIGIBLE
 - PD – PROP DIVIDED IN DIVORCE/SEPARA
 - PL – PROP LOST DUE TO FORECLOSURE
 - PR – PROP REPOSSESSED FOR NON-PYMNT
 - UH – UNDUE HARDSHIP
- New Disregard Reason Codes:
 - FH – FAIR HEARING. This should be used when the asset listed in the dynasection must be adjusted or deleted based on a fair hearing decision.
 - PO – PROP OWNERSHIP RETURNED. This should be used when the ownership of the property is returned to the person who transferred it.

- HP – HOME TO QUAL SPOUSE/CHILD/SIB. This should be used when an institutionalized person or HCBW applicant or spouse divests homestead property to the person’s spouse or a child or sibling who meets the conditions described in 7.b. and 7.c. of Medicaid Eligibility Handbook, Section 17.4 Exceptions.
- SC – ASSET TO SPOUSE OR B/D CHILD. This should be used when the institutionalized person or HCBW applicant, or their community spouse, divests a non-homestead asset(s) to a spouse or a child (of any age) of either spouse who is blind and/or disabled.

A verification code is required if a disregard reason is entered. When a disregard reason has been entered and verified, the Amount Divested field will display \$0.00, and a divestment penalty period will not be calculated for that divestment. Page level comments must be entered detailing the information of the disregard.

Example 12: Stacy has applied for institutional Medicaid and provides verification that she owned property with a market value of \$100,000. She owed \$50,000 on the property but signed it over to her son. She also reports that she was required to sign the property over to her son because she was making payments on it to him as a part of a land contract and defaulted. The worker selects PR – PROP REPOSSESSED FOR NON-PYMNT from the Disregard Reason drop-down menu and enters a “?” in the Verification field. If Stacy verifies that the land contract required she sign the property back over to her son due to nonpayment, the worker will select a valid verification code, and CWW will calculate the amount divested for this Divestment Details dynasection to be \$0.00. If Stacy does not provide verification of this disregard reason, the worker will select “NV” or “QV” as the verification for the disregard reason. CARES will then use \$50,000 (the market value—the amount owed) when calculating Stacy’s divestment penalty period.

- Verification for Disregard Reason. Workers can select a code to indicate how the disregard reason was verified.
- Market Value. Workers must enter the fair market value of the asset at the time of the divestment.
- Verification for Market Value. Workers must select a code to indicate how the fair market value at the time of the divestment was verified. If market value is not verified, the case will fail for lack of verification.
- Amount Owed. Workers can enter the amount owed on the asset at the time of the divestment.
- Verification for Amount Owed. Workers can enter a code to indicate how the amount owed on the asset at the time of the divestment was verified. If the amount owed is not verified, CARES does not subtract the amount from the market value when it calculates the amount divested. CARES will not fail the case for lack of verification because the amount owed is not a required value.
- Amount Received. Workers can enter the amount of payment received for the asset at the time of the divestment. This amount includes any outstanding amount promised but not yet paid.
- Verification for Amount Received. Workers can enter a code to indicate how the amount received for the asset was verified. If amount received is not verified, CARES does not subtract the amount from the market value when it calculates the amount divested. CARES will not fail the case for lack of verification because the amount received is not a required value.
- Amount Divested. This is the CWW-generated value of the divestment, automatically calculated as Amount Divested = Market Value - Amount Owed - Amount Received. All amount divested values in the dynasection will be summed to calculate the total amount divested for the sequence.

- Allowable Medical Expenses. Workers can enter the amount of any medical expenses that may be taken into consideration when determining the amount of the divestment. This field should only be used for Caretaker Supplement cases with divestment. Caretaker Supplement cases will automatically deduct the allowable medical expenses from the amount divested. The amount divested and total amount divested will not reflect this deduction on the Transfer/Divestment of Assets page, but will be reflected on the [Assets Determination Summary](#) page.
- Verification for Allowable Medical Expenses. Workers can select a verification code that shows how the allowable medical expenses amount was verified. This field should only be used for Caretaker Supplement cases with divestment. If allowable medical expenses are not verified, CARES does not subtract the amount from the amount divested. CARES will not fail the case for lack of verification because allowable medical expenses are not a required value.

Workers can click **Delete** to delete a Divestment Details dynasection detail.

Workers can pend for verification of the disregard reason, market value, amount owed, amount received, or allowable medical expenses by selecting a “?” or “Q?” in the applicable verification fields.

After entering all required information on the page, workers must click **Calculate** in the “Additional Information” section. After the confirmation process sets the divestment penalty period, the Divestment Details dynasection will become read-only and the Add Divestment Detail and Delete buttons will become disabled. If information needs to be changed in the dynasection, workers will need to enter an appropriate change reason in the “Divestment Penalty Information” section.

Transfer / Divestment of Assets Cancel Reset

Effective Period

* Begin Month: 06 / 2017 End Month: MM / YYYY Last Updated:

Delete Reason:

Additional Information

* Individual: DIVESTMENT CASE 77M PP Sequence: 0

* Initial Look Back Period: Y - Yes * Anticipated Penalty Period Start Date: 06 / 27 / 2017

* Average Daily Nursing Home Rate: 2016/07/01 - 259.08 Total Amount Divested: \$ 0.00

Divestment Penalty Information

Start Date: MM / DD / YYYY End Date: MM / DD / YYYY

Change Reason: Change Effective Date: MM / DD / YYYY Effective Days Remaining:

Override Amount: \$ 0 . 00 Override Average Daily Nursing Home Rate:

Override Start Date: MM / DD / YYYY Override End Date: MM / DD / YYYY

Comments

Comment:

Current Size = 0 characters (1000 characters max.)

Obsolete Information

Transferred To: Relation:

Verification (Transferred To):

Enter New Begin Month MM / YYYY

Divestment Details

* Divested by: DIVESTMENT CASE 77M PP * Date of Divestment: 06 / 27 / 2017

* Type: LA - LIQUID ASSET * Sub-Type: LACA - CASH

Disregard Reason: Verification:

* Market Value: \$ 100000 . * Verification: AF - AGENCY FORM

Amount Owed: \$. Verification:

Amount Received: \$. Verification:

Amount Divested: \$ 0.00 Verification:

Allowable Medical Expenses: \$. Verification:

Figure 15 Divestment Details Prior to Clicking Calculate

Transfer / Divestment of Assets Cancel Reset

Effective Period

* Begin Month: / End Month: / Last Updated:

Delete Reason:

Additional Information

* Individual: Sequence:

* Initial Look Back Period: * Anticipated Penalty Period Start Date: / /

* Average Daily Nursing Home Rate: Total Amount: **\$ 100,000.00** Calculate

Divestment Penalty Information

Start Date: / / End Date: / /

Change Reason: Change Effective Date: / / Effective Days Remaining:

Override Amount: \$. Override Average Daily Nursing Home Rate:

Override Start Date: / / Override End Date: / / Calculate Amount/End Date

Comments

Comment:

Current Size = 0 characters (1000 characters max.)

Obsolete Information

Transferred To: Relation:

Verification (Transferred To):

Enter New Begin Month / Go

Divestment Details Delete

* Divested by: * Date of Divestment: / /

* Type: * Sub-Type:

Disregard Reason: Verification:

* Market Value: \$. * Verification:

Amount Owed: \$. Verification:

Amount Received: \$. Verification:

Amount Divested: **\$ 100,000.00** Verification:

Allowable Medical Expenses: \$. Verification:

Add Divestment Detail

Figure 16 Divestment Details After Clicking Calculate

LIQUID ASSETS PAGE

The Liquid Assets page will now include a page-level comment box. Workers can document the details regarding potential divestment as well as other information workers may find necessary regarding the liquid asset. Comments can be up to 240 characters.

Liquid Assets Cancel Reset

Effective Period

* Begin Month: / End Month: / Last Updated:

Delete Reason:

Additional Information

* Individual: Sequence:

* Type: * Verification:

* Jointly Owned?: * Available?:

* Burial?:

* Asset Amount: \$. * Verification:

Independence Account Information

* Independence Account?: Registration Date: / /

Pre-independence Account Balance Amount: \$.

Financial Institution Name And Address Information

Account Number:

Name:

Address:

City: State:

ZIP: -

W-2 EFT Information

* Use for W-2 EFT?: * Routing Number:

* Confirm Account Number: * Confirm Routing Number:

Jointly Owned Assets

Individual Verification

First Name MI Last Name Suffix

EBD-MA Related Applicant / Recipient

Delete Delete Reason

First Name	MI	Last Name	Delete	Verification	EBD-MA	

Automatically create asset page for joint owners in the household

Comment:

Current Size = 190 characters (240 characters max.)

Enter New Begin Month: /

Figure 17 Liquid Assets Page With New Comment Box

INSTITUTIONS PAGE

Field names on the Institutions page will be renamed for accuracy. The Date of Original Institutionalization field will be renamed Date of Original Hospitalization/Institutionalization, and the Date of Most Recent Institutionalization field will be renamed Date of Most Recent Hospitalization/Institutionalization. If a person were hospitalized prior to entering a nursing home, without going home in between, the Date of Original Hospitalization/Institutionalization would be the date the person was admitted to the hospital, not the nursing home.

Institutions Cancel Reset

Effective Period

* Begin Month: 06 / 2017 End Month: MM / YYYY Last Updated:

Delete Reason:

Details

* Individual:

Institution Name:

* Type: * County:

* Date of Original Hospitalization/Institutionalization: MM / DD / YYYY

* Date of Most Recent Hospitalization/Institutionalization: MM / DD / YYYY * Verification:

* Daily Rate: \$.

Date of Discharge: MM / DD / YYYY

Obsolete Information

* Veteran (No Dependents)? No * Verification:

* Verification (daily rate):

Enter New Begin Month: MM / YYYY Go

Individual Updated on or before MM / DD / YYYY Go

Add Case Comment Cancel Previous Next

Figure 18 Institutions Page

PERMANENT DEMOGRAPHICS PAGE

When workers update a person's date of death, a new informational message will be displayed if the person had an active divestment penalty period. Workers must check if the person has a spouse open for institutional Medicaid or HCBW on a companion case and determine if the remainder of the person's divestment penalty period needs to be applied to the spouse's case.

Figure 19 Permanent Demographics Page with New Informational Message

ASSETS DETERMINATION SUMMARY PAGE

The Assets Determination Summary page will display divestment penalty period calculation details in the “Asset Divestment Penalty Period Details” section, which has been relocated on the page. The display of divestment penalty periods will be based on how the worker is running eligibility. When running eligibility normally (for example, for a recurring month), all active (current or future) divestment penalty periods will be displayed. If running with dates, only the divestment penalty periods that are active during that specific month will be displayed.

The “Asset Divestment Penalty Period” section will display the following fields:

- Divestment Penalty Period Start Date
- Divestment Penalty Period End Date

The “Asset Divestment Penalty Period Details” section will display the following columns:

- Total Amount Divested
- Average Daily Nursing Home Rate
- Penalty Period Length (Days)
- Divestment Penalty Period Start Date
- Divestment Penalty Period End Date

Assets Determination Summary
Cancel

Assistance Group Overview

Assistance Group:	MI S - SSI RELATED INSTITUTIONS MA	Sequence:	1
Benefit Begin Date:	06/01/2017	Benefit End Date:	06/30/2017
Determination Date:	06/14/2017		

Results

Assistance Group Status:	O - OPEN	Eligibility Status:	PASS
Assets Eligibility Determination Results:	PASS	FoodShare Categorically Eligible:	No

Asset Divestment Penalty Period - IGNAS MADISON 32M PP

Divestment Penalty Period Start Date:	05/12/2017	Divestment Penalty Period End Date:	08/22/2022
---------------------------------------	------------	-------------------------------------	------------

Asset Divestment Penalty Period Details

Total Amount Divested	Average Daily Nursing Home Rate	Penalty Period Length (Days)	Divestment Penalty Period Start Date	Divestment Penalty Period End Date
\$500,000.00	\$259.08	1929	05/12/2017	08/22/2022

Counted Assets

Vehicle Assets:	\$	—
Liquid Assets:	+	—
Real Property Assets:	+	—
Personal Property Assets:	+	—
Life Insurance Assets:	+	—
Lump Sum Assets:	+	—
Burial Assets:	+	—
Deemed Assets:	+	— <input type="checkbox"/>
Assets Allocated Out:	-	—
Assets Allocated In:	+	—
Total Counted Assets:	\$	—
Asset Limit:	\$	2,000.00 <input type="checkbox"/>
Overage Amount:	\$	—

Assistance Group

Sequence

Updated on or before

MI S - SSI RELATED INSTITUTIONS MA

MM / DD / YYYY

Go

Cancel

Figure 20 Assets Determination Summary Page

Workers should review all information on the Assets Determination Summary page to ensure proper divestment penalty periods are being set before confirming the case. Validation messages will be displayed to alert workers if the divestment penalty period start date calculated by CARES is different from the anticipated penalty period start date entered by a worker. Workers should read the message and determine if they need to return to the [Transfer/Divestment of Assets page](#) to make any corrections before confirming the case. Workers may receive one of the following messages:

- If the divestment penalty period start date calculated by CARES is before the anticipated penalty period start date entered by a worker, the following message will display: “The Divestment Penalty Period Start Date was calculated to start from the Anticipated Penalty Period Start Date entered on the Transfer/Divestment of Assets Page, which is after the benefit begin date. Verify that the correct Anticipated Start Date was entered according to long term care policy rules.”
- If the divestment penalty period start date calculated by CARES is after the anticipated penalty period start date entered by a worker, the following message will display: “The Divestment Penalty Period Start Date was calculated to start from the Benefit Begin Date displayed on this page, which

is after the Anticipated Penalty Period Start Date entered on the Transfer/Divestment of Assets Page. Verify that the correct Anticipated Start Date was entered according to long term care policy rules.”

Transfer/Divestment of Assets Pages Created Prior to August 5, 2017

Transfer/Divestment of Assets page sequences created prior to August 5, 2017, will continue to display on the Asset Determination Summary page using the old divestment penalty period calculation format. These are identified by a “C – Conversion” value in the Initial Look Back Period field on the [Transfer/Divestment of Assets page](#). The penalty period dates calculated under the old method will remain the same in CWW; however, the correct penalty period end date manually calculated by workers will be tracked in ForwardHealth interChange. Workers are not required to perform overrides or updates to conversion divestment penalty periods to correct them, unless there is a change in circumstance, such as a fair hearing.

Assets Determination Summary Cancel Reset

Assistance Group Overview

Assistance Group:	MI S - SSI RELATED INSTITUTIONS MA	Sequence:	1
Benefit Begin Date:	07/01/2017	Benefit End Date:	
Determination Date:	05/21/2017		

Results

Assistance Group Status:	O - OPEN	Eligibility Status:	PASS
Assets Eligibility Determination Results:	PASS	FoodShare Categorically Eligible:	No

Asset Divestment Penalty Period

Ineligibility Begin Date:	02/17/2017	Ineligibility End Date:	01/31/2018
Number of Months Ineligible:	12	Amount to Satisfy:	

Counted Assets

Vehicle Assets:	\$	—
Liquid Assets:	+	1,821.66
Real Property Assets:	+	—
Personal Property Assets:	+	—
Life Insurance Assets:	+	—
Lump Sum Assets:	+	—
Burial Assets:	+	—
Deemed Assets:	+	—
Assets Allocated Out:	-	—
Assets Allocated In:	+	—
Total Counted Assets:	\$	1,821.66
Asset Limit:	\$	2,000.00
Overage Amount:	\$	—

Assistance Group: MI S - SSI RELATED INSTITUTIONS MA | Sequence: | Updated on or before: MM/DD/YYYY | Go

Figure 21 Assets Determination Summary with Old Divestment Penalty Period Calculation Format

CONFIRMED ASSISTANCE GROUP SUMMARY PAGE

A new reason code, 746, will be displayed in the Reasons column of the “CARES Assistance Group Eligibility” section when a divestment penalty period is applied to the assistance group. When workers click the reason code, the following explanation will be displayed: “Individual is in a divestment penalty period.”

CORRESPONDENCE ENHANCEMENTS

NOTICE OF DECISION

In most cases, workers will no longer need to suppress CARES notices and send manual notices for Long-Term Care Medicaid divestment because CWW will now calculate the proper divestment penalty periods. The Notices of Decision have been enhanced to properly reflect divestment penalty period information and explain an institutional Medicaid member’s coverage of Medicaid card services. CWW will send a Notice of Decision when a divestment period is first established, if subsequent divestment periods are established, or if any of the divestment period dates change.

Note: When the divestment penalty period cannot be calculated correctly, workers will need to manually send the following: the [Notice of Denial of Benefits/Negative Change in Benefits](#) (F-16001), the [undue hardship member letter](#) titled “You Can Request an Undue Hardship Waiver for Your Denied Medicaid Long-Term Care Services” (F-10187), and the [Undue Hardship Waiver Request form](#) (F-10193), as applicable.

Approval Notice of Decision for Institutional Medicaid

- The “Who is enrolled in health care benefits?” section will be enhanced to display No in the Monthly Cost? field if there is an active divestment penalty period for the entire month. The section will also refer the member to read additional divestment information with the added statement: “See the divestment penalty period section below for more information about the start date of your coverage for long-term care services.”
- The “Who has a divestment penalty period?” section will display the following:
 - The correct divestment penalty period start and end dates in the When? field.
 - The member who is serving the divestment penalty period in the Who? field.
 - The calculation of the divestment penalty period in the “Length of Penalty?” section.
- The “Length of Penalty?” section will include text that explains why the member is serving a divestment penalty period, and that he or she will only be eligible for card services during the divestment penalty period.
- The “More Information” section will explain the differences between nursing home long-term care services and card services.

Refer to [Attachment 1](#) for an example of an institutional Medicaid approval Notice of Decision with divestment details.

Denial Notice of Decision for Home and Community-Based Waivers

- The “Who is not enrolled?” section will provide more meaningful information to people about their divestment penalty period and direct them to resources for reapplying. It will display the following new text for HCBW divestment denials with reason code 747: “You divested. This may affect your long-term care benefits. You may need to reapply after your divestment penalty period ends. Contact

your Aging and Disability Resource Center (dhs.wisconsin.gov/adrc/) in the 45 days prior to your penalty period ending.”

- The “Who has a divestment penalty period?” section will display the following:
 - The correct divestment penalty period start date and end date in the When? field.
 - The person who is serving the divestment penalty period in the Who? field.
 - The calculation of the divestment penalty period in the Length of Penalty? field.
 - Text that explains why the person is serving a divestment penalty.

Refer to [Attachment 2](#) for an example of an HCBW denial Notice of Decision with divestment details.

VERIFICATION CHECKLIST

When workers pend for verification related to a divestment, the “Proof Needed” section of the Verification Checklist will display the type of asset divested and the person who the divestment applies to (the person listed in the “Additional Information” section of the Transfer/Divestment of Assets page) and will dynamically request the additional information based on the “?” or “Q?” verification codes entered on the Transfer/Divestment of Assets page:

- Disregard Reason
- Market Value
- Amount Owed
- Amount Received

The Verification Checklist has also been enhanced to include the following examples for the proof needed: financial, legal, real estate, medical, or insurance records.



Proof Needed

This section lists items that we need proof of by the due date listed below. Contact us right away if you have questions or problems getting the proof and we will help you.

What?	Who?	Examples*	Program(s)	Due Date
Asset : REAL PROPERTY : Market value of the transferred asset	AMY	Financial, legal, real estate, medical, or insurance records.	Nursing Home Long-Term Care	Aug. 17, 2017

**If you do not have any of the examples of proof listed, there are other things you can use. For a complete list of examples, go online to dhs.wi.gov/em/customerhelp or contact us.*

Figure 22 Proof Needed Section of Verification Checklist

Workers may need to include additional notes on the Verification Checklist when specific information or clarification is needed related to requested verification. For example, workers may need to specify who divested the asset, if different from the person listed. Workers can add notes on the Correspondence Preview Summary page.

UNDUE HARDSHIP MEMBER LETTER AND UNDUE HARDSHIP WAIVER REQUEST

When a new or updated divestment penalty period has been imposed for a person, CARES will send the member an undue hardship member letter and Undue Hardship Waiver Request form. They will be sent on the same day as the eligibility Notice of Decision but in a separate mailing. If a member has opted for paperless correspondence, the member will be mailed a paper version in addition to their paperless copy.

Workers can preview, suppress, or send duplicates of the letter. In Correspondence History, the document code will be displayed as “DIVU,” and the letter will be searchable by Medicaid ID and member PIN. The letter will also be stored in the Electronic Case File and will be searchable by member PIN.

The letter and form will be in English or Spanish, depending on the case language preference. The “Agency Contact Information” section will display the income maintenance agency’s information and the person’s PIN. The PIN will also display on the header and footer of the letter. The return address will display either the Centralized Document Processing Unit or Milwaukee Document Processing Unit address, depending on the member’s county of residence.

The letter will be sent to the person, his or her authorized representative, or his or her legal guardian based on CARES correspondence address hierarchy rules. The name and mailing address of the person to whom the letter and form are being sent will be displayed on the letter. For example, if the letter is being mailed to the legal guardian, the letter will display the legal guardian’s name and mailing address. However, the letter will also identify the member to whom the undue hardship letter applies.

The Undue Hardship Waiver Request form is due within 20 calendar days to be considered a timely request. The undue hardship member letter will display a due date that is 19 calendar days after the mailing date on the letter since the mailing date counts as day one. If the due date falls on a weekend or CARES holiday, the due date will *not* be changed to the following business day.

Refer to [Attachment 3](#) for an example of the CARES-generated undue hardship member letter and Undue Hardship Waiver Request form.

Note: As a reminder, workers must follow the recently clarified policy and process for undue hardship, including processing each waiver request submitted, whether timely or untimely.

ACCESS

The Benefit Details page will more accurately inform institutional Medicaid members about their benefit coverage during a divestment penalty period. After notifying them of their eligibility for institutions (or institutional) Medicaid, the following new text will be added: “However, you are in a divestment penalty period for at least one day during this month. You can only get Medicaid card services during a penalty period. Coverage for card services includes, but is not limited to, doctor appointments and prescription drugs. Card services coverage does not include long-term care and nursing home services. Please see your benefits letter for details.”

If a person is in a divestment penalty period for the entire month, the monthly patient liability amount will not be displayed.

The screenshot shows the ACCESS web portal interface. At the top, there is a navigation bar with the ACCESS logo, user information (Hello, KEVIN), and links for Logout, Español, and Home. Below the navigation bar, there are buttons for Print and Help. The main content area displays the user's case information and a menu of options: MyACCESS, Benefit Details, Get a New Card, Get an Explanation of Benefits, Contact Information, and History. The "Benefit Details" section is active, showing "Health Care Details" and "Institutions Medicaid" information. The "Institutions Medicaid" section includes a message for KEVIN stating that they are getting Institutions Medicaid in July 2017 but are currently in a divestment penalty period. A red box highlights the text: "However, you are in a divestment penalty period for at least one day during this month. You can only get Medicaid card services during a penalty period. Coverage for card services includes, but is not limited to, doctor appointments and prescription drugs. Card services coverage does not include long-term care and nursing home services. Please see your benefits letter for details." Below this message, it states "We have found that:" followed by a bullet point: "KEVIN is covered under Institutions Medicaid. KEVIN's health care coverage started on Monday May 1, 2017. The next renewal must be completed in April 2018." At the bottom right, there is a "Go to MyACCESS" button with a home icon.

Figure 23 ACCESS Benefit Details - Institutions Medicaid Message

The Benefit Details page will also be enhanced to give HCBW people more information about their ineligibility due to a divestment. Instead of only saying that they are not getting HCBW benefits because an “Improper transfer of assets has occurred,” they will receive the following message: “You divested. This may affect your long term care benefits. You may need to reapply after your divestment penalty period ends. Contact your Aging and Disability Resource Center (dhs.wisconsin.gov/adrc/) in the 45 days prior to your penalty period ending.”

YOU ON SYSTEMS **ACCESS** Hello, HUNTER | [Logout](#) | [Español](#) | [Home](#) **Print** **Help**

Your Connection to Programs for Health, Nutrition, Child Care, and Employment

(Case Number: ~~XXXXXXXXXX~~, Household Head: HUNTER ~~XXXXXXXXXX~~)

MyACCESS **Benefit Details** **Get an Explanation of Benefits** **Contact Information** **History**

Health Care Details

This page tells you more about your Health Care benefits. If you would like to look at information about other benefits, click the Go to MyACCESS button at the bottom of the page.

Keep in mind that whenever your benefits change, you should get a letter in the mail telling you about the change. This letter will also let you know your rights if you feel the change has been made in error.

We are showing you benefit information as of June.

Medicaid Deductible


HUNTER

Status:

- In June 2017, you will need to provide the information your worker asks for to keep getting benefits.

We have found that:

- HUNTER, you are in the Medicaid Deductible program. This means that you will be able to get Medicaid Deductible if you have a certain amount of Health Care bills. For more information about your deductible amount and deductible period, please contact your worker.

Community Waivers


HUNTER

You are not getting this benefit in June 2017.

We have found that:

- You divested. This may affect your long term care benefits. You may need to reapply after your divestment penalty period ends. Contact your Aging and Disability Resource Center (dhs.wisconsin.gov/adrc/) in the 45 days prior to your penalty period ending.

Go to MyACCESS 

Figure 24 ACCESS Benefit Details – Community Waivers Message

CONTACTS

BEPS CARES Information and Problem Resolution Center

DHS/DMS/BEPS/MF, NH