

## MANUAL MATERIAL TRANSMISSION WV INCOME MAINTENANCE MANUAL

<b>DATE:</b>	November 1, 2012	<b>CHANGE NUMBER:</b> 652
<b>TO:</b>	ALL INCOME MAINTENANCE MANUAL HOLDERS	

DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
219	10	2/12	219	10	2/12
220	10	1/11	220	10	11/12
5 – 6	11	11/10	5 – 6	11	11/12
6a	11	5/11	6a	11	11/12
7	11	5/11	7 – 8	11	11/12
8	11	2/11			
8a – 8b	11	2/11	8a – 8b	11	11/12
37	11	2/22	37	11	2/12
38	11	11/10	38	11	11/12
38a	11	2/11	38a	11	11/12
9	17	8/98	9	17	8/98
10	17	4/12	10	17	11/12
11	17	4/12	11 – 12	17	11/12
12	17	7/09			
31	17	1/12	31	17	1/12
32	17	5/11	32	17	11/12
38a – 38b	17	5/11	38a	17	5/11
			38b	17	11/12
38c	17	5/11	38c	17	11/12
39	17	5/11	39 – 40	17	11/12
40	17	7/11			
44e	17	11/10	44e – 44f	17	11/12

44f	17	1/12			
44k – 44l	17	5/11	44k	17	11/12
			44l	17	5/11
77	17	5/12	77	17	11/12
78	17	4/12	78	17	4/12
Appendix A A-13	17	11/10	A-13	17	11/10
A-14	17	3/09	A-14	17	11/12
A-15	17	7/11	A-15	17	11/12
A-16	17	3/09	A-16	17	3/09
Appendix I-1	17	2/12	Appendix I-1	17	11/12
Appendix D	19	7/09	Appendix D	19	11/12
FORM DH-NL-UH-1		2/11	FORM DH-NL-UH-1		11/12
FORM DFA-UH-5		9/12	FORM DFA-UH-5		11/12

This Change is being made effective November 2012 to correct and update policy related to the Undue Hardship Waiver Request process based on the Center for Medicare and Medicaid (CMS) clarifications. All asset-related denials for payment of Long-term-care (LTC) Services are not subject to the Undue Hardship Waiver process nor are appropriate referrals to the DFA-Policy Unit. Only when an individual is otherwise eligible for LTC Services except for the sole reason of being denied due to one or more of the following asset policies: (1) excessive home equity, (2) transfer to an impermissible trust, and/or (3) transfer of assets resulting in a penalty, are the individuals given the opportunity to apply for a waiver of their denial by giving them, at the time the eligibility decision, in addition to the Fair Hearing Request, the DFA-NL-UH-1 and accompanying DFA-UH-5. A denial due to excessive home equity is not subject to payment of bed-hold days while a decision concerning the applicant's Undue Hardship Request is pending the Undue Hardship Committee. Policy was updated concerning when the DFA-NH-3 is used to initiate payment for bed-hold days and forms, DFA-NL-UH-1, DFA-NL-UH-2 and DFA-UH-5 were updated. Forms with dates prior to November 2012 should be discarded. New forms will be available November 1 on the Department's web site. The SOP related to the Undue Hardship Waiver Request process has also been updated.

Definitions related to the undue hardship process have been included and excessive home equity has been defined. Rather than updating the amount throughout various Sections of the Manual, the yearly changes will be reflected in Chapter 11, Section 11.1 with the definition of excessive home equity. Reference to this amount in other Sections of the WVIMM will simply refer to the amount as the "current allowable maximum." Excessive home equity is a policy that applies only to eligibility for LTC Services.

The definition of face value for life insurance has also been updated based on a clarification from CMS.

Policy regarding intent to return and the homestead exemption has been updated and a website for information about the Intellectual and Developmental Disabilities (I/DD) program added.

The following changes are below:

**Chapter 10:**

Section 10.22, D, 11, b: A typo was corrected.

**Chapter 11:**

Section 11:1: The definition of face value was updated to reflect a Center for Medicare and Medicaid (CMS) clarification. Excessive home equity was defined.

The Undue Hardship definition was updated to include CMS's clarifications, the Undue Hardship Committee and Provision was added to the list of definitions.

Section 11.4, LL, 1, b: Policy was added regarding the effect placing homestead on the market has on the homestead exclusion.

The excessive home equity amount was removed from the text and replaced with the "current maximum allowable amount." This amount changes yearly and will be updated in Chapter 11, Section 11.1 under "excessive home equity".

Policy was added that excessive home equity is one of the asset-related policies that is subject to the Undue Hardship Provision.

**Chapter 17:**

Section 17.6, Item B: Wording was changed for clarity. Policy was added that the DFA-NH-3 is also used for facilitating payment of bed-hold days to eligible individuals while awaiting a decision of the Undue Hardship Committee. A notation must be made on the form to the LTC Unit indicating the reason for payment outside of the data system. Policy was added that individual's denied payment of LTC Services due to excessive home equity are not eligible for bed-hold days while awaiting a decision of the Undue Hardship Committee.

Item G: Policy was added to explain the use of the DFA-NL-UH-1.

Section 17.10, A, 4: Policy was added that denials of LTC Services payment due to certain asset-related policies are subject to the Undue Hardship Provision.

Section 17.10, B, 4, j: The Undue Hardship Waiver Request process has been corrected and includes but is not limited to the following: the asset policies that are subject to the Undue Hardship Waiver Provision, forms used, appropriate referrals to the DFA Policy Unit, bed-hold days and the relationship between the Undue Hardship Committee's decision and the Fair Hearing process is detailed.

Section 17.10, Item C: Policy was rewritten for clarity. Policy regarding "intent to return" and the effect placing the homestead on the market has on the homestead exclusion was added.

Item D: The current "excessive home equity" amount was removed and replaced with the text "current maximum allowable amount." Reference to where the current amount and yearly updates will appear was added.

Section 17.32: The Intellectual Disabilities and Developmental Disabilities (I/DD) program's contract agency information and a website for this program were added.

Appendix A (A-14): Policy was added to clarify that only certain asset-related denials of payment for LTC Services are subject to the Undue Hardship Waiver Provision. Policy was added to clarify that the Director of the Office of Family Support makes Undue Hardship decisions via the Undue Hardship Waiver Committee.

Appendix I. Contract agency for I/DD Waiver was added.

The following forms have been updated as listed below and except for the non-public DFA-NL-UH-2, will be uploaded to the Department's web site:

DH-NL-UH-1

"Notification of Right to Request an Undue Hardship Waiver" and the fact sheet, "Undue Hardship." This form has been reformatted to one page, front and back.

DFA-NL-UH-2 (see Non-Public Form Change #38.)

"Notice of Decision for Request of Undue Hardship"

DFA-UH-5 "Application for Undue Hardship Waiver"

Any copies of these forms should be discarded. Any Undue Hardship Requests received after November 1, 2012 must be on the new forms.

The Standard Operating Procedure (SOP) for the Undue Hardship Waiver Provision has been updated to include Policy corrections/revisions and clarifications.

**Chapter 19:**

Appendix D was revised.

Policy questions should be directed to the DFA Economic Services Policy Unit.

RAPIDS questions should be directed to the RAPIDS Help Desk.

DW-17  
Rev. 10/04