

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 595
SENATE BILL 612

AN ACT TO AMEND ARTICLE 2, PART 5 OF CHAPTER 108 OF THE GENERAL STATUTES TO PROVIDE FOR PERIODS OF INELIGIBILITY FOR MEDICAL ASSISTANCE IN CASES WHERE REAL PROPERTY IS TRANSFERRED FOR THE PURPOSE OF QUALIFYING FOR SUCH ASSISTANCE.

The General Assembly of North Carolina enacts:

Section 1. A new section is hereby added at the end of Article 2, Part 5 of Chapter 108 of the General Statutes, as follows:

"§ 108-61.3. Transfer of real property for purposes of qualifying for medical assistance; periods of ineligibility. — Any person applying for medical assistance only under the Aid to the Aged, Blind, or Disabled categories who has, either by himself or through a legal representative, conveyed, transferred or disposed of any real property within one year prior to the date of making application and any person applying for or receiving medical assistance only under the Aid to the Aged, Blind, or Disabled categories who, either by himself or through a legal representative, conveys, transfers or disposes of any real property during the application process or during any period of continuing eligibility without receiving consideration equivalent to the latest tax value of said property, as ascertained according to Subchapter II of Chapter 105 of the General Statutes, shall, unless shown to the contrary, be presumed to have made such transfer, conveyance or disposition with the intent to qualify or continue to qualify for medical assistance benefits and shall be ineligible to receive such benefits thereafter in accordance with the following schedule or until an amount equivalent to the latest tax value of such property shall have been expended by or in behalf of such person for his maintenance need, including needs for medical care, whichever is sooner;

- (1) property tax value of ten thousand dollars (\$10,000) or more—three-year period of ineligibility from date of transfer;
- (2) property tax value of less than ten thousand dollars (\$10,000) but more than five thousand dollars (\$5,000)—two-year period of ineligibility from date of transfer;
- (3) property tax value of five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000)—one-year period of ineligibility from date of transfer.

Any medical assistance applicant or recipient shall have a right to appeal, in accordance with the provisions of G.S. 108-44, the decision denying or terminating such assistance.

The provisions of this section pertain to persons applying, or on whose behalf application is made, for medical assistance only under the Aid to the Aged, Blind, or Disabled categories."

Sec 2. This act shall become effective July 1, 1977, and shall only apply to those transfers, conveyances or dispositions made on or after July 1, 1977.

In the General Assembly read three times and ratified, this the 16th day of June, 1977.