

Disposal of Assets Penalty Notice of Decision

Date:

Your application for Medicaid payment of long-term care services has been denied because you transferred assets for less than fair market value. You have been found to be ineligible from _____, through _____. This was determined by dividing the uncompensated value of the assets that were transferred by the amount of the average statewide cost to a private-pay resident in effect for the time of application, as shown below. If your application is approved for other Medicaid services, you will receive a separate notice.

Penalty Calculation

Step 1		Step 3	
Uncompensated transfer amount		Uncompensated transfer amount	
÷ Statewide average cost \$8,842.75		– Penalty amount for whole months	
Number of months penalty		Partial month penalty amount	
Step 2		Step 4	
Statewide average cost		Partial month penalty amount	
× Number of whole months penalty		÷ Daily rate \$290.88	
Penalty amount for whole months		Number of additional days penalty	

If you believe imposing this penalty will result in undue hardship, please inform your worker. You must provide evidence that all of the following conditions are met:

- Application of the transfer of asset penalty would deprive you of medical care such that your health or life would be endangered or you would be deprived of food, clothing, shelter, or other necessities of life.
- You or your spouse has exhausted all means to recover the resource, including legal remedies and consultation with an attorney.
- Your remaining available resources (after the attribution for any community spouse) are less than the monthly statewide average cost of nursing facility services to a private-pay resident, counting the value of all resources except for:
 - Your home, if occupied by a dependent relative or if a licensed physician verifies that you are expected to return home.
 - Household goods.
 - A vehicle you require for transportation.
 - Funds for burial of \$4,000 or less.

441 IAC 75.23 Disposal of Assets for Less Than Fair Market Value

Worker's Name	Worker's Phone Number
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You Have the Right to Appeal. An appeal is a request for a hearing regarding a decision made by the Iowa Department of Health and Human Services (HHS). You have the right to file an appeal if you disagree with a decision. You don't have to pay to file an appeal. [441 Iowa Administrative Code Chapter 7]. You can appeal in person, by phone, or in writing for SNAP. To appeal in writing, you must do one of the following:

- Complete an appeal electronically at <https://hhs.iowa.gov/programs/appeals>, or
- Write a letter telling us why you think a decision is wrong, or
- Fill out an *Appeal and Request for Hearing* form. You can get this form at your county HHS office.

Send or take your appeal to HHS, Appeals Section, 321 E. 12th St., Des Moines, IA 50319-1002. If you need help filing an appeal, ask your county HHS office. You or someone else, such as a friend or relative, can tell why you disagree with the HHS decision. You may also have a lawyer help you, but HHS will not pay for one. Your county HHS office can give you information about legal services. The cost of legal services will be based on your income. You may also call Iowa Legal Aid at 1-800-532-1275. If you live in Polk County, call 243-1193.

How long do I have to appeal? For SNAP you have 90 calendar days from the date of a decision to file an appeal. If you file an appeal more than 30 but less than 90 calendar days from the date of a decision, you must tell us why your appeal is late. If you have a good reason for filing your appeal late, we will decide if you can get a hearing. If you file an appeal 90 days after the date of a decision, we cannot give you a hearing.

Can I continue to get benefits when my appeal is pending? You may keep your benefits until an appeal is final or through the end of your certification period if you file an appeal within 10 calendar days of the date the notice is received. A notice is considered to be received 5 calendar days after the date on the notice. Any benefits you get while your appeal is being decided may have to be paid back if the HHS action is correct.

How will I know if I get a hearing? You will get a hearing notice that tells you the date and time a telephone hearing is scheduled. You will get a letter telling you if you do not get a hearing. It will also explain what you can do if you disagree with the decision to not give you a hearing.

You Will Not Be Discriminated Against It is the policy of the Iowa Department of Health and Human Services (HHS) to provide equal treatment in employment and provision of services to applicants, employees, and clients without regard to race, color, national origin, sex, sexual orientation, religion, age, disability, political belief or veteran status. If you feel HHS has discriminated against or harassed you, please send a letter detailing your complaint to: HHS, Bureau of Human Resources, 321 E. 12th St., Des Moines, IA 50319-1002 or via email FDHS@hhs.iowa.gov

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (833) 620-1071, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to:

1. **mail:** Food and Nutrition Service, USDA, 1320 Braddock Place, Room 334, Alexandria, VA 22314; or
2. **fax:** (833) 256-1665 or (202) 690-7442; or
3. **email:** FNCSIVILRIGHTSCOMPLAINTS@usda.gov

This institution is an equal opportunity provider.