

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

400M0377

SENATE ENGROSSED NO. **SB 53** - 02/09/2006

Introduced by: The Committee on Health and Human Services at the request of the
Department of Social Services

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the consideration of
2 assets for the purpose of long-term care eligibility.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 28-6-3.1 be amended to read as follows:

5 28-6-3.1. Any real or personal assets disposed of by an individual, the individual's spouse,
6 or other person acting on behalf of or at the request of the individual, applying for or receiving
7 Title XIX medical assistance for long-term care and home and community based services
8 through the Department of Social Services at less than fair market value, at any time on or after
9 a look back date as defined in this section, are presumed to be assets to the fullest extent
10 allowable for federal financial participation when determining eligibility.

11 The look back date is a date ~~thirty-six~~ sixty months prior to the first date on which the
12 individual is both institutionalized and has applied to the Department of Social Services for
13 long-term care medical assistance, ~~or in the case of a trust or similar legal device that is treated~~
14 ~~as an asset disposed of at less than fair market value, the look back date is a date sixty months~~
15 ~~prior to the first date on which the individual is both institutionalized and has applied to the~~



1 ~~Department of Social Services for long-term care medical assistance.~~

2 The ~~Department of Social Services~~ department shall promulgate rules, pursuant to chapter
3 1-26, to determine eligibility for medical assistance for long-term care which shall relate to the
4 following areas:

- 5 (1) The period of ineligibility when real or personal assets are given away or sold at less
6 than fair market value;
- 7 (2) Exemptions; and
- 8 (3) Such other standards and requirements as may be necessary for federal financial
9 participation.