

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: ALABAMA

TRANSFER OF ASSETS

11. Imposition of a penalty would work an undue hardship --
The agency does not apply the transfer of assets provisions in any case in which the agency determines that such an application would work an undue hardship. The agency will use the following procedures in making undue hardship determinations:

Upon a determination of a transfer of assets for less than fair market value that requires imposition of a transfer penalty the Agency will:

1. Send written notices which informs the individual and authorized representative (if one) of the transfer penalty; and
2. Send a copy of the Administrative Code Rule 560-X-25-.09 which informs the individual and authorized representative of the right to request an undue hardship exemption; and
3. Send a copy of the notice which informs the individual and authorized representative (if one) of the right to appeal the decision made by the Alabama Medicaid Agency.
4. The written request for an undue hardship exemption must be received by Medicaid within 60 days from the date the notice of action is mailed. The District Office will gather all pertinent information/documentation and forward to the Central Office with an interpretation request form.
5. The appropriate Director of Beneficiary Services will review all pertinent information/documentation to determine if the criteria for an undue hardship exemption have been met.
6. The individual and authorized representative (if one) will be notified in writing within 45 days of receipt of the request for exemption of the Agency's determination of whether undue hardship criteria have been met. If the undue hardship exemption is denied, another copy of Administration Code Rule 560-X-25-.09 and another copy of the notice of appeal rights will be sent.

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