

**205.6322 Cabinet to seek to prohibit sheltering of assets in long-term-care cases.**

The Cabinet for Health and Family Services shall seek to prohibit the sheltering of assets in medical assistance long-term-care cases by promulgation of administrative regulations, pursuant to KRS Chapter 13A, that establish the following:

- (1) Consideration of assets placed in Medicaid-qualifying trusts as a prohibited transfer of resources, to the extent prohibited by federal law;
- (2) Revision of Medicaid policy to provide that assets funding the purchase of an annuity shall be treated as a transfer of resources unless the annuity is actuarially sound as defined in administrative regulations promulgated by the cabinet pursuant to KRS Chapter 13A;
- (3) Revision of Medicaid policy to treat income-producing property as an available resource to the extent allowed by federal law;
- (4) Review of Medicaid eligibility procedures and operation to improve eligibility verification and detection of fraud and abuse; and
- (5) Review of the feasibility of instituting a photographic identification card, possibly in conjunction with other entitlement programs, to reduce fraud and abuse through misuse of Medicaid identification cards.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 253, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 211, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 371, sec. 32, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 512, sec. 78, effective July 15, 1994.