75th OREGON LEGISLATIVE ASSEMBLY - 2009 Regular Session **MEASURE:** **SB 164**
STAFF MEASURE SUMMARY **CARRIER:** **CONSENT**
House Committee on Human Services

REVENUE: No revenue impact
FISCAL: No fiscal impact

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	9 - 0 - 0
Yeas:	Boone, Cowan, Dembrow, Freeman, Huffman, Maurer, Olson, VanOrman, Tomei
Nays:	0
Exc.:	0
Prepared By:	Keely West, Administrator
Meeting Dates:	3/2

WHAT THE MEASURE DOES: Aligns state statute with federal law regarding the period that the Department of Human Services looks back to determine whether an individual made a disqualifying transfer of assets, causing the individual to be ineligible for long term Medicaid services.

ISSUES DISCUSSED:

- Ensuring accurate reporting by applicants for services.

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Deficit Reduction Act of 2005 (DRA) changed federal law regarding the look-back period for individuals applying for Medicaid. The look-back period refers to a reviewable period of time during which the Department of Human Services (DHS) considers whether a person made a disqualifying transfer of assets before applying for Medicaid. If the individual makes a disqualifying transfer of assets during the look-back period, the individual can not qualify for Medicaid services until an ineligibility period is served. The ineligibility period must take place during a time period when, but for the transfer, the individual is otherwise eligible for Medicaid benefits. The length of the ineligibility period is commensurate with the value of the transferred asset. Prior to the DRA, the look-back period was three years for most assets and five years for trusts. The DRA increased the look-back period from three to five years for asset transfers.

Senate Bill 164 removes the reference to a specific number of years making it consistent with federally imposed look-back periods and allowing flexibility for adjusting to subsequent changes in federal law.