

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 18,992  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department of PATH finding her ineligible for long-term care Medicaid benefits. The issue is whether bank accounts held jointly by the petitioner and her daughters are available to the petitioner as a resource to meet her medical needs. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner entered a nursing home sometime prior to her application for Medicaid in October 2003. The Department denied her application due to excess resources.

2. The resources at issue in this matter are several bank accounts that total around \$80,000. The accounts are jointly held by the petitioner and her two daughters. The petitioner maintains that she obtained almost all of this money, mostly through inheritance, either prior to or during 1997.

3. After she obtained nearly all of this money the petitioner placed her adult daughters' names on the accounts as joint holders. The daughters maintain that it was the petitioner's intent to leave this money to them upon her death or incapacity. It is not clear (but inconsequential) whether the daughters have actually withdrawn all or some of this money for their own use.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations are clear that jointly held bank accounts are counted in their entirety as a resource available to the applicant for Medicaid. M233.12. If all or part of a jointly held resource is transferred to a non-member of the Medicaid applicant's household, the applicant has the burden of proving that the amount transferred was the "sole property" of the transferee. M400.35(a). In this case, there is no such claim or indication.

Inasmuch as the accounts in question far exceed the \$2,000 resource maximum for Medicaid eligibility (see M230),

the Department's decision must be affirmed. 3 V.S.A. §  
3091(d), Fair Hearing Rule No. 17.

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