

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
December 8, 2014**

IM 5225

TO: County Social Service Directors
Economic Assistance Policy Regional Representatives
Economic Assistance Policy Quality Control Reviewers

FROM: Julie Schwab, Director, Medical Services

SUBJECT: **Retirement Accounts and Disqualifying Transfers**

PROGRAMS: Medicaid

EFFECTIVE: Immediately

RETENTION: Until superseded

**SECTIONS
AFFECTED:** **510-05-80-25 Exceptions to Disqualifying Transfer
Provision**

Subsection 2 (i) is added to this section to clarify that while excluded as assets, retirement accounts may not be transferred without penalty.

2. A transfer is not disqualifying to the extent that the asset transferred was any Medicaid excluded asset **other than**:
 - a. The home or residence;
 - b. Property which is not saleable without working an undue hardship;
 - c. Excluded home replacement funds;
 - d. Excluded payments, excluded interest earned on the payments, and excluded in-kind items received for the repair or replacement of lost, damaged, or stolen exempt or excluded assets;
 - e. Life estate interests;
 - f. Mineral acres;
 - g. Inheritances, during the six months in which they are excluded;
 - h. Annuities.; or
 - i. Retirement accounts identified at 510-05-70-30(22).

If you have questions, please contact your Regional Representative.