

461-140-0250

Effective 10-01-26

Determining the Uncompensated Value of a Transferred Asset

- (1) The uncompensated value of a disqualifying transfer of an asset is used in OAR [461-140-0260 to 461-140-0300](#) to calculate the ineligibility period of the *financial group* (see OAR [461-110-0530](#)).
- (2) To determine uncompensated value:
 - (a) For individuals applying for or receiving Department-paid nursing facility services or *home and community-based care* (see OAR [461-001-0000](#)):
 - (A) The value of the compensation received for the asset is subtracted from the *fair market value* (see OAR [461-001-0000](#)) of the asset.
 - (i) For transfers made on or after the date of request for nursing facility services or *home and community-based care*, this result is the uncompensated value.
 - (ii) For transfers made before the date of request for nursing facility services or *home and community-based care*, this result is the uncompensated value unless the *financial group* had *countable* (see OAR [461-001-0000](#)) resources of less than the resource limit at the time of the first transfer. If the *financial group* had *countable* resources of less than the resource limit in OAR [461-160-0015](#) at the time of the first transfer, the remainder (the resource limit minus the *countable* resources) is then credited by adding it to the other compensation received for the asset.
 - (B) For an annuity, unless the individual verifies a lesser amount, the *fair market value* is equal to the amount of money used to establish the annuity, plus any additional payments used to fund the annuity, plus any earnings, minus any regular monthly payments already received, minus early withdrawals, and minus any surrender fees.

- (C) The value of the compensation received for an asset to which an individual is entitled and chooses to pursue (see OAR [461-140-0242](#)) includes the amount received plus the costs associated with obtaining the asset, such as a personal injury attorney's contingency fee.
- (b) In all other programs, the value of the compensation received for the resource is subtracted from the *fair market value* of the resource. The remainder, called the uncompensated amount, is added to the other *countable* resources at the time of the transfer. The amount by which the sum exceeds the resource limit is the disqualifying amount.
- (c) The compensation received for a transferred asset includes all of the following:
 - (A) Encumbrances assumed by the buyer or otherwise discharged as a result of the transfer;
 - (B) Any costs associated with the transfer, including but not limited to negotiated closing costs, escrow fees, and title fees; and
 - (C) Goods or services provided to the individual, limited to their true value, if there was a prior agreement to exchange the asset for the goods or services.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.070](#), [411.404](#), [411.706](#), [411.816](#), [412.049](#), [413.085](#), [414.685](#)

Statutes/Other Implemented: ORS [409.010](#), [409.050](#), [410.020](#), [411.060](#), [411.070](#), [411.404](#), [411.632](#), [411.706](#), [411.816](#), [412.049](#), [413.085](#), [414.685](#), [414.839](#)

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