

**Subject:** RE: Interrupted 24 month+ caregiving scenario [not-secure]

**From:** "Shok, Marc C." <Marc.Shok@ct.gov>

**Date:** Mon, 30 Aug 2010 16:29:35 -0400

**To:** "Lisa Nachmias Davis" <davis@sharinglaw.net>, "Butler, Daniel T." <Daniel.Butler@ct.gov>

Hi Lisa -

As I'm sure you know, there are two regs that could apply to transfers of the home. UPM 3029.10A requires that the caregiver live with the person and provided care for the two year period immediately preceding his or her institutionalization. The value of the home is not a factor. This reg does not support the aggregation of multiple periods when care was provided.

UPM 3029.20 (Other Valuable Consideration) supports the aggregation of multiple periods of care, provided that they total to at least 24 months. Since the reg does not prohibit aggregation, the value of the other valuable consideration should be based on the aggregate number of months.

I hope this helps.

Marc

-----Original Message-----

From: Lisa Nachmias Davis [<mailto:davis@sharinglaw.net>]

Sent: Thursday, August 26, 2010 4:56 PM

To: Shok, Marc C.; Butler, Daniel T.

Subject: Interrupted 24 month+ caregiving scenario

Marc and Dan, I know you are busy, but hope you will consider this issue:

Can various periods of caregiving be aggregated as "other valuable consideration"?

Caregiving family member lived with / cared for applicant from 2004-2006, keeping person out of institution.

2006-2009 applicant lived in a residential care home (private pay).

Subsequently, applicant has been living at home with caregiving family member, except for 100 days in nursing home (Medicare, insurance).

There has been no Title 19 or CHCPE state, thus far.

Applicant wishes to transfer home to caregiving family member, who has lived in the home for years.

Home may be worth more than \$240,000. Hypothetically, let's say it is worth \$360,000.

In the aggregate the caregiving time was probably 36 months. However, it was interrupted by institutionalization in an RCH.

In this type of scenario, is the Department willing to aggregate the time spent caregiving? Obviously, your answer would not be taken as binding on the Department in a particular case. I'm just trying to nail down whether in appropriate cases (a) the value for other valuable consideration might exceed 24 x average monthly cost of care (the UPM suggests it would) and whether (b) aggregate caregiving "counts" towards the 24 months prior to institutionalization even if interrupted by a different institutionalization. It seems to me within the SPIRIT of other valuable consideration, but I am trying to get a sense of the Department's views on this.

Lisa Davis

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