OPI-M: Disqualifying Transfer of Assets QRG

Updated: March 25, 2026

Table of Contents

Purpose of the QRG

This QRG will:

- Describe when transfers are disqualifying

- Help calculate uncompensated values for disqualifying transfers
- Determine the duration of disqualification for OPI-M individuals

NOTE: This guide is for OPI-M use only.

Understanding disqualifying transfers for OPI-M

Individuals applying for or receiving OPI-M benefits are subject to the disqualifying transfer of assets rules in OAR 461-140-0210 to 461-140-0300. This is similar to Medicaid Long-term Services and Supports (LTSS) but a different resource limit standard applies. If a recipient of OPI-M reports an asset transfer during their Continuous Eligibility period, the disqualification (DQ) may not be imposed until their renewal for OPI-M.

For OPI-M, the lookback period is 5-years (or 60months) for transfers made by the individual or their spouse. The transfers during the lookback period are evaluated for possible disqualifications from OPI-M.

Not all transfers are disqualifying. However, we presume a transfer is for the purpose of establishing or maintaining eligibility unless criteria is met that is outlined in OAR 461-140-0242.

The disqualifications described in this QRG are only for the individual's OPI-M benefit. If they switch to Medicaid LTSS, the worker will calculate any disqualifications in the ONE system. If the individual had other benefits, the disqualification is only for their OPI-M benefits.

Determining the length of the disqualification period

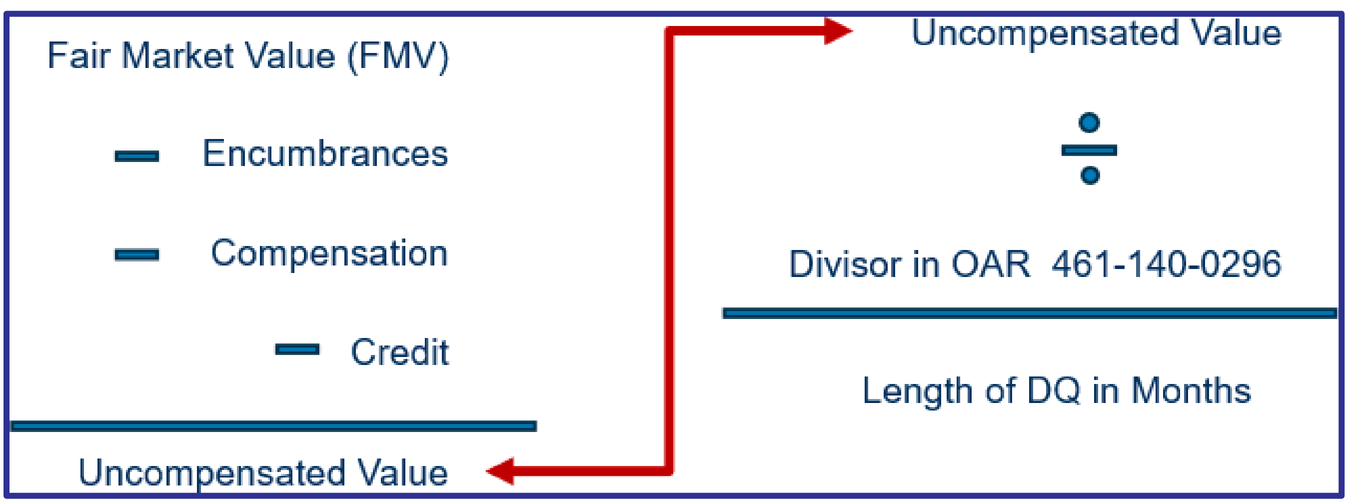
For the transfer to be considered disqualifying, there must be an uncompensated value.

OPI-M will use the current OPI-M individual resource limit for determining uncompensated value of assets. See the OPI-M Tools - Resources webpage for current OPI-M income and resource standards, as the limits change each year.

Individuals with countable resources under the OPI-M resource limit may get a "credit" when calculating the uncompensated value, for both initial and ongoing OPI-M applications. The credit is the difference between their countable resources at the time of the transfer and the current OPI-M resource limit. This may reduce the uncompensated value, which can reduce the or negate the disqualification period.

For multiple transfers within the lookback period, add all the transfers using fair market value to calculate the uncompensated value. Use the date of the first transfer to determine countable resources when there have been multiple transfers during the look back period. For example, if John transferred $10,000 on 1/1/2024 and transferred $90,000 on 4/3/2024, the other countable resources at time of first transfer would be the amount on 1/1/2024.

Disqualifying transfer equation



Once you know the number of months for the DQ, calculate the begin and end dates of the disqualification. For the DQ end date, use seven digits after the decimal. The equation will be explained in the examples below.

Initial date of disqualification period

Applicant for OPI-M

For applicants the first day of the disqualification period is either:

- The service request date, if they meet all eligibility requirements except for the disqualifying transfer, or
- The date they meet all eligibility requirements except for the disqualifying transfer.

Ongoing OPI-M Recipient

For ongoing OPI-M recipients, the first day of the disqualification period is:

- The date their renewal for OPI-M services would begin, if they meet all eligibility requirements except for the disqualifying transfer.

Returned assets

In some situations, it may be possible for the individual to return the transferred asset either partially or full. If so, the length of disqualification needs to be recalculated.

The disqualification is void if the transfer that caused the disqualification is rescinded. The duration of the disqualification is recalculated if the terms of the transfer are modified. Returned assets are included in the eligibility determination for any retroactive period.

Notices

The 540T notice must include the length of the disqualification period in months and days, the type of transferred asset(s), uncompensated value, and information on requesting a Hardship Waiver. Hearings rights must be included in the notice.

Hardship waivers

In some circumstances, the disqualification can be waived if it creates undue hardship by depriving the individual of medical care, housing, food, or clothing. The lack of these necessities must harm their health and safety.

The individual must agree to cooperate with the Department to recover the asset, including consulting an attorney and pursuing legal action.

Hardships are determined by OPI-M Policy on an APD 544.

Resources

- OARs referenced:
  - OAR 461-140-0242
  - OAR 461-140-0210 to 461-140-0300
  - OAR 461-140-0250 (Determining the Uncompensated Value of a Transferred Asset)
- Resources
  - OPI-M Tools - Resources webpage
  - 540T
  - APD 544
- OPI-M Policy email

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