

2302 - OWNERSHIP OF RESOURCES IN ABD MEDICAID**POLICY STATEMENT**

In order for the value of a resource to be applied to the resource limit, the A/R and/or deemor must have an ownership interest in the resource, and the A/R and/or deemor must have the legal right to the use and/or disposal of the resource.

**BASIC
CONSIDERATIONS**

Ownership interests in property, whether real or personal, can occur in various types and forms. Since the type and form of ownership may affect the value of property and even its status as a resource, they are significant in determining resource eligibility.

PROCEDURES

Use the following chart to determine the value of an A/R or deemor's ownership interest in a resource.

Chart 2302.1 - Determining the Ownership of a Resource		
Resource	Ownership Interest	Value
Real Property	Fee Simple	Count the entire equity value to the A/R or deemor.
Real Property	Tenancy-In-Common	Determine and count the A/R's or deemor's share of the equity value (each owner does not necessarily own equal shares).
Real Property	Joint Tenancy or Tenancy by the Entirety	Divide the equity value by the number of joint owners (each owner owns an equal share).
Real Property	Life Estate	Non-FBR A/R: Exclude total value. FBR A/R: Use Chart 2322.1 - Unisex Life Estate or Remainder Interest Table to determine value. Refer to Section 2322, Life Estate and Remainder Interests.
Real Property	Remainder Interest	Divide the value of the remainder interest by the number of persons with a remainder interest. Refer to Section 2322, Life Estate and Remainder Interests.
Unprobated Estate	Heir Interest	Will: Count the value of any resources left to the A/R or deemor until probated. No Will: Use Georgia's Intestate Laws to determine the A/R's or deemor's share. Refer to Section 2320, Inheritances and Unprobated Estates.

Chart 2302.1 - Determining the Ownership of a Resource		
Resource	Ownership Interest	Value
Financial Instrument (savings or checking account, etc.)	Joint	Consider the financial instrument to be owned in equal shares by the Medicaid A/Rs whose names are listed as owners of the instrument. Do not allow a share of the financial instrument to a Non-Medicaid owner. If the A/R rebuts ownership of or unrestricted access to the financial instrument, refer to Section 2334, Savings and Checking Accounts, for rebuttal procedures.

NOTE: Any ownership interest in homeplace property is excluded.