

# Medicaid for Anyone

Winter 2015

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"People having difficulties with at least one or more activities of daily living (ADL's),"

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## 1. Medicaid 2015

*By Jack Lippmann*

Medicaid 2015 - what does it mean for the Elderly and Disabled population?

While the whole country is struggling to understand the new Affordable Care Act, and wish to purchase health insurance plans to avoid the penalties for not having health insurance, one thing is certain - Medicaid services for the elderly and disabled will continue as before. Yes the numbers have changed, not necessarily against the applicant, as you can see in the chart listed on page 3, but the care, and process have stayed the same.

Applicant recipients of Medicaid home-care services will continue to enjoy using Medicaid approved pooled-income trusts to protect their excess monthly income and more importantly receive the hours of home care services that would otherwise cost them a fortune.

Additionally, applicants applying for home-care services don't need to struggle with the 5 year look-back period, because the look back period for Community Medicaid is only 1 month. Applicants are able to transfer any amount of resources one month and become eligible the following month.

## 2. NYC Medicaid Home Care Programs

NYC Home Care Services Program offers the elderly or disabled individuals the ability to receive home care services at their own home or apartment and avoid nursing homes or other institutions.

Applicants are able to access any of the following programs:

- 1) **Home Care - Personal Care** - Medicaid funded home care services. People having difficulty with at least one or more activities of daily living (ADL's), such as, dressing, eating, cooking, housekeeping and/or using the bathroom.
- 2) **Long-Term Home Health Care Program** - people requiring a higher level of care (skilled level care at home), are eligible to receive home care, case management and skilled services.

Please see *NYC Medicaid Home Care Programs* on page 3

### 3. Transfer of Assets Penalty Period

Transfer of assets penalty periods only apply to the individuals applying for nursing home Medicaid medical assistance.

Assets transferred within the five (5) year "look-back" period, will result with a penalty period. Penalty periods are defined as the period of ineligibility for Medicaid coverage. Penalty periods are determined by dividing the amount transferred with Medicaid's Regional Rates (see chart below for your county's Regional Rate).

Example: NYC's Regional Rate is \$11,843 (Regional Rate is the average nursing home cost in NYC). If, for example, a person transferred \$118,430 dollars in the past five years, that person would be ineligible for Medicaid nursing home assistance for ten (10) months.

#### "Look Back Period"

Applicants applying for Medicaid nursing home medical assistance must disclose five (5) years of ALL financial statements and transactions. Medicaid will determine if the applicant transferred any assets and will impose a penalty period (period of ineligibility), for that amount. During the penalty period applicants are required to privately pay for their nursing home care.

The NEW Penalty Period begins on the date the applicant enters a nursing home and would otherwise be eligible for Medicaid coverage, but for the transfer.

Please see *Transfer of Assets Penalty Period* on Page 4

### 4. NYS 2015 Medicaid Regional Rates

#### Central \$8,768

Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga and Tompkins.

#### North Metropolitan \$11,455

Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester.

#### Northeastern \$9,414

Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington.

#### New York City \$11,843

Bronx, Kings (Brooklyn), New York (Manhattan), Queens, Richmond (Staten Island).

#### Long Island \$12,390

Nassau, and Suffolk

#### Western \$9,442

Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming.

#### Rochester \$10,660

Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, and Yates.

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Jack Lippmann, President of Elder Care Services, Inc., Medicaid Professional and Consultant with over 20 years of Medicaid eligibility experience.

## 5. 2015 Medicaid Income & Resource Levels

Basic numbers for applicable Medicaid recipients and their spouses:

Community Medicaid and

Home Care Medicaid:	Allowed Resource level:	\$	14,850.00
	Income:	\$	825.00

Nursing Home Medicaid:	Allowed Resource level:	\$	14,850.00
	Income:	\$	50.00

Supplemental Security Income (SSI), Resource level:	\$	2,000.00
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Maximum federal Community spouse Resource Allowance:	\$	119,220.00
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Community spouse minimum monthly maintenance needs allowance (MMMNA):	\$	2,980.50
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Home Equity limit:	\$	828,000.00
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*Income & Resources.*

*NYC Medicaid Home Care Programs continued from page 1*

- 3) **Managed Long-Term Care** - for individuals eligible for Medicare and Medicaid and are medically eligible for the level of care provided in a nursing home or skilled care facility.
- 4) **Assisted Living Program** - Although there are a handful of facilities that are paid for by Medicaid, Assisted Living is a long-term residential care facility with supervision, and home care services.

Certified Home Health Agencies (CHHA's), are under NYS Department of Health (SDOH), and are not the responsibility of the City of New York. The Home Care Services Program is responsible for transferring recipients from the CHHA services to Personal Home Care Services.

An alternative to home care services provided by an Agency is the **Consumer Direct Personal Assistance Program** (CDPAP), allowing the client or representative to hire and train their own home attendants. CDPAP is another way to keep a loved one at home, when an Agency is unable to care for them at home.

**Pooled Income Trust** - is an alternative to protect any monthly income amount above the \$825 dollars Medicaid allows a home-care recipient. Assets transferred to a pooled income trust can be used to pay applicant's monthly expenses.

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*"An alternative to home care services provided by an Agency is the Consumer Direct Personal Assistance Program (CDPAP), "*

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*Transfer of Assets Penalty Period* from page 2

In other words, the applicant must pay privately for the period of ineligibility and may need to use all of the assets they had transferred during the look back period.

Although the look back period is 60 months (5 years), it does not necessarily mean the penalty period lasts for 5 years. Depending on the amount transferred the penalty period can extend for a maximum period longer than 5 years.

One way to cut the penalty period is an annuity or promissory note.

## 6. The Home or Primary Residence

The Home or Primary Residence is an exempt asset when applying for Medicaid medical assistance providing the equity in the home is less than \$828,000; however, if the home or primary residence is not protected properly Medicaid can reach out and secure their expenses from the proceeds of the home or primary residence at a later date.

However, there are several transfers of the home or primary residence which would not create a penalty period and are actually considered exempt transfers:

- 1) to a spouse;
- 2) to a child under 21, or disabled, or blind;
- 3) to a brother or sister who have an equity interest in the home and have lived in the home for at least one (1) year prior to applicant's nursing home admission; and

**Annuities and Promissory Notes** - were created to absorb some of the penalty period created by the transfer of assets.

Example: Individual transfers approx. \$118,430, will create a penalty period of 10 months; however, the individual can gift approx. 50% and use the other 50% by lending that amount and using a Medicaid approved annuity or promissory note in order to protect the 50% which was gifted. The 50% in the annuity or promissory note will pay the applicant on a monthly basis and then the applicant will pay the nursing home for the penalty period which the 50% gifted created.

- 4) to a child who cared for his/her parent, and lived with the parent at their home for a period of at least two (2) years prior to parent institutionalization.

### One Alternative of many:

Many middle-income families have more assets than allowed to qualify for Medicaid medical assistance or would like to retain some or all of their assets and still be eligible for Medicaid are encouraged to check Long Term Care Insurances. There are several insurance providers in NYS with several alternatives allowing applicant's the ability to retain some or all of their assets and at the same time receive Medicaid home-care or nursing home medical assistance.

### Overview:

Medicaid eligibility is possible for "Anyone" who is willing to comply with Medicaid's rules and regulations. With proper and professional assistance applicant's can achieve Medicaid eligibility and receive Medicaid medical assistance, while at the same time protect their income, life savings, and homes.

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