

# Medicaid for Anyone

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## 1 NYC Medicaid

By Jack Lippmann

Medicaid is a joint federal, State and City program. It is tapered for individuals with low income and low resources. Some individuals qualify for both Medicare and Medicaid and they are considered “dual eligible”. Medicaid is a health insurance - the last of all payers. One could have Medicare, which is the primary health insurance, as well as, a Supplemental Health Insurance, such as, Blue Cross Blue Shield or AARP or GHI, which are considered secondary insurance, and finally, Medicaid, which is the last of all payers.

There are basically three types of Medicaid applications:

- 1- **Community** = health Insurance
- 2- **Home-Care** = health insurance along with home attendants, day care centers, and other programs.
- 3- **Nursing Home** = room and board in a nursing home facility also referred to as long term care

## 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/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.

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

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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 by Medicaid's Regional Rates (see chart below for your county's Regional Rate).

Example: NYC's Regional Rate is \$10,957 (Regional Rate is the average nursing home cost in NYC). If, for example, a person transferred \$109,570 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). 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 Medicaid Regional Rates

#### Central \$8,015

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

#### North Metropolitan \$10,335

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

#### Northeastern \$8,540

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

#### New York City \$10,957

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

#### Long Island \$11,890

Nassau, and Suffolk

#### Western \$8,337

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

#### Rochester \$9,363

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

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

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Jack Lippmann, of Elder Care Services, Inc., Medicaid Professional - Consultant with over 18 years of Medicaid eligibility experience.

## 5 Medicaid Income & Resource Levels

Basic numbers for applicable Medicaid recipients and their spouses:

Community Medicaid  
and

Home Care Medicaid :	Allowed Resource level:	\$ 14,250.00
	Income:	\$ 812.00

Nursing Home Medicaid :	Allowed Resource level:	\$ 14,250.00
	Income:	\$ 50.00

Supplemental Security Income (SSI),	Resource level:	\$ 2,000.00
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Maximum federal Community spouse	Resource Allowance:	\$113,640.00
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Community spouse minimum monthly		
maintenance needs allowance (MMMNA):		\$ 2,841.00

Home Equity limit:		\$786,000.00
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*Income & Resources.*

*NYC Medicaid Home Care Programs* 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 \$812 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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*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 period longer than 5 years.

## 6 The Home or Primary Residence

The Home or Primary Residence is an exempt assets when applying for Medicaid medical assistance providing the equity in the home is less than \$786,000; 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.

Several kind of transfers of the home or primary residence would not create a penalty period are actually considered exempt transfers:

- 1) spouse;
- 2) child under 21, or disabled, or blind;
- 3) 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;

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

Example: Individual transfers approx. \$100,000, will create a penalty period of approx. 10 months; however, the individual can place approx. 50% in a Medicaid approved annuity or promissory note and protect the other 50%. The 50% in the annuity or promissory note will pay the nursing home for the penalty period the 50% transferred created.

4) 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 care 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 and resources.