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MEDICAID BASICS: MEDICAID FOR BEGINNERS (DUMMIES CAN'T DO IT)

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I. Introduction

One of the characteristics that distinguishes an Elder Law practice is the ability of the practitioner to identify and address issues involving public benefits. The goal of this presentation is to provide a guide for the unseasoned practitioner through the complexities of Medicaid. Along the way you should find references to more detailed explanations, some basic strategies and a list of resources.

II. **Medicaid Programs**: More than Long Term Care

A. Medicaid became law in 1965. It is a jointly funded cooperative venture of the federal and state governments to assist states in the provision of adequate medical care to eligible needy persons. The federal statute identifies more than 25 different eligibility categories for which federal funds are available. [1]

B. Five broad coverage groups make up these statutory categories:

- Children
- Pregnant Women
- Adults in Families with Dependent Children
- Individuals with Disabilities
- Individuals 65 or Over

The elder law practitioner *must* have a basic working knowledge of the last two categories, and it's a plus to understand the first three - or at least be aware that they are out there.

III. **Catalog of Resources**: Where to find what you need

A. To fully understand the Medicaid programs and how they operate you need, at some point, to go the primary source of the law. Of course, as important as it is to read the statute, we all know that this is only the beginning of the quest for insight. The following is a list of sources, in order of foundational primacy, for help in applying the law to your situation

- The Medicaid law is found in Title XIX of the Social Security Act. http://www.ssa.gov/OP_Home/ssact/title19/1900.htm

[1] MEPD Handbook, Chapter A-1000, General Information

- Federal statutory provisions relating to Title XIX appear in the United State Code as Sections 1396-1396v, Subchapter XIX, Chapter 7, Title 42. https://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap7-subchapXIX.htm

- Title XIX is administered at the federal level by the Centers for Medicare and Medicaid Services, http://www.cms.hhs.gov/, which is an agency of the United States Department of Health and Human Services ("HHS"). [2]

- Regulations relating to Title XIX are contained in Chapter IV, Title 42 and subtitle A, Title 45 Code of Federal Regulations.

- The interpretation of the statute and regulations is found in the Social Security Program Operations Manual ("POMS"). The Social Security Program Policy Information site contains the public version of the POMS. It describes the POMS as follows:

> The POMS is a primary source of information used by Social Security employees to process claims for Social Security benefits. The public version of POMS is identical to the version used by Social Security employees except that it does not include internal data entry and sensitive content instructions.
> https://secure.ssa.gov/apps10/poms.nsf/Home?readform

- The Texas Administrative Code ("TAC") is a compilation of all state agency rules in Texas. The Medicaid agency rules can be found in Title I (Administration) Part 15 (Texas Health and Human Services Commission) Chapters 351-396. The electronic version can be accessed through the web site of the Texas Secretary of State. https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=1&pt=15

- The Texas Administrative Code is put into almost-English in the Medicaid for the Elderly and People with Disabilities Handbook ("MEPDH"). This is the primary resource for the Medicaid eligibility workers. It can be found on line at https://www.dads.state.tx.us/handbooks/mepd/.

[2] Note that abbreviation for this agency is "CMS" – I have no idea where the other "M" went.

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"In Quest of the Perfect Medicaid Application"