

PROTECTING & MAXIMIZING PUBLIC BENEFITS

Written & Presented by
H.Clyde Farrell
Certified Elder Law Attorney
Farrell, Burdett, & Johnson, PLLC
1000 Mo-Pac Circle A
Austin, Texas 78746
cfarrell@txelderlaw.com
512-323-2977
Christina Leshner, JD, BSW
www.lawlesher.com
5615 Kirby Drive, Suite 412
Houston, Texas 77005
(713) 529-5900
clesher@lawlesher.com

Care Options

	Community Care AKA Home Health Skilled & Non-Skilled	Adult Day Care	Independent Living (IL)	Assisted Living (AL)	Personal Care Home (PCH)	Nursing Home (NH)	Hospital
Payment Options	SSDI & SSI VA Certain types of Medicaid LTC Insurance Medicare (short term)	SSDI & SSI Private pay LTC Insurance VA Certain types of Medicaid	SSDI & SSI Private Pay LTC Insurance VA	Private Pay LTC Insurance VA Certain types of Medicaid	Private Pay LTC Insurance VA Certain types of Medicaid	Private Pay Health Insurance LTC Insurance VA Medicaid Medicare (short term)	Private Pay Health Insurance VA (in VA hospitals) Medicaid Medicare
Licensing	N/A	Texas DADS	Texas DADS	Texas DADS	Texas DADS	Texas DADS	JCAHO, Texas DSHS
Care Provided	Varies	Rehabilitation Recreational activities Activities of daily living	Meals, cleaning Housing Emergency notification	Meals, cleaning Housing Activities of daily living	Meals, cleaning Housing Activities of daily living	Medical treatment Rehabilitation Activities of daily living	Medical treatment Activities of daily living
Hospice Available	Yes	No	Yes	Yes	Yes	Yes	Yes
Home Health Available	Yes	No	Yes	Yes	Dependent on facility policy	Dependent on facility policy	No
Care	Yes	Yes	Yes	Yes	Yes	Yes	Yes

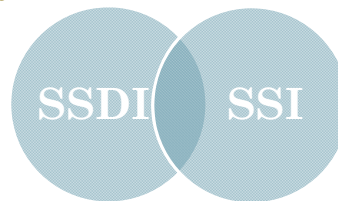
SSDI & SSI

Social Security Disability Insurance (SSDI)

- Monthly cash benefit
- Medicare
- Not Means Tested

Supplemental Security Income (SSI)

- Monthly cash benefit
- Medicaid
- Means Tested



Can be eligible for both

SSI ELIGIBILITY REQUIREMENTS

- **Categorical:** Disability, 65+, Blindness
- **Alienage:** Ineligible except certain groups such as:
 - Citizens & aliens entering before 8/22/96
 - Aslyees and refugees
 - Veteran or on active duty in the armed services
- **Income Limits:**
 - \$750/mo. individual, \$1,125/mo. couple; first \$20 exempt
- **Resources Limits:**
 - \$2,000 individual, \$3,000 couple; residence & other exemptions
- Who? No/ little work history

“SSI INCOME”

- SSI Income includes any Food, Shelter, or Cash
- As of 3/9/05, clothing is not “income.”
- A trust (or an individual) can give an SSI beneficiary **ANYTHING** without affecting eligibility, **EXCEPT:**
 - Food
 - Shelter
 - Cash
 - Other countable “resources”
- An SSI beneficiary can have “household goods” and “personal effects” without limit, provided they are in actual use

REGULAR (“COMMUNITY”) MEDICAID ELIGIBILITY

- Automatic
 - SSI
 - Temporary Assistance for Needy Families (TANF)
 - Children and Pregnant Women Program
 - Medically Needy Program
- Upon Application
 - Adult Disabled Children
 - Medicare Savings Programs

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Protecting and Maximizing Public Benefits

Also available as part of the eCourse

[The Basics of Special Needs Trusts](#)

First appeared as part of the conference materials for the
14th Annual Changes and Trends Affecting Special Needs Trusts session
"Maximizing Public Benefits"