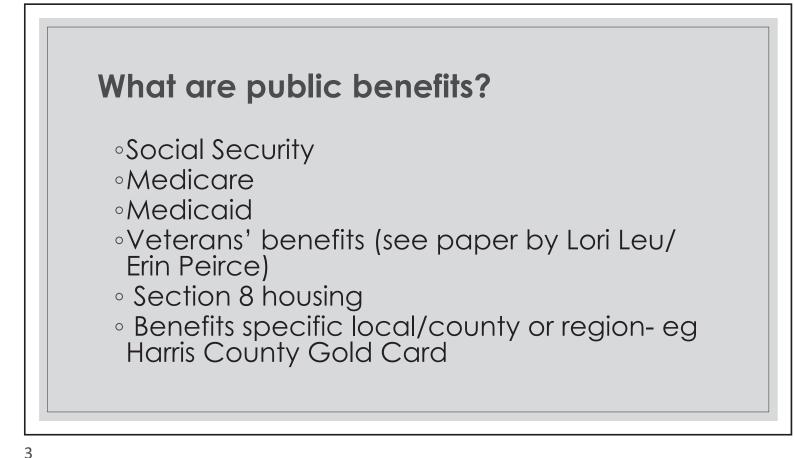


Overview of Public Benefits and 2021 Update Christina Lesher 713-529-5900 <u>clesher@lawlesher.com</u> & Bryn Poland 281-421-5774 Poland@mayopoland.com

COVID 19 update

- Medicaid coverage may not be terminated unless the person voluntarily withdraws, dies or moves out of state
- CMS is temporarily waiving the requirement for a 3-day prior hospitalization for coverage a skilled nursing facility
 - Waiver provides temporary emergency coverage of SNF w/o qualifying hospital stay
 - Also, if beneficiary exhausted SNF benefits they have renewed SNF coverage w/o 60 day period of non -in patient status (that was previously required)
- COVID vaccine no cost to Medicare beneficiaries
- Part D enrollees can now obtain up to a 90 days supply for a single re-fill prescription



Income test Asset Test Medical requirement Where is client located? Interest/ wait list 109* different Medicaid programs

Using Public Benefits for Care From Home to Facility

- Create scenarios for clients on how to pay for care
 - •Home/ Community Living-
 - Assisted Living/ Group Homes-
 - Nursing home
- Review estate planning documents
 - Testamentary SNTs for spouses/ SNTs, check bene designations.

Some terms to know

- Community Spouse- married couple, the spouse not in the nursing home
- Institutionalized Spouse- married couple, the spouse in the nursing home
- Look Back Period- Medicaid (a few exceptions) penalizes applicants for giving away assets (yes this includes disclaimers!)
 5 year look back period for long-term care Medicaid, penalty period based on the amount given and the divisor rate.
- Penalty Period 5 year look back period for long-term care Medicaid, penalty period based on the amount given and the divisor rate.
- Look Back Period- Medicaid (a few exceptions) penalizes applicants for giving away assets (yes this includes disclaimers!)
 5 year look back period for long-term care Medicaid, penalty period based on the amount given and the divisor rate.
- Deeming- term by Social Security to describe the process of considering another person's income or assets to be available to the applicant when applying for benefits (SSI typically)
- Countable Assets- limited by Medicaid, spouses get to keep more
 - E.g. checking, savings account, 2nd home, car (not exhaustive list)
- Exempt Assets- valued at \$0 by Medicaid (not exhaustive list)
 - Homestead (equity limited for single beneficiaries)
 - Car
 - Pre-need funeral contract
- $\circ~$ Income Test- the amount of gross monthly income a person can have and still qualify

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Title search: Maximizing Public Benefits: Basics and Updates

Also available as part of the eCourse 2021 Special Needs Trusts eConference

First appeared as part of the conference materials for the 17th Annual Changes and Trends Affecting Special Needs Trusts session "Maximizing Public Benefits: Basics and Updates"