## "Medicaid Matters and Probate Proceedings"

- A Special Presentation by Townsend Allala, Coulter & Kludt, PLLC
- For UTCLE
- ▶December 9, 2021
- ▶ Presented by Stephanie Townsend Allala





1

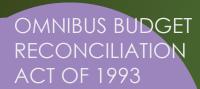
### NEED TO KNOW FROM THE START

- > Ask the right questions:
  - > Was decedent receiving Medicaid?
  - Was decedent receiving a type of Medicaid subject to recovery under the MERP?
  - > Are there any beneficiaries under a disability?
  - Are any beneficiaries receiving means-tested Medicaid benefits?
  - > Do any of the beneficiaries live on less than 300-percent of the poverty level? For 2021, it is \$93,120 for family of five.

# THE MERP MANDATE

Since 1965 most states have had the ability to create a recovery program.

3



Federal program administered by states with federal guidelines.

In Texas run through the Texas Health and Human Services Commission (HHSC).

#### THREE STATUTES WORKING TOGETHER



- > The Texas Estates Code;
- Texas Administrative Code (T.A.C. §373); and,
- United States Code (42 U.S.C. §1396(P)(b)).

\_

#### TEXAS ADMINISTRATIVE CODE

- > Medicaid recipients who applied after March 1, 2005.
- > Long Term Care Medicaid benefits:
  - > Nursing facilities;
  - > Intermediate Care facilities; and,
  - > Home and Community-based services.
  - > Programs off All-inclusive Care for the Elderly, or PACE





Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

#### Title search: Medicaid Matters and Probate Proceedings

Also available as part of the eCourse Answer Bar: Elder Law and Medicaid Essentials

First appeared as part of the conference materials for the 2021 Medicaid Matters and Probate Proceedings session "Medicaid Matters and Probate Proceedings"