

# “Medicaid Matters and Probate Proceedings”

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

THE LAW OFFICES OF  
**Townsend Allala  
Coulter & Kludt**  
*We are Elder Law*



## 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

OMNIBUS BUDGET  
RECONCILIATION  
ACT OF 1993

Federal program administered by states with federal guidelines.

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

4

## 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

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