

"Medicaid Matters and Probate Proceedings"

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

THE LAW OFFICES OF
**Townsend Allala
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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.

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).

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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