"Medicaid Matters and Probate Proceedings"

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





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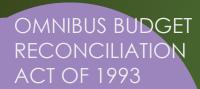
NEED TO KNOW FROM THE START

- > 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.

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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)).

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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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