



## Protecting & Maximizing Public Benefits

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## ***Home Care Public Benefit Planning- Who/ When***

- Client with a spouse with Alz/Dementia
- Surviving spouse/single person (w/ or w/o children)
- Estate planning clients (most of them)
- Clients with child w/disability: planning for the parents' long-term care costs and leaving \$ for child
- Clients without long-term care insurance or limited long-term care insurance
- Clients who will be on Medicaid eventually based on income and asset

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## ***Home Medicaid Public Benefit***

- Community Care for the Aged and Disabled
  - Single older adult or single adult with a disability living with a family member or supported living environment
- StarPlus Waiver (Home Community Based Services) (HCBS)
  - Older adult or adult with a disability living with a family member or supported living environment
  - Married couples with one spouse needing care
  - SPW can pay for AL, but very hard to find AL that accepts SPW
  - SPW + IL = AL

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## ***Community Care for the Aged and Disabled: Benefits and non- financial criteria***

- Benefits
  - Up to 40 hours/week of attendant services at home (number of hours is based on need—usually much less)
    - Usually 10-15 hours a week
    - Non-medical services, help with bathing, dressing, etc.
  - Can use Consumer Directed Services (CDS)- client selects own caregivers
  - Gap coverage while waiting for SPW benefits (interest list)
- Medical criteria
  - Needs assistance with ADLs
  - Use a care manager to assess for medical criteria and review the budget

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## ***Community Care for the Aged and Disabled: financial criteria***

### **Income of the Applicant**

- Less than \$2,742 gross monthly (per applicant)-
  - Cannot use Miller Trust or Qualified Income Trust if over the income cap
  - If over, plan for SPW (or maybe local benefits under AAA or Veteran's Benefits- see Lori Leu's paper)

### **Assets/Resources**

- Exempt Assets
  - Homestead (see equity limits for a single person), personal items, irrevocable pre-need funeral, burial plot, one car, IRAs (sometimes), certain types of annuities
- Countable Assets
  - Must be less than \$2,000 for a single applicant, married couples' countable assets must be less than \$3,000
  - Checking, savings, money market accounts, mineral rights (sometimes), certain types of annuities, cash value of life insurance policies, a second car or second home
  - No transfer penalty/ loss of eligibility for transfer assets- but wait!
  - SPW/ Nursing home Medicaid has a 5-year look back for transfer of assets (not penalty period/ see paper for penalty period, p. 112)

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## ***StarPlus Waiver: benefits***

- Interest list- wait list 6 mo- 2 years
- The SPW Program provides home and community-based services to people who are older or who have disabilities.
- 30-50 hours a week of assistance (home care benefits) or at an assisted living facility if the facility accepts SPW
  - Assisted living (hard to find, AL must accept SPW & SPW bed open)
  - Delivered meals, adaptive aids, home care, personal care, PT/OT & respite care
  - Also can hire own caregivers (consumer-directed services)
  - Pre-qualified financially for nursing home Medicaid (applicant must be in Medicaid bed, Medicaid nursing home)

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[2023 Special Needs Trusts eConference](#)

First appeared as part of the conference materials for the  
19<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session  
"Maximizing Public Benefits"