

# MEDICAID UPDATE 2023

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## DEFENDING ELIGIBILITY DURING THE UNWINDING

- Watch for Renewal Notices.
  - Check the date on the Notice relative to the date received.
  - If additional time is needed, ask for an extension.
  
- Eligibility Renewal Step by Step
  - Contact client.
  - Confirm engagement for representation.
  - If not Authorized Representative, file form H1003.
  - Request additional time to respond, if necessary.
  - When work is complete, disengage and close file.

Pages 1-5

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## PENALTY FOR TRANSFERS MADE DURING THE PHE

- If transfers were made by the client during the Public Health Emergency, it appears that the State intends to penalize such transfers after the period of continuous eligibility ends.
- Watch for Form H1226. Client will have 10 working days after notification to rebut the penalty.

Pages 6-7



## TALEVSKI CASE, US SUPREME COURT

- The United States Supreme Court has affirmed that the Federal Nursing Home Reform Act creates a private cause of action to enforce nursing home standards. *Health and Hospital Corporation of Marion County v. Talevski*, decided June 8, 2023.

Pages 7-8



## COMMUNITY ATTENDANT SERVICES ADVANTAGES

- No waiting list
- No transfer penalty
- Does not require “medical necessity for nursing facility care” (requires score of 24 or more on form 2060)
- Not managed care
  - No 300-page insurance company handbook
  - No confusion re whether to call HHSC or a Managed Care Organization to get something done

Pages 9-12



## COMMUNITY ATTENDANT SERVICES *DISADVANTAGES*

- Cannot use Qualified Income Trust to avoid the income cap—so anyone with income over \$2,742 in 2023 is ineligible
- Resource limit of only \$2,000 (\$3,000 for a couple)
- Food and shelter provided by someone else counts as “income”—but only to a maximum of \$324.67/month in 2023 (see Pro Rata Share worksheet on page 10)

Pages 9-12



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