# Medicaid Planning in Guardianships

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#### Overview

- Medicaid policy
- Incapacity of Medicaid applicant
- Guardianship
  - Texas Estates Code § 1162.001 et seq.
  - Texas Estates Code § 1353.001 et seq.

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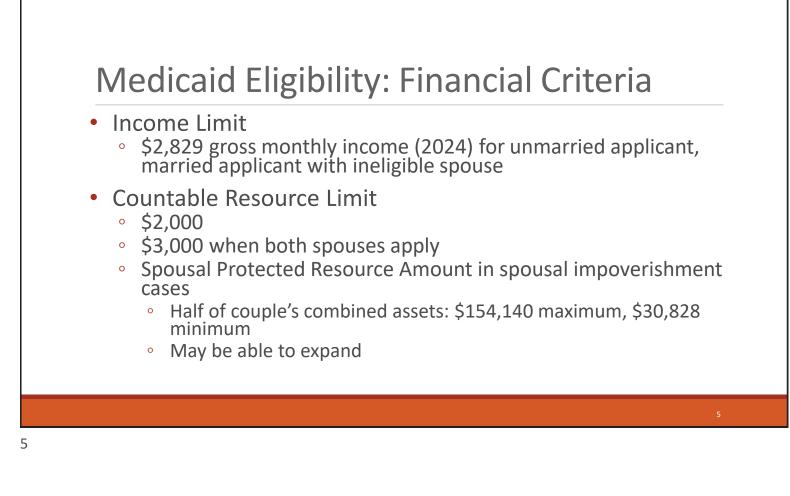
### Long-Term Care Medicaid

- Eligibility
  - Non-financial
  - Financial
- Transfer rules

## Medicaid Eligibility: Non-Financial Criteria

- Citizenship
- Residence
- Age, Blindness, Disability
- Medical necessity
- Medicaid facility, Medicaid bed

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#### Medicaid: Transfers for Less Than Fair Market Value

- Cannot give assets away within five years of filing application and qualify
- Penalty period assessed
  - Amount of gift / current divisor (\$242.13 in 2024)
- Penalty period begins when person enters nursing home, applies for Medicaid, and would be eligible but for transfer

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#### Title search: Medicaid Planning in Guardianships

Also available as part of the eCourse 2024 Guardianship Bundle for Attorneys Ad Litem

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