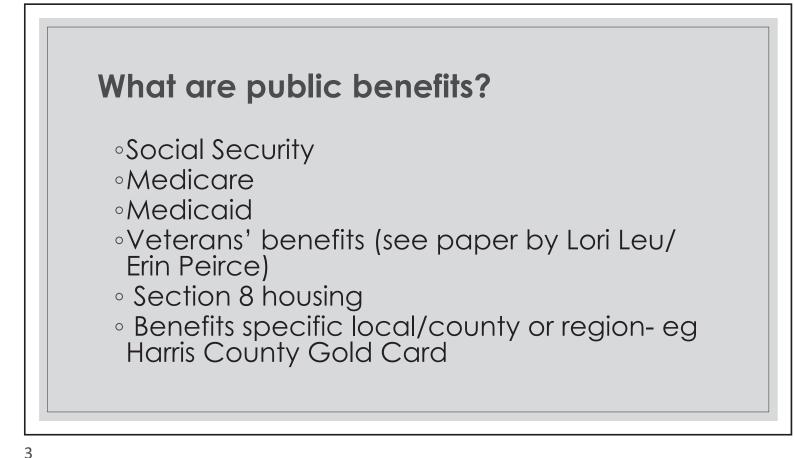


Overview of Public Benefits and 2021 Update Christina Lesher 713-529-5900 <u>clesher@lawlesher.com</u> & Bryn Poland 281-421-5774 Poland@mayopoland.com

# **COVID 19 update**

- Medicaid coverage may not be terminated unless the person voluntarily withdraws, dies or moves out of state
- CMS is temporarily waiving the requirement for a 3-day prior hospitalization for coverage a skilled nursing facility
  - Waiver provides temporary emergency coverage of SNF w/o qualifying hospital stay
  - Also, if beneficiary exhausted SNF benefits they have renewed SNF coverage w/o 60 day period of non -in patient status (that was previously required)
- COVID vaccine no cost to Medicare beneficiaries
- Part D enrollees can now obtain up to a 90 days supply for a single re-fill prescription



# Income test Asset Test Medical requirement Where is client located? Interest/ wait list 109\* different Medicaid programs

## Using Public Benefits for Care From Home to Facility

- Create scenarios for clients on how to pay for care
  - •Home/ Community Living-
  - Assisted Living/ Group Homes-
  - Nursing home
- Review estate planning documents
  - Testamentary SNTs for spouses/ SNTs, check bene designations.

# Some terms to know

- Community Spouse- married couple, the spouse not in the nursing home
- Institutionalized Spouse- married couple, the spouse in the nursing home
- Look Back Period- Medicaid (a few exceptions) penalizes applicants for giving away assets (yes this includes disclaimers!)
   5 year look back period for long-term care Medicaid, penalty period based on the amount given and the divisor rate.
- Penalty Period 5 year look back period for long-term care Medicaid, penalty period based on the amount given and the divisor rate.
- Look Back Period- Medicaid (a few exceptions) penalizes applicants for giving away assets (yes this includes disclaimers!)
   5 year look back period for long-term care Medicaid, penalty period based on the amount given and the divisor rate.
- Deeming- term by Social Security to describe the process of considering another person's income or assets to be available to the applicant when applying for benefits (SSI typically)
- Countable Assets- limited by Medicaid, spouses get to keep more
  - E.g. checking, savings account, 2<sup>nd</sup> home, car (not exhaustive list)
- Exempt Assets- valued at \$0 by Medicaid (not exhaustive list)
  - Homestead (equity limited for single beneficiaries)
  - Car
  - Pre-need funeral contract
- $\circ~$  Income Test- the amount of gross monthly income a person can have and still qualify

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### Title search: Maximizing Public Benefits: Basics and Updates

First appeared as part of the conference materials for the 17<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts session "Maximizing Public Benefits: Basics and Updates"