



## Overview of Public Benefits and 2021 Update

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## 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

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## What are public benefits?

- Social Security
- Medicare
- Medicaid
- Veterans' benefits (see paper by Lori Leu/ Erin Peirce)
- Section 8 housing
- Benefits specific local/county or region- eg Harris County Gold Card

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## The Recipe of Public Benefits

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

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# 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.

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## 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.
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- **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
- **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

Also available as part of the eCourse

[Special Needs Trusts Basics and Best Practices \(2021\)](#)

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"