

“Medicaid Matters and Probate Proceedings”

- ▶ A Special Presentation by Townsend Allala, Coulter & Kludt, PLLC
- ▶ For UTCLE
- ▶ December 9, 2021
- ▶ Presented by Stephanie Townsend Allala

THE LAW OFFICES OF
**Townsend Allala
Coulter & Kludt**
We are Elder Law



NEED TO KNOW FROM THE START

- Ask the right questions:
 - Was decedent receiving Medicaid?
 - Was decedent receiving a type of Medicaid subject to recovery under the MERP?
 - Are there any beneficiaries under a disability?
 - Are any beneficiaries receiving means-tested Medicaid benefits?
 - Do any of the beneficiaries live on less than 300-percent of the poverty level? For 2021, it is \$93,120 for family of five.

THE MERP MANDATE

Since 1965 most states have had the ability to create a recovery program.

3

OMNIBUS BUDGET
RECONCILIATION
ACT OF 1993

Federal program administered by states with federal guidelines.

In Texas run through the Texas Health and Human Services Commission (HHSC).

4

THREE STATUTES WORKING TOGETHER



- The *Texas Estates Code*;
- *Texas Administrative Code* (T.A.C. §373); and,
- *United States Code* (42 U.S.C. §1396(P)(b)).

TEXAS ADMINISTRATIVE CODE

- Medicaid recipients who applied after March 1, 2005.
- Long Term Care Medicaid benefits:
 - Nursing facilities;
 - Intermediate Care facilities; and,
 - Home and Community-based services.
 - Programs off All-inclusive Care for the Elderly, or PACE

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Medicaid Matters and Probate Proceedings

Also available as part of the eCourse

[Answer Bar: Elder Law and Medicaid Essentials](#)

First appeared as part of the conference materials for the 2021 Medicaid Matters and Probate Proceedings session "Medicaid Matters and Probate Proceedings"