

# Protecting and Maximizing Public Benefits

Christina Lesher, JD, BSW

713-529-5900

[clesher@lawlesher.com](mailto:clesher@lawlesher.com)

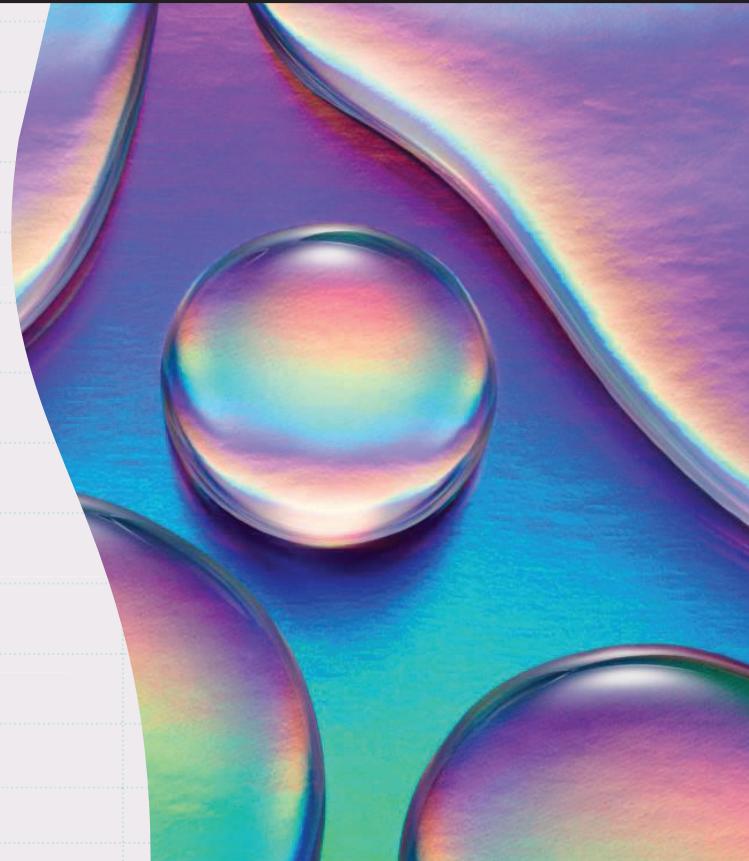
Lawlesher.com

See us on-

TikTok- lawlesher

Instagram- lawlesher

Facebook- The Law Office of Christina Lesher



1

# Let's Get Started! Grow Your Tree!



2

## Who are our clients?

Clients with a spouse with Alzheimer's or Dementia

Surviving spouse (with or without children)

Estate planning clients

Clients with a child/loved one with a disability/planning for them and child/loved one.

Clients who are not self funded for long-term care expenses

Clients who will eventually be on Medicaid

3

## What are public benefits?

Social Security

Medicare

Medicaid

Veterans' Benefits

Section 8 Housing

Benefits specific to local area or region (e.g. Harris County Gold Card)

4

# The Recipe of Public Benefits



Income test



Asset test



Medical requirement



Where is client living?



Interest list/  
wait list?



109\* different kinds of Medicaid programs

5

## Some terms to know...

**Community Spouse** - a married couple, the spouse not in the nursing home

**Institutionalized Spouse** - a married couple, the spouse in the nursing home

**Look Back Period**- 5-year look back period for long-term care Medicaid/ 3 years for Social Security (SSI) benefits

**Look Back Period and Penalty Period are not the same thing!**

**Penalty Period**- Medicaid penalizes (loss of Medicaid eligibility) applicants for giving away assets (penalty period is calculated by the amount transferred divided by the transfer divisor)

**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)

6

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 \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Maximizing Public Benefits: Overview

Also available as part of the eCourse

[Answer Bar: Considering a Special Needs Trust](#)

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