

MEDICAID, THE VA, AND ELIGIBILITY

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ELDER AND DISABILITY LAW FORUM

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MEDICAID - DEFINED

- "MEDICAID IS A JOINT FEDERAL AND STATE PROGRAM THAT, TOGETHER WITH THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP), PROVIDES HEALTH COVERAGE TO OVER 72.5 MILLION AMERICANS (22.4% OF THE POPULATION), INCLUDING CHILDREN, PREGNANT WOMEN, PARENTS, SENIORS AND INDIVIDUALS WITH DISABILITIES" – MEDICAID.GOV

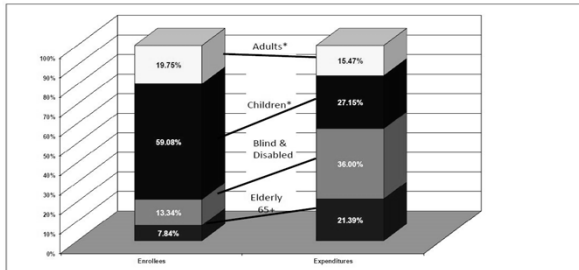
MEDICAID – FUN FACTS - FLORIDA

- OVER 4.4 MILLION FLORIDIANS ON MEDICAID OR CHIP (22% OF POPULATION)
- 4TH LARGEST MEDICAID POPULATION IN THE NATION, 5TH LARGEST ON MEDICAID EXPENDITURES
- 63% OF CHILD DELIVERIES
- 1 IN 8 ADULTS > 65
- 2 IN 5 LOW-INCOME INDIVIDUALS
- 2 IN 5 PEOPLE WITH DISABILITIES
- 3 IN 5 NURSING HOME RESIDENTS

MEDICAID – FUN FACTS - FLORIDA

- \$23.3 BILLION TOTAL FINAL MEDICAID EXPENDITURES IN FISCAL YEAR 2015-16
- 60.46% FEDERAL, 39.54% STATE
- AVERAGE SPENDING: \$5,865 PER PERSON

**Medicaid Budget – How it is Spent
FY 15-16**



*Adults and children refers to non disabled adults and children.
Source: Final SFY 2015-16 expenditures from Medicaid Data Analytics Fee-for-Service Claims & Eligibility reports.

MEDICAID

FAMILY - RELATED

SSI - RELATED

FAMILY – RELATED MEDICAID

- PARENTS AND OTHER CARETAKER RELATIVES
- CHILDREN AGES 19-21
- PREGNANT WOMEN
- EMERGENCY MEDICAL ASSISTANCE FOR NONCITIZENS
- INFANTS AND CHILDREN UNDER AGE 19
- FORMER FOSTER CARE CHILDREN
- MEDICALLY NEEDY

FAMILY – RELATED MEDICAID

- TECHNICAL (NON-FINANCIAL) ELIGIBILITY CRITERIA
 - RESIDENCY
 - IDENTITY
 - US CITIZENSHIP OR PROPER NONCITIZEN STATUS
 - POSSESSION OF A SOCIAL SECURITY NUMBER
 - COOPERATION WITH THE CHILD SUPPORT PROGRAM
 - CAN LOSE MEDICAID IF YOU DO NOT PAY CHILD SUPPORT, UNLESS PREGNANT
 - ASSIGNMENT OF RIGHTS FOR THIRD PARTY PAYMENTS AND INCOME
 - MUST ASSIGN TO THE STATE THEIR RIGHT TO ANY THIRD PARTY PAYMENT FOR MEDICAL CARE

FAMILY – RELATED MEDICAID

- ASSET LIMITS:
 - NONE
- INCOME LIMITS:
 - SEE CHART: APPENDIX A-7 – PROGRAM POLICY MANUAL
 - CHILD SUPPORT PAYMENTS ARE EXCLUDED UNEARNED INCOME
 - SPOUSAL SUPPORT OR ALIMONY IS NOT EXCLUDED
 - SSI IS EXCLUDED
 - MANY OTHER GOVERNMENT ASSISTANCE PAYMENTS EXCLUDED
 - SEE: 1830.0800 – MEDICAID PROGRAM POLICY MANUAL

SSI – RELATED MEDICAID

- TECHNICAL (NON-FINANCIAL) ELIGIBILITY CRITERIA
 - CITIZENSHIP/NONCITIZEN STATUS
 - SOCIAL SECURITY NUMBER
 - RESIDENCY
 - AGED (65+), BLIND, OR DISABLED
 - LEVEL OF CARE/APPROPRIATE PLACEMENT
 - LIVING ARRANGEMENT
 - FILE FOR OTHER BENEFITS
 - RECEIPT OF OTHER BENEFITS
 - ASSIGNMENT OF RIGHTS FOR THIRD PARTY LIABILITY
 - MEDICARE STATUS
 - RECEIPT OF INSTITUTIONAL, HOSPICE OR HCBS

SSI ELIGIBLE INDIVIDUALS

- BENEFIT:
 - FULL MEDICAID HEALTH INSURANCE
- ADDITIONAL TECHNICAL REQUIREMENT:
 - MUST RECEIVE AT LEAST \$1 OF SSI
- ASSET LIMIT:
 - \$2,000/INDIVIDUAL
 - \$3,000/COUPLE
- INCOME LIMIT:
 - \$735/INDIVIDUAL
 - \$1,103/COUPLE

AGED AND DISABLED (MEDS-AD)

- BENEFIT:
 - FULL MEDICAID HEALTH INSURANCE
- ADDITIONAL TECHNICAL REQUIREMENT:
 - AGE 65+ OR DISABLED
- ASSET LIMIT:
 - \$5,000/INDIVIDUAL
 - \$6,000/COUPLE
- INCOME LIMIT:
 - \$835/INDIVIDUAL
 - \$1,191/COUPLE

MEDICALLY NEEDY

- BENEFIT:
 - FULL MEDICAID HEALTH INSURANCE AFTER SHARE OF COST IS MET
- ADDITIONAL TECHNICAL REQUIREMENT:
 - AGE 65+ OR DISABLED
- ASSET LIMIT:
 - \$5,000/INDIVIDUAL
 - \$6,000/COUPLE
- INCOME LIMIT:
 - NONE – SHARE OF COST
 - INDIVIDUAL – GROSS INCOME MINUS \$180
 - COUPLE – GROSS INCOME MINUS \$241

INSTITUTIONAL CARE PROGRAM

- BENEFIT:
 - PAYS FOR SKILLED NURSING FACILITY (AFTER MEETING PATIENT RESPONSIBILITY)
 - MMA
 - PAYS MEDICARE A & B PREMIUMS
- ADDITIONAL TECHNICAL REQUIREMENT:
 - MUST MEET LEVEL OF CARE AND RESIDE IN A SNF
- ASSET LIMIT:
 - \$2,000/INDIVIDUAL (\$5,000 IF MEDS-AD ELIGIBLE)
 - COMMUNITY SPOUSE ALLOWANCE \$120,900
 - \$3,000/COUPLE (\$6,000 IF MEDS-AD ELIGIBLE)

INSTITUTIONAL CARE PROGRAM

- INCOME LIMITS:
 - \$2,205/INDIVIDUAL (OR NEED QIT)
 - COMMUNITY SPOUSE INCOME DIVERSION
 - \$4,410/COUPLE (OR NEED QIT)

HOSPICE

- BENEFIT:
 - PAYS HOSPICE SERVICES
- ADDITIONAL TECHNICAL REQUIREMENT:
 - TERMINAL ILLNESS
- ASSET LIMIT:
 - \$2,000/INDIVIDUAL (\$5,000 IF MEDS-AD ELIGIBLE)
 - COMMUNITY SPOUSE ALLOWANCE \$120,900
 - \$3,000/COUPLE (\$6,000 IF MEDS-AD ELIGIBLE)

HOSPICE

- INCOME LIMITS:
 - \$2,205/INDIVIDUAL (OR NEED QIT)
 - \$4,410/COUPLE (OR NEED QIT)

HOME AND COMMUNITY BASED SERVICES (HCBS)

- CYSTIC FIBROSIS
- FAMILIAL DYSAUTONOMIA
- IBUDGET
- MODEL
- PROJECT AIDS CARE
- STATEWIDE MANAGED MEDICAL CARE LONG TERM CARE (SMMC LTC)
- TRAUMATIC BRAIN AND SPINAL CORD INJURY

HOME AND COMMUNITY BASED SERVICES (HCBS)
- WAIVERS

- WAITLIST
- ASSET LIMIT:
 - \$2,000/INDIVIDUAL
 - COMMUNITY SPOUSE ALLOWANCE \$120,900
 - \$3,000/COUPLE
- INCOME LIMITS:
 - \$2,205/INDIVIDUAL (OR NEED QIT)
 - \$4,410/COUPLE (OR NEED QIT)

HCBS – CYSTIC FIBROSIS WAIVER

- BENEFIT:
 - MEDICAL SERVICES TAILORED TO THE A PERSON WITH A CF DIAGNOSIS
 - PHYSICAL THERAPY
 - SPECIALIZED MEDICAL EQUIPMENT AND SUPPLIES
 - SEE: AHCA.MYFLORIDA.COM/MEDICAID/HCBS_WAIVERS
- ADDITIONAL TECHNICAL REQUIREMENT:
 - AGE 18+
 - DIAGNOSIS OF CYSTIC FIBROSIS
 - BE AT RISK OF HOSPITALIZATION

HCBS – FAMILIAL DYSAUTONOMIA WAIVER

- BENEFIT:
 - MEDICAL SERVICES TAILORED TO THE FD DIAGNOSIS
 - BEHAVIORAL SERVICES
 - SUPPORT COORDINATION
- ADDITIONAL TECHNICAL REQUIREMENT:
 - AGE 3+
 - DIAGNOSIS OF FAMILIAL DYSAUTONOMIA
 - NEED SERVICES
 - BE AT RISK OF HOSPITALIZATION

HCBS – IBUDGET WAIVER (APD)

- BENEFIT:
 - INDIVIDUALIZED SERVICES FOR PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES
 - ADULT DAY TRAINING, COMPANION, RESIDENTIAL HABITATION
 - INDIVIDUALIZED BUDGET BASED ON ALGORITHM
- ADDITIONAL TECHNICAL REQUIREMENT:
 - AGE 3+
 - MEET LEVEL OF CARE AS DETERMINED BY APD
 - MEET DEFINITION OF ID OR DD AS DEFINED IN FLA. STAT. § 393

HCBS – MODEL WAIVER

- BENEFIT:
 - FLORIDA CAN ONLY SERVE FIVE (5) CHILDREN AT ONE TIME UNDER THIS PROGRAM
 - ASSISTIVE TECHNOLOGY AND SERVICE EVALUATION
- ADDITIONAL TECHNICAL REQUIREMENT:
 - AGE IS UNDER 21
 - MEDICALLY COMPLEX OR MEDICALLY FRAGILE
 - DIAGNOSED WITH DEGENERATIVE SPINOCEREBELLAR DISEASE
 - DETERMINED DISABLED BY SSA
 - MEET LEVEL OF CARE AS DETERMINED BY CHILDREN'S MULTIDISCIPLINARY ASSESSMENT TEAM (CMAT)

HCBS – PROJECT AIDS CARE WAIVER

- BENEFIT:
 - INDIVIDUALIZED SERVICES FOR PERSONS WITH AIDS DIAGNOSIS
 - EDUCATION AND SUPPORT, DAY HEALTH CARE, CASE MANAGEMENT
- ADDITIONAL TECHNICAL REQUIREMENT:
 - DETERMINED DISABLED BY SSA
 - DIAGNOSED WITH AIDS
 - BE MEDICAID ELIGIBLE UNDER SSI, MEDS-AD OR ICP
 - MEET LEVEL OF CARE AS DETERMINED BY CARES

HCBS – TRAUMATIC BRAIN AND SPINAL CORD
INJURY WAIVER

- BENEFIT:
 - INDIVIDUALIZED SERVICES FOR PERSONS WITH TBI OR SCI
 - PHYSICAL THERAPY, ASSISTIVE TECHNOLOGY, OCCUPATIONAL THERAPY
- ADDITIONAL TECHNICAL REQUIREMENT:
 - BETWEEN THE AGES OF 18 – 64
 - BE DISABLED DUE TO TRAUMATIC BRAIN INJURY OR SPINAL CORD INJURY
 - MEET NURSING HOME LEVEL OF CARE

HCBS – SMMC-LTC WAIVER

- BENEFIT:
 - ALF VS. INDEPENDENT/HOME
 - MMA
- ADDITIONAL TECHNICAL REQUIREMENT:
 - AGE 65 OR DISABLED
 - MEET LEVEL OF CARE AS DETERMINED BY CARES

QUALIFIED MEDICARE BENEFICIARIES

- BENEFIT:
 - PAYS MEDICARE PREMIUMS, COINSURANCE, & DEDUCTIBLES
- ADDITIONAL TECHNICAL REQUIREMENT:
 - RECEIVING MEDICARE
- ASSET LIMIT:
 - \$7,390/INDIVIDUAL
 - \$11,090/COUPLE
- INCOME LIMIT:
 - \$1,005/INDIVIDUAL
 - \$1,354/COUPLE

SPECIAL LOW INCOME MEDICARE BENEFICIARY

- BENEFIT:
 - PAYS MEDICARE PART B PREMIUM ONLY
- ADDITIONAL TECHNICAL REQUIREMENT:
 - RECEIVING MEDICARE
- ASSET LIMIT:
 - \$7,390/INDIVIDUAL
 - \$11,090/COUPLE
- INCOME LIMIT:
 - \$1,206/INDIVIDUAL
 - \$1,624/COUPLE

QUALIFYING INDIVIDUALS 1

- BENEFIT:
 - PAYS MEDICARE PART B PREMIUM ONLY
 - LIMITED EXPANSION TO THIS GROUP
- ADDITIONAL TECHNICAL REQUIREMENT:
 - RECEIVING MEDICARE
- ASSET LIMIT:
 - \$7,390/INDIVIDUAL
 - \$11,090/COUPLE
- INCOME LIMIT:
 - \$1,357/INDIVIDUAL
 - \$1,827/COUPLE

PROGRAM OF ALL INCLUSIVE CARE FOR THE ELDERLY (PACE)

- BENEFIT:
 - COMPREHENSIVE SERVICE PACKAGE DESIGNED FOR A PERSON TO REMAIN AT HOME
- ADDITIONAL TECHNICAL REQUIREMENT:
 - 55+
 - LIVE WITHIN SERVICE AREA
 - MEET LOC BUT ABLE TO LIVE SAFELY IN THE COMMUNITY
- ASSET LIMIT:
 - \$2,000/INDIVIDUAL
 - \$3,000/COUPLE
- INCOME LIMIT:
 - \$2,205/INDIVIDUAL
 - \$4,410/COUPLE

EXEMPT ASSETS

- LIFE INSURANCE IF "FACE VALUE" IS \$2,500 OR LESS
 - OTHERWISE CASH VALUE COUNTS
 - IF NO CASH VALUE, IT DOES NOT COUNT
- STUDENT GRANTS, LOANS, OR SCHOLARSHIPS
- PERSONAL PROPERTY – HOUSEHOLD GOODS AND PERSONAL EFFECTS VALUED LESS THAN \$2,000
 - IF THERE IS A COMMUNITY SPOUSE, ALL IS EXEMPT
 - ASSUMED TO BE VALUED AT \$1,000, UNLESS APPLICANT INDICATES OTHERWISE
 - 1 WEDDING RING AND 1 ENGAGEMENT RING ARE EXEMPT
 - ITEMS REQUIRED BECAUSE OF MEDICAL OR PHYSICAL CONDITION ARE EXEMPT
 - SEE: 1640.0565.02 FOR "ITEMS OF UNUSUAL VALUE"

EXEMPT ASSETS

- RETIREMENT FUNDS
 - MUST BE TREATED AS EITHER AN ASSET OR INCOME
 - EXEMPT AS AN ASSET IF RECEIVING REGULAR PAYMENTS
- IRREVOCABLE PREPAID BURIAL
- \$2,500 BURIAL FUND
- SPECIAL NEEDS TRUST

TOO MANY ASSETS?

- SPEND DOWN
- COVERT NON-EXEMPT TO EXEMPT
- FUND SPECIAL NEEDS TRUST (OR ABLE?)

TOO MANY ASSETS?

- TRANSFER PENALTY
 - LOOK BACK 5 YEARS
 - DIVISOR - \$8,944
 - EXCEPTION TO TRANSFER PENALTY:
 - SPOUSE
 - DISABLED CHILD
 - SEE 1640.0609
 - ONLY APPLIES TO CERTAIN PROGRAMS
 - ICP, MEDS-AD, HOSPICE, HCBS, OR PACE

INCOME – WHAT IS THAT?

- SECTION 1840 – PROGRAM POLICY MANUAL
- CASH RECEIVED AT REGULAR INTERVALS FROM ANY SOURCE SUCH AS WAGES, BENEFITS, CONTRIBUTIONS, AND RENTALS.
- EARNED AND UNEARNED
- GENERALLY USE GROSS AMOUNT
- RENTAL INCOME USES A NET AMOUNT
 - SEE 1840.0504 FOR ALLOWABLE DEDUCTIONS
- STUDENT LOANS, GRANTS, AND SCHOLARSHIPS ARE EXCLUDED

TOO MUCH INCOME?

- WHAT PROGRAM ARE YOU APPLYING FOR?
- FOR ICP, HCBS, AND PACE
 - QUALIFIED INCOME TRUST OR POOLED TRUST
- FOR OTHERS...
 - POOLED TRUST
 - 1640.0576.09 – "DO NOT COUNT ANY INCOME DEPOSITED INTO THE TRUST AS INCOME TO THE INDIVIDUAL WHEN DETERMINING ELIGIBILITY."
 - DOES NOT LIMIT TO ICP, HCBS, AND PACE

SSI RELATED MEDICAID PROGRAMS

- IDENTIFY A NEED FOR YOUR CLIENT
- IS THERE A PROGRAM THAT COULD BENEFIT OR MEET THAT NEED?
- IS MY CLIENT ELIGIBLE?
 - TECHNICAL REQUIREMENTS?
 - FINANCIAL REQUIREMENTS?
- IF NOT, IS THERE A WAY TO GET THEM ELIGIBLE?

BENEFITS FOR VETERANS

BENEFITS FOR VETERANS

- DISABILITY COMPENSATION
- PENSION AND AID & ATTENDANCE
- DEATH PENSION (A&A FOR SURVIVING SPOUSE)
- DEPENDENCY AND INDEMNITY COMPENSATION (DIC)
- VETERANS HEALTH CARE
- LONG TERM CARE BENEFITS THROUGH VETERANS HEALTH CARE
- CHAMPVA FOR SURVIVING SPOUSES
- BURIAL BENEFITS
- STATE VA NURSING HOMES
- HOME RENOVATION GRANTS

DISABILITY COMPENSATION BENEFITS

- HAVE A SERVICE RELATED DISABILITY
- DISCHARGED UNDER OTHER THAN DISHONORABLE CONDITIONS
- AMOUNT OF BENEFIT RANGES FROM \$130 TO \$3,100 PER MONTH
- CAN BE PAID ADDITIONAL AMOUNTS FOR :
 - SEVERE DISABILITY OR LOSS OF LIMB(S)
 - YOU HAVE SPOUSE, CHILD(REN), OR DEPENDENT PARENT(S)
 - YOU HAVE A SERIOUSLY DISABLED SPOUSE

PENSION AND AID & ATTENDANCE

- VETERAN HAD TO SERVE AT LEAST 90 DAYS ACTIVE DUTY, WITH 1 DAY BEING DURING WAR TIME
- DOES NOT HAVE TO BE IN COMBAT
- DISCHARGE OTHER THAN DISHONORABLE
- 65+ OR DISABLED
- SURVIVING SPOUSE OF VETERAN CAN BE ELIGIBLE
 - MUST BEING LIVING WITH VETERAN AT THE TIME OF THEIR DEATH
 - MUST BE SINGLE AT TIME OF CLAIM
- MUST REQUIRE HELP WITH THE ACTIVITIES OF DAILY LIVING AT HOME, IN SNF, OR ALF

PENSION AND AID & ATTENDANCE

- WARTIME:
 - MEXICAN BORDER PERIOD (MAY 9, 1916 – APRIL 5, 1917 FOR VETERANS WHO SERVED IN MEXICO, ON ITS BORDERS, OR ADJACENT WATERS)
 - WORLD WAR I (APRIL 6, 1917 – NOVEMBER 11, 1918)
 - WORLD WAR II (DECEMBER 7, 1941 – DECEMBER 31, 1946)
 - KOREAN CONFLICT (JUNE 27, 1950 – JANUARY 31, 1955)
 - VIETNAM ERA (FEBRUARY 28, 1961 – MAY 7, 1975 FOR VETERANS WHO SERVED IN THE REPUBLIC OF VIETNAM DURING THAT PERIOD; OTHERWISE AUGUST 5, 1964 – MAY 7, 1975)
 - GULF WAR (AUGUST 2, 1990 – THROUGH A FUTURE DATE TO BE SET BY LAW OR PRESIDENTIAL PROCLAMATION)

PENSION AND AID & ATTENDANCE

<u>Status</u>	<u>Monthly Benefit Amount</u>
Surviving Spouse	\$1,153
Single Veteran	\$1,794
Married Veteran (or has dependent child)	\$2,127*
Two Vets Married	\$2,846

*Add \$183 for each additional child

PENSION AND AID & ATTENDANCE

- INCOME LIMIT:
 - * "COUNTABLE INCOME" MUST BE LESS THAN THE PENSION AMOUNT FOR WHICH THEY ARE ELIGIBLE
 - ALLOWED TO DEDUCT UNREIMBURSED MEDICAL RELATED EXPENSES THAT ARE GREATER THAN 5% OF MAXIMUM ANNUAL PENSION RATE (MAPR)

Family Status	Aid & Attendance MAPR
Veteran without dependents	\$21,531
Married veteran	\$25,525
Surviving spouse	\$13,836

PENSION AND AID & ATTENDANCE

- SINGLE VETERAN, NO DEPENDENTS EXAMPLE:
 - 5% OF MAPR = 5% x \$21,531 OR \$1,076
 - UNREIMBURSED MEDICAL EXPENSES OVER \$1,076 CAN BE DEDUCTED FROM "COUNTABLE INCOME"
 - SO, IF THIS VETERAN HAS \$45,000 IN INCOME, BUT PAYS OUT OF POCKET \$36,000/YEAR FOR AN ALF
 - \$36,000 (UNREIMBURSED MEDICAL EXPENSES) - \$1,076 (5% OF MAPR) = \$34,924
 - \$45,000 - \$34,924 = \$10,076 IN COUNTABLE INCOME

PENSION AND AID & ATTENDANCE

- ASSET LIMIT:
 - \$80,000?, NOT REALLY
 - HOUSE, CAR AND PERSONAL EFFECTS EXCLUDED.
 - ARE YOUR INCOME AND ASSETS SUBSTANTIAL ENOUGH THAT YOU WOULD NOT OUT LIVE YOUR ASSETS?
 - CONSIDERS AGE, LIFE EXPECTANCY, AND CARE EXPENSES
 - CURRENTLY NO LOOK BACK

PENSION AND AID & ATTENDANCE

- PROPOSED CHANGES:
 - ESTABLISH CLEAR ASSET LIMIT. WILL TRACK THE MEDICAID COMMUNITY SPOUSE RESOURCE ALLOWANCE
 - LIMIT PRIMARY RESIDENCE UP TO TWO ACRES
 - ESTABLISH 36 MONTH LOOK BACK PERIOD
 - PENALTY UP TO 10 YEARS FOR TRANSFERS
 - PENALTY DIVISOR = MAXIMUM APPLICABLE PENSION RATE

THANK YOU!
