MEDICAID, THE VA, AND ELIGIBILITY

NOVEMBER 14, 2017 Elder and Disability Law Forum

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MEDICAID - DEFINED

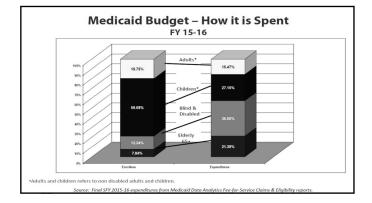
 "MEDICAID IS A JOINT FEDERAL AND STATE PROGRAM THAT, TOGETHER WITH THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP), PROVIDES HEALTH COVERAGE TO OVER 72.5 MILLION AMERICANS (22.4% OF THE POPULATION), INCLUDING CHILDREN, PREGNANT WOMEN, PARENTS, SENIORS AND INDIVIDUALS WITH DISABILITIES" – MEDICAID.GOV

MEDICAID - FUN FACTS - FLORIDA

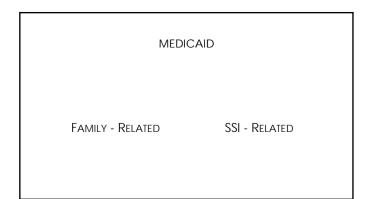
- OVER 4.4 MILLION FLORIDIANS ON MEDICAID OR CHIP (22% OF POPULATION)
- + $4^{\rm TH}$ largest Medicaid Population in the Nation, $5^{\rm TH}$ largest on Medicaid expenditures
- 63% OF CHILD DELIVERIES
- 1 IN 8 ADULTS > 65
- 2 IN 5 LOW-INCOME INDIVIDUALS
- 2 IN 5 PEOPLE WITH DISABILITIES
- 3 IN 5 NURSING 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







FAMILY - RELATED MEDICAID

- PARENTS AND OTHER CARETAKER RELATIVES
- PREGNANT WOMEN
- INFANTS AND CHILDREN UNDER AGE 19
- MEDICALLY NEEDY
- CHILDREN AGES 19-21
 - Emergency Medical Assistance for Noncitizens
 - FORMER FOSTER CARE CHILDREN

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 <u>EXCLUDED</u> 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

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FAMILY - RELATED MEDICAID

- 1. FALL INTO ONE OF THE COVERAGE GROUPS,
- 2. MEET THE TECHNICAL (NON-FINANCIAL) CRITERIA, AND
- 3. FALL BELOW THE INCOME LIMIT, THEN
- 4. You may receive Medicaid Health Insurance

SSI – RELATED MEDICAID

- SSI ELIGIBLE INDIVIDUALS (SSI-DA)
- PROGRAMS BASED ON INSTITUTIONAL POLICY INSTITUTIONAL CARE PROGRAM (ICP) HOME AND COMMUNITY BASED SERVICES (HCBS)
 - HOSPICE
- PROGRAMS FOR PEOPLE 65+ OR DISABLED
 Aged or Disabled (MEDS-AD)

 - MEDICALLY NEEDY (MN)
- PROTECTED MEDICAID (PM) EMERGENCY MEDICAID FOR NONCITIZENS (EMN)
- SSI-RELATED PROGRAMS FOR REFUGEES (RAP)
- PROGRAMS FOR PEOPLE WITH MEDICARE
 - QUALIFIED MEDICARE BENEFICIARIES (QMB) Special Low Income Medicare Beneficiary (SLMB)
- Qualifying Individuals 1 (QI1)
- Working Disabled (WD)
- PROGRAM OF ALL INCLUSIVE CARE FOR THE ELDERLY (PACE)

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
 - 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+
 - AGE 10+
 - 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 HABILITATION
- 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. $\S~393$

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

SSI-Relate							
PROGRAMS & TYPES OF COVERAGE	NCO		ASS			IAINTENANCE NE	EDS STANDARDS / OTHER
	Ind-idual	Couple	Individual	Couple	Disregards:		
PROGRAMS MANAGED BY SOCIAL SECURITY					"Standard Disre	gard = \$20 Discussed = \$45 + 1	
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PROCEASES FOR PEOPLE 62+ OR DESARLED TO	statements blocks	d Decements)				- STREAM COR.	more between the couple and single FBR)
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Medically Needly Income (and SMR.) Fol Community Medical adapts Direct of Cost is not	from gross	free gran	,		Disability Industantial Gainful Activity (IIGA) = \$1.178 non-time \$1.988 time		
PROGRAMS FOR PEOPLE WITH MEDICARE (MH	Scare Saving Per	and the let			Charlenny Date	Canthal Cashida Acti	rity (BGA) = \$1,076 non-sine \$1,056 sine
Vallet (value ALL) Part Mediant ALL previous, companyor 1 detailities and	\$1,985	\$1,354			Medicare Parti	Redicare Part 8 Premium = \$134.00, Part A free for most or \$413	
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PROGRAMS BASED ON INSTITUTIONAL POLICY - Patient Responsibility and income Trucks may apply.				POSSING N	Couple	551 Individual EXE only in NOL - E75 (1910) VA Individual EXE only in NOL - E15 (1910)	
Institutional Care Program (KP) Pays Naning Nane (M) man, karel & care Pays Mexing N.1.5.5 persies, sciencement & detactibles	\$2,285 (MED-40	\$4,410 MESH-0	\$2,000 planewers	\$3,600 36,001	\$105	\$210	Transfer of Asset Divisor = \$4,344 provide
Neugrica Fact Neugrica services winded is invested illness	Long Sells	Page (ad	(Codyline)	405-0 4444	Community \$7.805 Not \$185	Community (2.554 art (2210	Community Hospice Allocations: Spoce only = PBH (\$726)
Pays Mediane 3.5.5 persisten, companies & deductions Name and Community Rosed Services (NCR): or				<u> </u>	No. of Concession, Name	AT 187 187 188	Spouse - Dependents or Dependents Only + CNS Standard
Mahana Mahana Paga Ukuluare 8.1.5 persiara, sainawana 1.dakadilika	\$2,285	\$4,410	\$2,000	\$3,000	PACE/SMICK.TC	1 hann: 20,251,150,410 2010 main: 20,355,150,410	Spousal Impo-wishment MANNA - \$2,530 Excess sheller - \$600
STATE FUNDED PROGRAMS				•			Standard USHy Alexance - \$338
OPTIONAL STATE SUPPLEMENT (2003) REDEARCH Backnam Payment - ETLAT ungin (2018) BC cauge Anish with paying earn 3 based at advende long ballies	\$813.40	\$1,626.80			\$54 Provider with 1784-0	\$108 Presider mite \$1.715.00	Maximum Income Allowance = \$2,023 Community Spoce Resource Allowance = \$120,000 Family Members Allowance with Second =
PROTECTED OBS Racinum Payment - S20 single / S478 Couple Anish will pasing nam 3 based at alternate loing halfiles	\$920	\$1,840	\$2,000	\$3,000	\$54	\$108 Presider rate \$1,80	Family storenes Advances with Spoce + (MIMINA income) divided by 3 Dependents with no Spoce + CNS Standard
HOME CARE FOR DELABLED ADULTS (HCDA) Processed damagement of dealers	\$2,295	\$4,410	1	1			None Equily Interest Limit - \$160,000

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ASSETS - WHAT IS THAT?

- SECTION 1640 PROGRAM POLICY MANUAL
- ITEMS OF VALUE THAT ARE OWNED (SINGLE OR JOINTLY) BY AN INDIVIDUAL WHO HAS ACCESS TO THE CASH VALUE UPON DISPOSITION
- OWNER ANY INDIVIDUAL WHO HAS LEGAL ABILITY TO DISPOSE OF AN ASSET
- JOINT ACCOUNTS PRESUMED ALL FUNDS OWNED BY MEDICAID APPLICANT
 IF SOMEONE ELSE OTHER THAN THE APPLICATION OWNS A PORTION (OR ALL) OF THE FUNDS,
 APPLICANT MUST SUBMIT EVIDENCE TO PROVE IT
- MEDICAID ONLY CONSIDERS ASSETS THAT ARE "COUNTABLE" OR "NON-EXEMPT"

EXEMPT ASSETS

- HOMESTEAD PROPERTY:
 - PRINCIPAL PLACE OF RESIDENCE OR INTENT TO RETURN
 - CAN BE OUT OF STATE
 - UP TO \$560,000 IN EQUITY
- ONE VEHICLE REGARDLESS OF AGE OR VALUE
- SECOND VEHICLE IF IT IS OVER 7 YEARS OLD
- INCOME PRODUCING PROPERTY
- PRODUCING INCOME CONSISTENT WITH FMV
- PRODUCING INCOME CONSISTENT WITH TWW
- FARMLAND OR WORK RELATED EQUIPMENT ESSENTIAL TO EMPLOYMENT
 TIMBERLAND, MINERAL, OR OIL RIGHTS IF PRODUCING

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
 STATE VA NURSING HOMES
 (DIC)
 HOME RENOVATION GRANTS
- VETERANS HEALTH CARE
- LONG TERM CARE BENEFITS THROUGH VETERANS HEALTH CARE
- CHAMPVA FOR SURVIVING SPOUSES BURIAL BENEFITS
- 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
- CAIN 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				
Status	Monthly Benefit Amount			
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!