

MEDICAID HOME CARE

Are you in need of home care services but are afraid to get the necessary care because of cost! Are you aware that you may be able to access the **Medicaid Community Based Home Care Program** (Medicaid Home Care) for these services?

Medicaid Home Care – The Basics

Medicaid is a major provider of home care services in New York State through the personal care aide program. A Medicaid application is often triggered by the need for home care by a person who is no longer able to function independently. He or she needs assistance with activities of daily living.

Under the Medicaid Home Care Program, personal care aides provide unskilled services under the supervision of nurses. Medicaid provides these services via home care agencies which ultimately provide the licensed personal care aides.

Personal care aides are authorized to provide “hands on” services as well as chore services. “Hands on” services include bathing, toileting, grooming, transferring to or from a bed or chair, feeding and dressing. A personal care aide is not authorized to give medication, or take temperature or blood pressure. Chore services that a personal care aide may perform are housekeeping, laundry, meal preparation and shopping.

Further, the Medicaid Home Care Program can cover hospital care and physician services.

Medicaid Planning and Eligibility

Often times, planning is necessary to ensure that the individual is eligible for assistance through the Medicaid Home Care Program. In order to be eligible, you must have less than \$13,800 in your name. However, certain assets, such as your residence, are exempt. Applicants for Medicaid should also be aware that even though the residence may be exempt for eligibility purposes, after you die, Medicaid can make a claim against your home (subject to certain exceptions).

The good news is that there is no penalty for the transfer of assets under the Medicaid Home Care program. What this means is that assets can be transferred today and the transfer will not be counted against you if you apply for Medicaid home care the following month.

Unlike the Medicaid nursing home program which has a five year lookback rule and a Medicaid transfer penalty period for gifts made during the lookback period.

If you are married, the spouse needing Medicaid can transfer assets to the other spouse without a Medicaid transfer penalty. On filing of the Medicaid application, the non-applying spouse will likely have to file a spousal refusal as there are no Spousal Allowances for Medicaid home care. Medicaid home care will then be approved for the following month. It may take several months to receive this approval from the local Medicaid agency.

Medicaid Income Budgeting

Now, Medicaid applicants should not rush to file for Medicaid without a full understanding of the income budget rules. The Medicaid recipient is entitled to retain monthly income of only \$767 per month, plus \$20 if he or she is 65 or older or disabled. Based on an assessment of the Medicaid recipient's need for long term care, Medicaid will pay for those services in excess of the overage amount above \$767, plus \$20, if applicable.

So, you would not want to apply for Medicaid until the cost of home care services exceeds your monthly excess income. For example, if you are age 70 and have a monthly income of \$2,787, Medicaid will pay for unpaid medical bills above \$2,000 each month (i.e., $\$2,787 - \$787 = \$2,000$). This means that it does not make sense to file for Medicaid if your long term care expenses covered under the Medicaid Home Care program do not exceed \$2,000 in this example.

If you need this overage amount to pay for your living expenses (which is often the case), then you can arrange for this overage amount to be placed into a subaccount with NYSARC Pooled Income Trust. The monies in this subaccount can then be used to pay for your living expenses and Medicaid will cover the cost of long term care without any spend down by the Medicaid recipient.

Medicaid Can Be a Life Saver

The Medicaid Community Based Home Care Program can be the difference between receiving necessary care and not receiving that care at all. This goes to the heart of one's quality of life. If you are not accessing these services that you desperately need, take the first step and discuss your situation with an elder law attorney who can advise you as to what is best for you.

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