2020 Medicaid

***Requirements to Qualify for Nursing Home Care***

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**An applicant must:**

* Be a **US citizen or lawfully admitted alien** and be a resident of Texas.
* **Meet a health assessment** that establishes need for daily attention of professional nursing staff.
* Be entitled to **Medicare Part A**.
* Be **free of any penalties imposed by Medicaid for gifts/transfers** made within 60 months prior to filing.
* Meet **Income** and **Resource** criteria.
* An application cannot be submitted until the applicant has been in a nursing home with Medicaid qualified beds for 30 days.

**Income**

**Single Applicants:** Gross income cannot exceed $2,349.00 per month. If income exceeds the limit, seek legal counsel about a Qualifying Income Trust (Miller).

**Applicants with a Spouse at home:** There is no income limit for the spouse at home. To satisfyAnti-spousal impoverishment laws, Medicaid has set a minimum income standard of $3,216.50 for the at-home spouse and income from the applicant will be diverted to the at-home spouse up to $3,216.50.

**Resources**

**Applicants with no spouse can own:**

* Home (up to $595,000.00 in equity)
* Irrevocable Burial provisions
* Auto (currently no value restriction)
* Personal property (with limits)
* $2,000.00 in cash, savings, countable resources.

**Applicants with an at-home spouse can also own additional resources to avoid impoverishment** up to $128,640.00. If the at-home Spouse’s monthly income is under $3,216.50 after diversion of income, the applicant may be able to establish an expansion of the $128,640.00 cap so the at-home spouse can generate more investment income.

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**Elder Law Attorney**

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**Texas Medicaid 2020**

**Aged, Blind & Disabled**

***8 Most Common Questions***

The Federal Government and the Texas Health and Human Services Commission will provide financial support for long-term health care expenses for Texas residents who meet eligibility criteria. Please note: **HHSC and Nursing Home Administrators are not allowed to give legal and financial advice** **on how to qualify, they can only help fill out forms.** These are a few frequently asked questions.

**8 Common Questions About Medicaid**

**How often do the rules change that could affect my eligibility?** In 2019 there were dozens of rule changes and/or policy clarifications that could have affected an applicant’s qualification.

**Can I just give away my stuff in order to qualify?**

**NO.** Medicaid will look back 60 months for uncompensated transfers to anyone and apply a penalty of ineligibility of one day for every $213.71 that was transferred. This penalty is not reduced by passage of time until after a person enters long term care and is “otherwise eligible” for care.

**Will I lose my home?** The homestead is protected from liquidation if there is an intention to return home or if a spouse is living in the home. However, the homestead is subject to Medicaid Estate Recovery upon the death of both husband and wife. Planning may avoid this result.

**Can I be disqualified if my home is in a Revocable Living Trust? Yes.** A primary residence cannot qualify as “non-countable homestead” if it has been placed in a revocable trust.

**What is a QIT** a/k/a **Miller Trust?** It is a tool recognized under federal law for applicants with too much monthly income. In Texas, if the applicant’s income exceeds $2,349.00 per month, a QIT is required.

**What about Spousal Impoverishment?** Medicaid has provisions to protect the spouse by allowing the spouse to enjoy a certain amount of assets and income.

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**Does HHSC give incentives to care for a parent?** Yes. The applicant’s home can be awarded to a caregiver if their care has prevented a patient from entering a nursing home for 2 years prior to filing. Complete documentation is required.

**How long will it take to get approved?** HHSC is allowed 45 days upon receipt of application if the resident has been in a Medicaid bed for 30 days. However, budget at least 90 days for approval if a QIT or other trusts are part of the submission.

**To get a free initial consultation, please call our office at 281-418-8733 and bring this brochure to the scheduled appointment.**