

2021 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 \$2,382.00 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 satisfy Anti-spousal impoverishment laws, Medicaid has set a minimum income standard of \$3,259.50 for the at-home spouse and income from the applicant will be diverted to the at-home spouse up to \$3,259.50.

Resources

Applicants with no spouse can own:

- Home (up to \$603,000.00 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 \$130,380.00. If the at-home Spouse's monthly income is under \$3,259.50 after diversion of income, the applicant may be able to establish an expansion of the \$130,380.00 cap so the at-home spouse can generate more investment income.

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Texas Medicaid 2021

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 2020 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 \$2,382.00 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.

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.