



Some Important Medicaid Qualification **Rules That You Should Know**

What is Medicaid and MassHealth? Medicaid is a federally funded program that is administered by the individual states. In Massachusetts, Medicaid is known as MassHealth. The federal government sets the general rules regarding Medicaid qualification but each state interprets those rules differently. There are several different MassHealth programs. In this article we are going to concentrate on MassHealth that pays for nursing home care and MassHealth that pays for care in the community for seniors. A person cannot automatically enroll in MassHealth. The applicant must meet certain asset and income qualifications then apply for MassHealth. If approved, the applicant then can receive benefits.

Long Term MassHealth

An individual who is living in a skilled nursing facility as a long term care resident can apply for Long Term MassHealth benefits to pay for care. In order to qualify for long term MassHealth, the individual must have less than \$2,000 in countable assets. Countable assets are all assets except:

- Home (primary residence worth less than \$750,000)
- Car (one)
- Prepaid funeral (any amount)
- Burial account (up to \$1,500)
- Life insurance with a face value of \$1,500 or less

If the applicant is married, MassHealth considers the assets of both spouses. The community spouse is currently allowed to keep all of the first **\$109,560** in countable assets. This amount changes almost every year. If there are excess assets, we work with clients to appropriately spend down within the rules. Many times, this includes placing substantial excess assets into a MassHealth-compliant annuity for the spouse at home, **allowing her to keep all of those excess funds**. Many considerations come into play, such as choosing which assets to annuitize in order to minimize any tax or penalties, timing the strategy to preserve the most assets and insuring that the annuity complies with the complex Medicaid regulations. If done properly, under current rules, the spouse at home is allowed to keep all of her own income. Therefore, if excess assets are properly transformed under the regulations into an income stream, they return to the at-home spouse, above and beyond the \$109,560!

Income is generally not an issue because the private pay rate at a nursing home in Massachusetts (approximately \$9000 in 2011) is usually much greater than the applicant's income. Once approved, the applicant must pay to the nursing home each month an amount known as the "patient paid amount or PPA". The PPA is equal to the applicant's gross income less:

- \$72.60 for personal needs
- Any amount paid for health insurance.

For example: the Medicare part b \$98 premium taken from the social security check and/or the amount paid by the applicant for a Medicare supplemental plan such as Blue Cross/Blue Shield Medex bronze and any amount the community spouse is allowed to keep to meet the Minimum Monthly Maintenance Allowance (MMMNA). If the applicant is married, the community spouse is allowed to keep all of his or her own income. If the community spouse's income is lower than the MMMNA, then the community spouse is allowed to keep the difference between the MMMNA and the community spouse's income

Additionally, if the community spouse has high household expenses the community spouse may be able to keep additional income and/or assets to support himself under certain circumstances.

Community MassHealth for Senior’s living in the Community

There are two types of MassHealth for senior’s living the community that we will cover in this article. The first is MassHealth Standard. A senior age 65 or greater can apply for MassHealth Standard if the senior has \$2,000 or less in countable assets and the senior’s income is less than the federal poverty guidelines (\$903 for 1 person in 2010). If the applicant is married then MassHealth considers the income and assets of both spouses. A married couple may have a total of \$3,000 in countable assets and total *gross* income of \$1,215 in 2010. MassHealth Standard is sometimes used as a Medicare supplemental insurance for those individuals who cannot afford a supplemental plan.

The second community MassHealth plan that we will cover is the “Home and Community Based Waiver Program”. This is also commonly referred to as the “Frail Elder Program.” Under the Frail Elder program, a senior over the age of 60 who medically would otherwise be in a nursing home can qualify for MassHealth and receive extra services designed to keep the applicant at home. Under this program, the applicant can have income up to \$2,022 (2010 number) and up to \$2,000 in countable assets. If the applicant is married, the applicant can request a “spousal waiver” which causes MassHealth to look at the income and assets of the applicant only, and not those of the spouse. Further, there is no penalty for transferring assets between spouses so it is fairly easy to qualify a married person for this program. A person covered by the frail elder program may receive services such as adult day care, a personal care attendant, house cleaning, meal preparation, etc.

So how can a senior qualify for these programs if the applicant is over assets? Is it too late to gift away property? What happens to the home? Can it be protected from a MassHealth lien? If you need answers now, you can go to our website or call our toll free number 1-800-429-0491 to order the free guide on protecting your home or the Elder Care Guide for S.E. Massachusetts, Cape Cod and Surrounding Areas. You are also welcome to come to any of our seminars for the public. Go to www.myfamilyplanning.com/seminars for a list of upcoming events.

This information is for general informational purposes only and does not constitute legal advice or create an attorney-client relationship. For specific questions you should consult a qualified attorney. This article was written by Attorney Michelle D. Beneski and Daniel M. Surprenant of Surprenant & Beneski, P.C.



Did you know that May is “Older Americans Month”?

Older Americans Month is an occasion to show appreciation and support for our seniors as they continue to enrich and strengthen our communities.

This year’s theme, **Older Americans: Connecting the Community**, pays homage to the many ways in which older adults bring inspiration & continuity to the fabric of our communities, and highlights how technology is helping older Americans live longer, healthier, and more engaged lives.

For more information about Older Americans Month, visit the [U.S. Administration on Aging](http://www Administration on Aging).



Home Instead

SENIOR CARE®

Home Instead Senior Care of Dartmouth will be hosting a community event for the public and for professionals on **Thursday, May 19th** at UMass Dartmouth at the MacLean Campus Center from **5:30pm–7:30pm**. The event is based on the new 50/50 Rule.

This 50/50 Rule is about solving family conflicts and practical support services to develop open discussions between adult siblings in an effort to help them improve communication skills, develop teamwork, make decisions together and divide the workload in caring for aging parents. You can also check out www.solvingfamilyconflict.com for more valuable information on this program.

There will be a speakers covering different topics, such as: long term care insurance, financial planning, Veterans aid and attendance benefits, birth order, sibling rivalry and even counselling questions will also be answered!

Seating is limited so it is important to **RSVP to Home Instead Senior Care of Dartmouth at 508-984-7900**. Parking is available in parking lots 5,6 or 7.

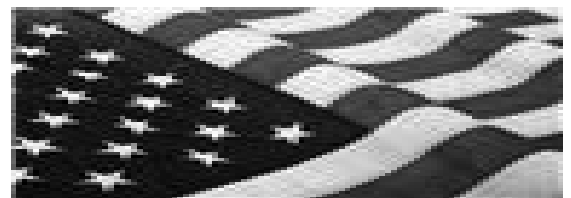
Thank YOU
for recognizing our efforts by
sending your friends & family!

Cedars Assisted Living
 Community Nurse and Hospice
 Judge Michael Livingstone

Tremont Rehabilitation Center
 Jerry and Maureen Saunders

We invest 100% of our time & energy to delivering first-class service to our clients. As a result, our valued clients, partners, & friends refer their family, clients, friends & associates to us.

We build strong, lifelong relationships, one person at a time!



Our office will be closed on
Monday, May 30th and will
reopen on
Tuesday, May 31st.

We wish all our clients and
friends a very
Happy Memorial Day!

Elder Law Today is produced by Robert L. Surprenant, of counsel, Daniel M. Surprenant & Michelle D. Beneski, Attorneys at Law. This newsletter is published as a service of Surprenant & Beneski, P.C., 35 Arnold Street, New Bedford Massachusetts 02740 and 336 South Street, Hyannis, MA 02601

Elder Law Today



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Mark Your Calendars For These Upcoming Events in April!

Estate Planning 101 presentations! Call 1-800-929-0491 to reserve your seat! You can also register by going on-line to: www.myfamilyestateplanning.com

Is it Time to get your Ducks in a Row?

Tuesday, May 3rd (code: Cape) 1:30pm-3:00pm

Cape Cod Realtors Association, 22 Mid-Tech Drive, West Yarmouth, MA 02673

Thursday, May 19th (code: Active Day) 5:30pm-7:00pm

Active Day of Fairhaven, 40 Sconticut Neck Road, Fairhaven, MA 02719

Thursday, May 26th (code: Cedars) 6:30pm- 8:00pm

Cedars Assisted Living, 628 Old Westport Road, North Dartmouth, MA 02747



Here's What You'll Learn...

- How living trusts avoid probate, why wills don't and what good trust planning costs.
- How your Healthcare Proxy, Living Will and the new HIPAA release must work together.
- How to avoid death taxes, guarantee IRA stretch outs and plan for disabled kids or grandkids.
- How to "bulletproof" your children's and grandchildren's inheritances from their divorces, debts, lawsuits, medical expenses, irresponsible life styles and transfers out of your bloodline.
- How to protect your home and savings from \$8,300/month nursing home bills and Medicaid without buying long-term care insurance – even if you or a loved one is in a nursing home now.
- How qualified veterans and their spouses can get up to \$1949/month for at-home health care or assisted living costs from a little-known VA benefit for non-service connected disabilities.

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