

# MEDICAID: A BASIC GUIDE

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**“The federal and state Medicaid statutes have been described as the regulatory equivalent of the “Serbonian Bog.”**

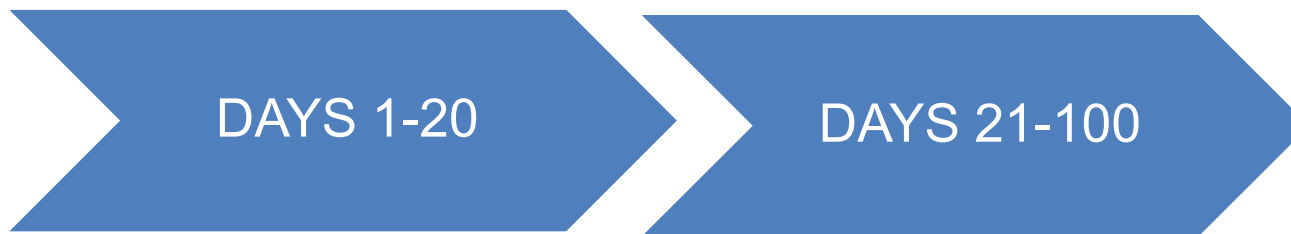
**There can be no doubt but that the statutes and provisions in question, involving the financing of Medicare and Medicaid, are among the most completely impenetrable texts within human experience. Indeed, one approaches them at the level of specificity herein demanded with dread, for not only are they dense reading of the most tortuous kind, but Congress also revisits the area frequently, generously cutting and pruning in the process and making any solid grasp of the matters addressed merely a passing phase.**

**ERVIN, Chief Judge, *Rehabilitation Association of Virginia, Inc. v. Bruce U. Kozlowski*, 12/08/94.**

# MEDICARE v. MEDICAID

## GOLDEN RULE

- Medicare does not cover or pay for custodial long-term care.
- Medicare pays for a maximum of 100 days in a skilled nursing facility.

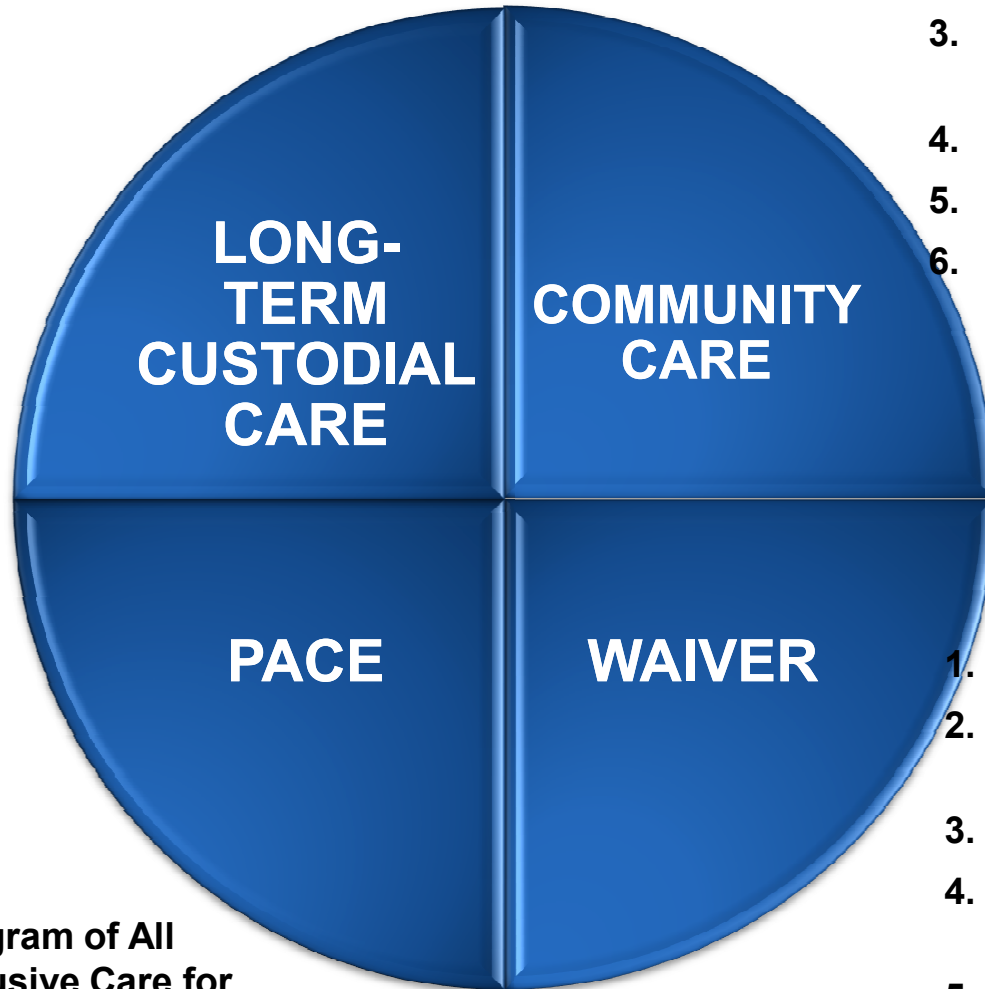


- Paid entirely by Medicare

- Individual is responsible to pay \$133.50/day

- Must receive skilled services; speech therapy, physical therapy, occupational therapy, or nursing services.

# TYPES OF MEDICAID



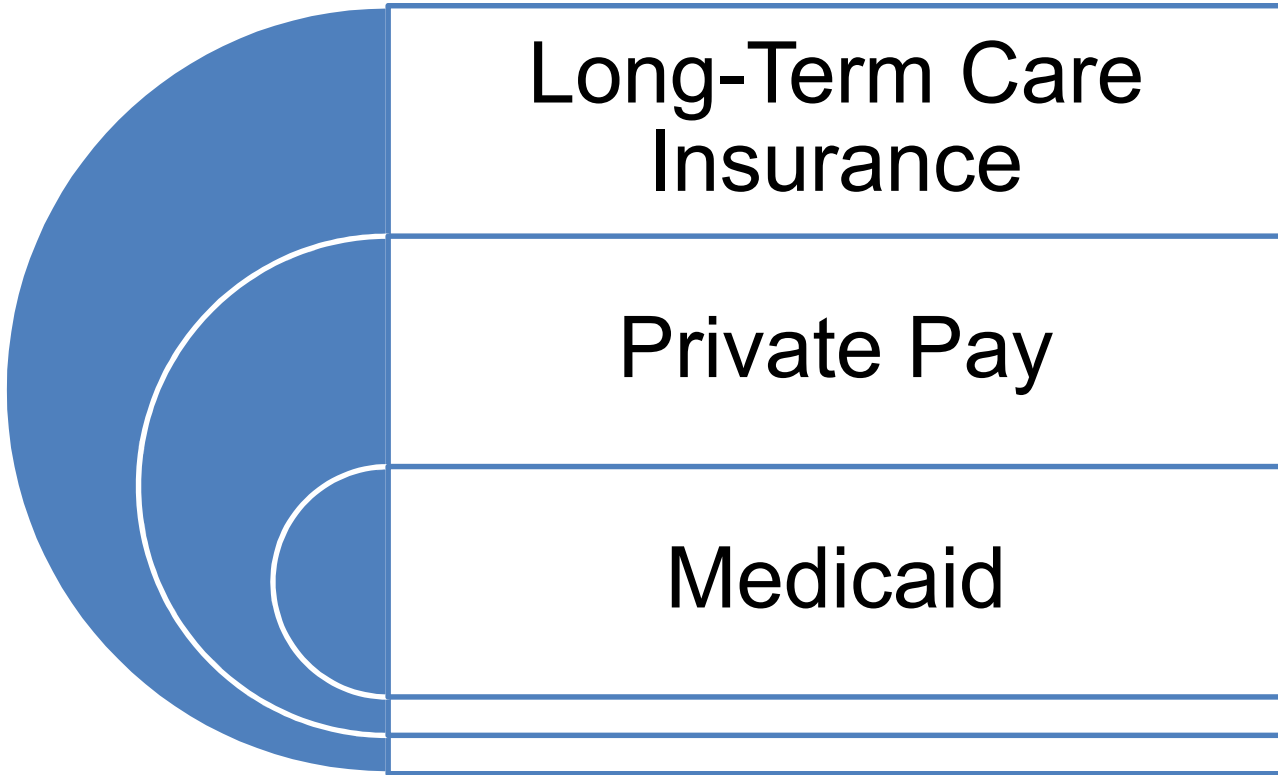
**Program of All Inclusive Care for the Elderly**

1. Limited Income Families with Children
2. SSI Recipients
3. Infants Born to Medicaid Eligible Pregnant Women
4. Certain People with Medicare
5. Recipients of Adoption Assistance
6. Elderly, Blind and Disabled

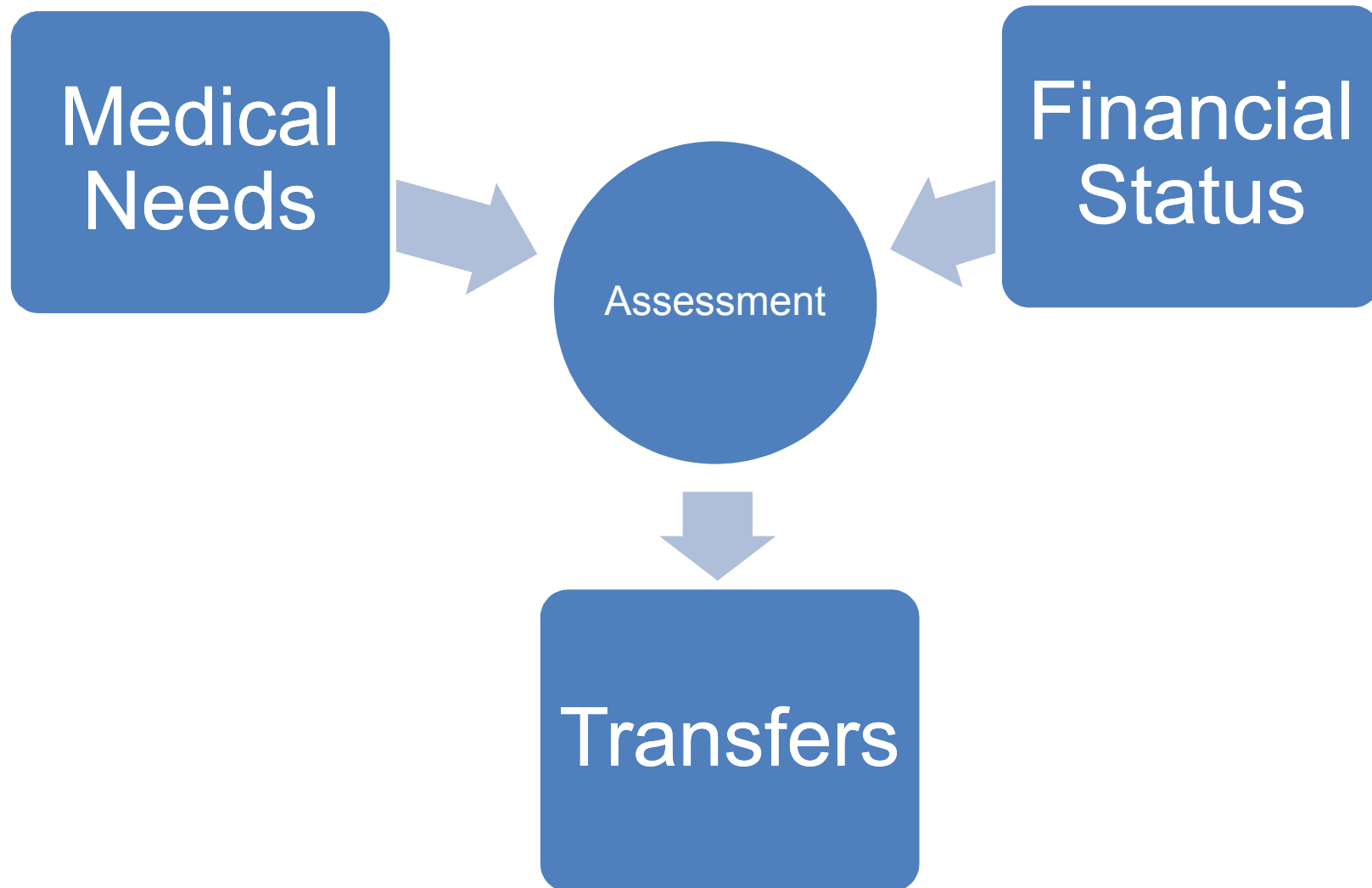
1. Intellectual Disabilities Waiver
2. Individual and Family Development Disabilities Support
3. Day Support
4. Elderly or Disabled with Consumer Direction (EDCD)
5. Alzheimer's Assisted Living
6. Technology Assisted

# LONG-TERM CUSTODIAL CARE

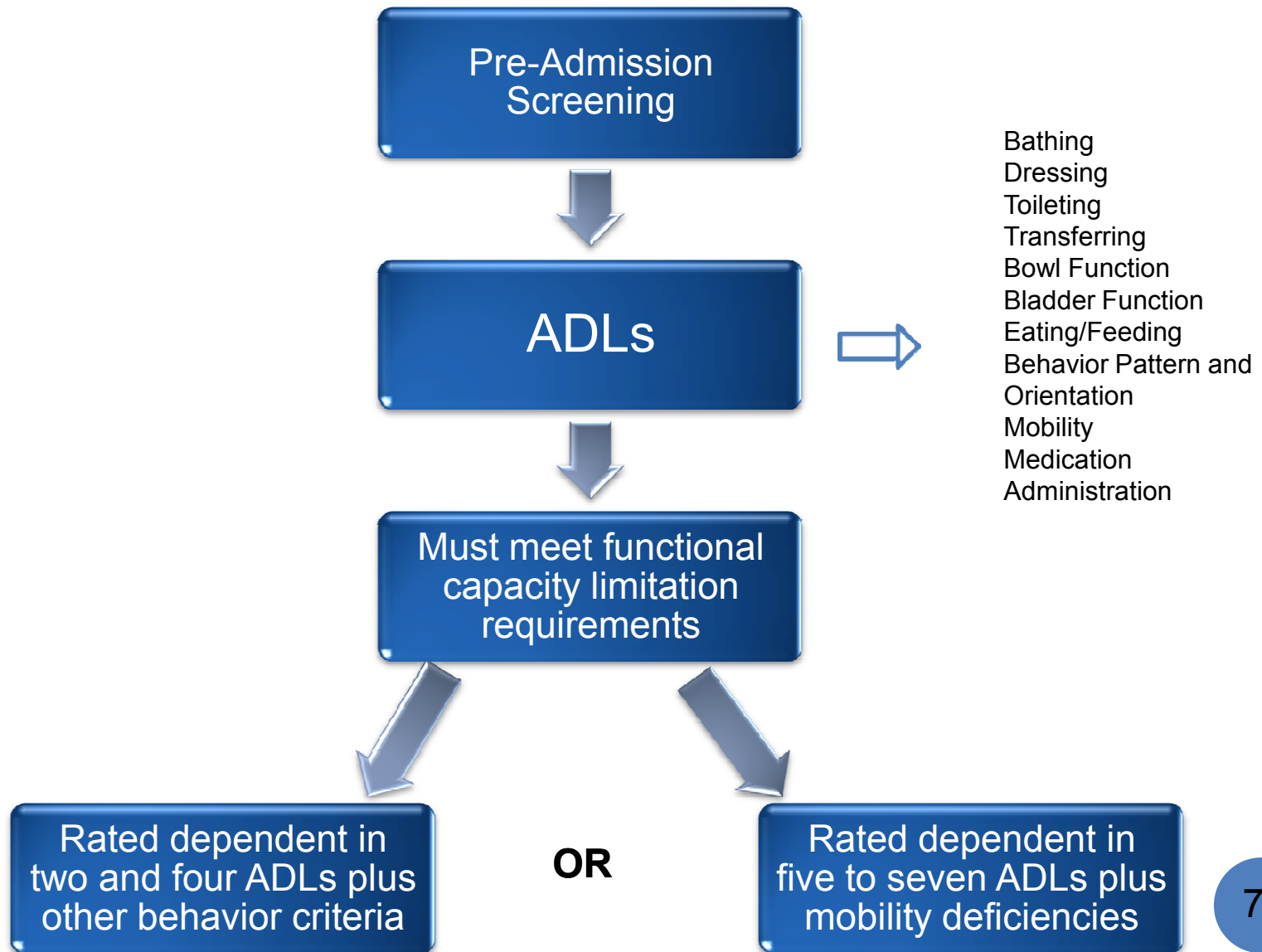
Three ways to pay for long-term custodial care:



# MEDICAID ELIGIBILITY 1-2-3



# MEDICAID MEDICAL ELIGIBILITY



# DEFINITIONS

## INSTITUTIONALIZED SPOUSE (IS)

An individual applying for or receiving Medicaid who:

a. Is in a long-term care medical facility

**AND**

b. Is married to someone who is not in long-term care

**AND**

c. Has been in a medical facility for thirty (30) or more consecutive days.

## COMMUNITY SPOUSE (CS)

The non-institutionalized spouse (at-home) of an institutionalized spouse.



# RESOURCE ASSESSMENT

- Resource Assessment done as of the first day of the first month of an individual's admission into the institution such as a hospital, a skilled nursing facility, or a nursing home where the stay is for 30 consecutive days or more.
- This is called the **snapshot date**.

# FINANCIAL ELIGIBILITY RESOURCES

Countable Assets	Exempt Assets	
IRA	Automobile	
Checking	Home	
Savings	Pre-paid burial/funeral	
Investment account	Term-Life Insurance	> \$1560 cash value
Money Market	Inaccessible assets	
Beach House	EE Savings bonds	\$10,000
Etc.	I Savings	\$10,000
	Life Insurance	> \$1,500
	Personal property	
	Assets in a Special Needs Trust	
	Assets in an Irrevocable Trust	
	Wedding Ring	
<b>TOTAL: \$219,120</b>		

# YOU'RE THE SMARTEST

- **COMMUNITY SPOUSE RESOURCE ALLOWANCE (CSRA)**

**MIN**

\$21,912

**MAX**

\$109,560

- **MINIMUM MONTHLY MAINTENANCE NEED ALLOWANCE (MMMNA)**

**MIN**

\$1,750

**MAX**

\$2,739

- **SUPPLEMENTAL SECURITY INCOME (SSI)**

**SINGLE**

\$674

**MARRIED**

\$1,011

## WALK WITH ME...

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TOTAL COUNTABLE ASSETS (COUPLE): \$ 219,120

COMMUNITY SPOUSE: \$219,120/2 \$ 109,560

**CSRA (min \$21,912 / max \$109,560) \$ 109,560**

**INSTITUTIONAL SPOUSE \$ 2,000**

**TOTAL ASSETS KEPT BY THE COMMUNITY SPOUSE \$ 111,560**

**COUNTABLE ASSETS \$ 219,120**

**TOTAL ASSETS KEPS BY THE COMMUNITY SPOUSE \$ 111,560**

**EXCESS RESOURCES \$ 107,560**

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## MINIMUM MONTHLY MAINTENANCE NEEDS ALLOWANCE (MMMNA)

- Virginia, as required by Federal law, has a monthly income “floor” for the Community Spouse. **If CS is earning less than the minimum, Medicaid will allow her to “take” income from the Institutionalized Spouse’s income to bring her income up to the MMMNA.**
- In Virginia, the MMMNA ranges from \$1,750 per month to \$2,739 per month, and is calculated as follows: \$1,750 is guaranteed plus the possibility of an Excess Shelter Allowance.
- The Excess Shelter Allowance equals the amount by which the Community Spouse’s shelter expenses exceed Medicaid’s Excess Shelter Standard of \$525. The ESA is calculated utilizing the CS’ mortgage or rent, taxes, insurance, maintenance for condominium and a standard utility allowance (of \$252).

# ESTATE DOCUMENTS

- As part of Medicaid planning, you should ensure that the client has undertaken estate planning and completed their estate documents:
  - Durable Power of Attorney
  - Advance Medical Directive
  - DNR
  - Trusts
  - Testamentary
    - Revocable/Irrevocable
    - Supplemental Needs
      - Self-settled
      - Third Party
  - Last Will and Testament.
- These should be done when the client has capacity.
- Without capacity, the alternative is a Guardian/Conservator.

## Q&A

TO ASK A QUESTION, SIMPLY CLICK ON THE “QUESTIONS” TAB AND ENTER IT THERE.

After the session, you may also address questions to Mr. Bullock by emailing [rbullock@edlc.com](mailto:rbullock@edlc.com)

## MARK YOUR CALENDAR: LIVE EVENTS

- Power of Attorney – Feb 25
- Advance Medical Directives – March 18
- Medicare - April 8
- Using a Geriatric Care Manager – April 22
- Guardianships & Conservatorships – TBD

**FOR UPDATES, PLEASE VISIT [www.alzpossible.org](http://www.alzpossible.org)**