

MEDICAID HOME CARE - CAN BE A LIFE SAVER

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

The Medicaid Community Based Home Care Program

A Medicaid application is often triggered by the need for home care by a person who can no longer function independently. Medicaid is a major provider of home care services in New York State through the personal care aide program.

Under the Medicaid Home Care Program, personal care aides provide unskilled services under the supervision of nurses. Medicaid hires home care agencies which 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 prescription drugs.

Medicaid Planning

There are several steps that can be taken in order to be eligible for the Medicaid Home Care Program. In order to be eligible, you must have less than \$4,150 (in 2006) in your name. There are certain assets which are exempt, such as your residence. Be aware that when you die, Medicaid can make a claim against your home (subject to certain exceptions).

The good news is that there is no transfer of assets penalty for Medicaid Home Care. Assets can be transferred today and the transfer will not be counted against you if you apply for Medicaid home care the following month. Note that there still is a transfer penalty rule for nursing home care and the Long Term Home Health Care program.

If you are married, you can also take advantage of the Spousal Allowance rules. There is no fixed minimum level of income or resources allowable to a well spouse when an ill spouse applies for Medicaid Home Care and the well spouse signs a spousal refusal. So assets can be transferred to the well spouse from the ill spouse and with spousal refusal, the ill spouse is Medicaid eligible for home care the following month.

Guidelines For When To Apply

Now, don't rush to file for Medicaid until you understand the income budget rules. The Medicaid recipient is entitled to retain monthly income of only \$692 per month (in 2006), plus \$20 if he or she is 65 or older. Medicaid will pay for any medical bills in excess of the overage amount above \$692, 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 one is age 70 and has a monthly income of \$1,692, Medicaid will pay for unpaid medical bills above \$1,000 each month (i.e., \$1,692 - \$692 =

\$1,000). This means that it does not pay to file for Medicaid if one does not have medical expenses covered under the Medicaid Home Care program which are more than \$1,000.

Medicaid Can Be A Life Saver

The Medicaid Community Based Home Care Program can be the difference between receiving necessary care or 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.