
Long Term Care Assistance

Program Rules are Subject to Change

01/01/2021

Long Term Care Assistance Information Sheet for Individuals

Long Term Care

Includes the following services:

- Hospital/Swing-bed hospital
- Nursing home/Assisted living/Adult Foster Care
- Specific waiver services provided by community support providers
- Waiver services that include personal and nursing services provided to an individual in need

of nursing home care, but who chooses to remain in his/her home, for people in assisted living it also includes people who need help with medication administration.

Care needs of the individual include:

- Medical must show a need for type of care requested
- If under age 65, must also meet disability criteria

Time Requirements

Individuals with gross monthly income of more than \$794 (SSI + \$20 disregard) must be in one of the above facilities or received waiver services a minimum of 30 days to be eligible. (Exception – if death is the reason the 30-day period may be waived.)

Gross Income Limits

Long Term Care income limit is \$2382 (effective 01/01/2021). If income is over this amount a special income trust is required to meet the income eligibility requirements. Social Services have a copy of a trust that may be used. If in Adult Foster Care or Assisted Living, the individual's monthly income minus allowable deductions must be less than the current state reimbursement rate to the facility.

Examples of Income

Social Security, SSI, Workman's Compensation, VA Benefits, Railroad Retirement, Pensions, Annuity Income, Unemployment Benefits, Trust Income, Inheritance, Earnings, Life Insurance proceeds, Rent Income, Indian Lease Income over \$2000 a year.

Income not counted in the Gross Income Limits

County Assistance, Income Tax Refunds, Sales Tax Refunds, Veteran's Aid & Attendance, some other VA payments, Dividends paid on life insurance policies, Irregular (receipt is unexpected) and infrequent income (received once a quarter from same source), if earned income amount is less than \$30 a quarter, if unearned income amount is less than \$60 a quarter.

Resources Limit \$2000

If resources are more than \$2000 as of 12:01 am on the first of the month, individuals have an

opportunity to reduce them before the end of that month. If they are below \$2000 during that month, assistance may be approved for that month if all other eligibility conditions are met.

Examples of Countable Resources:

Bank Accounts, Bonds, Contracts for Deed, Stocks, Annuities, Real Property, Certificates of Deposit, Available Trust Funds,
Cash values of life insurance policies if total face values are \$1500 or more.

Common Resources not counted in limits:

- Most home property if the individual plans to return home or if it occupied by the spouse. (See Recoveries)
- Household/personal items with total equity under \$2000
- One vehicle used for transportation
- Irrevocable pre-paid burial plan of reasonable value (**generally, not to exceed \$10,000 invested**)
- Life insurance policy(s) if total face value is under \$1500
- Burial set aside up to \$1500 (The \$1500 is reduced by amounts in an irrevocable burial plan and cash values of above life insurance policy(s))

Resources Transferred or Given Away

If resources are transferred without receiving fair market value or given away by the individual, spouse, or anyone acting on their behalf, eligibility for long term care assistance may be denied or delayed. The look back period is 60 months. If a transfer occurred, an individual may still be eligible for other Medicaid coverage such as doctor or hospital care.

Some exceptions exist – Transfer of the home to one of the following will NOT prevent eligibility:

- Spouse
- Son or daughter under age 21
- Son or daughter with a disability as determined by SSA
- Son/daughter who lived in the home at least 2 years prior to parent entering a medical facility and who provided care to prevent earlier nursing home care
- Brother/sister who has an equity interest in the home and who resided in the home at least 1 year prior to the individual entering a medical facility

Recoveries

Estate Recovery – Allows recovery of Title XIX expenditures from one’s estate. Recovery may be made for nursing home expenditures regardless of age. In addition, medical payments for home and community based services, intermediate care for individuals with intellectual disabilities, hospitalization, and prescription drugs can be recovered for individuals 55 or older.

Note: Recovery of Title XIX expenditures may also be made against the estate of a surviving spouse. The surviving spouse may limit the recovery amount by filing a petition within 6 months of the spouse’s death. Recovery will not be made while the surviving spouse is living or if there is a surviving child under age 21 or a child on SSI.

ADDITIONAL INFORMATION for COUPLES**Long Term Care****Includes the following services:**

- Hospital/Swing-bed hospital
- Nursing home/Assisted living/Adult Foster Care
- Specific waiver services provided by community support providers
- Waiver services that include personal and nursing services provided to an individual in need of nursing home care, but who chooses to remain in his/her home, for people in assisted living it also includes people who need help with medication administration.

Care needs of the individual include:

- Medical must show a need for type of care requested
- If under age 65, must also meet disability criteria

Time Requirements

Individuals with gross monthly income of more than \$794 (SSI + \$20 disregard) must be in one of the above facilities or received waiver services a minimum of 30 days to be eligible. (Exception – if death is the reason the 30 day period may be waived.)

Income

Income of individual needing the medical care must be less than \$2382 (effective 01/01/2021) unless an **income trust** exists (see other side). If eligible, some of the monthly income belonging to the spouse in the nursing home or a waiver program may be given to the spouse who remains at home (community spouse).

Income Not Counted in the Gross Income Limits

County Assistance, Income Tax Refunds, Sales Tax Refunds, Veteran's Aid & Attendance, some other VA payments, Dividends paid on life insurance policies, Irregular (receipt is unexpected) and infrequent income (received once a quarter from same source), if earned income amount is less than \$30 a quarter, if unearned income amount is less than \$60 a quarter.

Resources Limit \$2000

If resources are more than \$2000 as of 12:01 am on the first of the month, individuals have an opportunity to reduce them before the end of that month. If they are below \$2000 during that month, assistance may be approved for that month if all other eligibility conditions are met. If one spouse is entering a medical facility (hospital/nursing home) and is expected to remain or has remained in a medical or nursing facility for 30 or more days, eligibility for assistance with the medical costs allows for some resources to be "protected" for the community spouse. "Protecting" resources is also available for couples when the spouse needing assistance chooses:

- To remain with the other spouse at home and is eligible for personal/medical waiver services, or
- To be in an Assisted Living Facility and qualifies for Waiver Services

The resource assessment and protection discussed **does not apply** to regular Assisted Living and Adult Foster Care.

To determine the “protected share” of the couple’s resources for the community spouse, a **Resource Assessment** is completed based on the following:

- Resources existing at 12:01 am on the day the spouse entered the medical facility (hospital; nursing home if not in hospital first; or began receiving waiver services).
- “Countable” resources, regardless of ownership. (Prenuptial agreements are not recognized when looking at the total resources for a couple.)

The “protected share” for the community spouse is:

- \$26,076 minimum or
- ½ of the countable resources up to a maximum of \$130,380 (01-01-2021), or
- Amount specified by court order or through a fair hearing.

Assessment of resources may be done when one spouse enters a hospital/nursing home even though there may be no immediate plans to apply for financial assistance. (The advantage of NOT waiting is the ability to provide the necessary verification of the couple’s resources the month the one spouse entered the hospital/nursing home.)

Examples:

- Spouse entered a medical facility January 26, 2021, but does not apply for assistance until May 5, 2021.
 - o The couple’s combined countable resources on January 26, 2021 were \$35,000. The protected share for the community spouse is \$26,076.
 - o The couple’s combined countable resources in May 2021 are \$30,000. There is NO resource eligibility as \$26,076 is protected for the community spouse and \$2000 is allowed for the spouse in the nursing home.
- Spouse entered a medical facility on February 12, 2020 but doesn’t apply for assistance until April 2, 2020.
 - o The couple’s combined countable resources on February 12, 2020 were \$90,000. The protected share for the community spouse is \$45,000.
 - o The couple’s combined countable resources in April 2020 are \$40,000. There **IS** resource eligibility as \$45,000 is protected for the community spouse and \$2000 is allowed for the spouse in the nursing home. (They could have applied earlier!)

In addition to the protected share for the community spouse, the spouse in the nursing home or receiving waiver services is also entitled to have \$2000 in resources.

Establishing “Protected Share”

To determine the “protected share” of the couple’s resources for the community spouse, a Resource Assessment is completed based on the following:

- Resources existing at 12:01 am on the day the spouse entered the medical facility (hospital; nursing home if not in hospital first; or began receiving Waiver Services).
- “Countable” resources, regardless of ownership.
(Prenuptial agreements are not recognized when looking at the total resources for couple.)
- See information on front regarding recoveries

Common resources NOT counted in “Protected Share”

- Most home property if the individual plans to return home or if occupied by the spouse.
(See Recoveries)
- Household/personal items with total equity under \$2000
- One vehicle used for transportation
- Irrevocable pre-paid burial plan of reasonable value (generally, not to exceed \$10,000 invested).
- Life insurance policy(s) if total face value is under \$1500
- Burial set aside up to \$1500 (The \$1500 is reduced by amounts in an irrevocable burial plan and cash values of above life insurance policy(s))

Examples of Countable Resources:

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Assessment of resources may be done when one spouse enters a hospital/nursing home even though there may be no immediate plans to apply for financial assistance. (The advantage of NOT waiting is the ability to provide the necessary verification of the couple's resources the month the one spouse entered the hospital/nursing home.)