



ELDER LAW ASSOCIATES PA

ELLEN S. MORRIS, Esq.
EMORRIS@ELDERLAWASSOCIATES.COM

7000 WEST PALMETTO PARK ROAD
SUITE 205
BOCA RATON, FLORIDA 33433

PRACTICING EXCLUSIVELY IN:

HOWARD S. KROOKS, Esq., CELA, CAP
HKROOKS@ELDERLAWASSOCIATES.COM
ADMITTED IN FLORIDA & NEW YORK
CERTIFIED ELDER LAW ATTORNEY THROUGH NELF
OF COUNSEL TO AMORUSO & AMORUSO, LLP IN
WESTCHESTER, NEW YORK

(561) 750-3850

ELDER LAW
ASSET PROTECTION
MEDICAID & NURSING HOME PLANNING
ESTATE PLANNING
DISABILITY PLANNING
MEDICAID APPLICATIONS
GUARDIANSHIP
WILLS & TRUSTS
ESTATE ADMINISTRATION
ELDER LAW LITIGATION

1-800-ELDER LAW (353-3752)

OF COUNSEL:

STUART R. MORRIS, Esq., CELA
SMORRIS@LAW-MORRIS.COM
CERTIFIED ELDER LAW ATTORNEY THROUGH NELF

FAX: (561) 750-4069

WWW.ELDERLAWASSOCIATES.COM

MEDICAID FACT SHEET – 2012

Criteria for Qualification

Medical

- Evaluation by CARES Unit upon application

Note: If medical qualification may be questionable, you may call to arrange a free private assessment *prior* to applying (call the Dept. of Elder Affairs, CARES Unit).

- Applicant must need skilled nursing care on a 24 hour-a-day, 7 day-a-week basis

Note: Mere dementia is not enough; custodial care needs are not “skilled” care.

Income

- Applicant’s income cannot exceed \$2,094 gross income per month

Note: If income exceeds this figure, a qualified irrevocable income trust must be executed (and the bank account funded) in the month of application and ongoing

- If married, spouse’s income is NOT available for eligibility purposes. Spouse’s income is only considered after applicant qualifies and for purposes of diversion of some of applicant-spouse’s income to the community spouse at home

Note: Spousal Diversion is not applicable to the Home Care Medicaid waiver.

Assets

- Applicant’s assets cannot exceed \$2,000 + “exempt” assets

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ADDITIONAL OFFICES:

AVENTURA: 20801 BISCAYNE BOULEVARD, SUITE 304, AVENTURA, FL 33180 ■ (305) 682-8330
WEST PALM BEACH: 777 S. FLAGLER DRIVE, WEST TOWER, SUITE 800, WEST PALM BEACH, FL 33401 ■ (561) 805-9533
WESTON: 2843 EXECUTIVE PARK DRIVE, WESTON, FL 33331 ■ (954) 726-1214



Assets (con't)

- ❑ If married, and applying for nursing home (ICP) program, the community (at home) spouse's assets may be an additional \$113,640+ "exempt" assets

Note: If the community spouse's assets produce very little income (less than \$1,839 per month), he or she may receive income from the institutionalized spouse and if a shortfall still exists, the community spouse may be entitled to a greater Community Spouse Resource Allowance (CSRA) through appeal processes.

- ❑ Asset Transfers: Have any assets been gifted or transferred to anyone other than a spouse in the past 5 years? If so, a penalty period is imposed by the Department of Children and Families during which time the applicant will not qualify for Medicaid ICP benefits.
- ❑ Penalties for Gifting: If during the 5 year look back period, the amount gifted is divided by \$5,000 to determine how long the penalty period will run. One cannot receive Medicaid during a penalty period.
- ❑ A Medicaid Application is now required to be filed in order to trigger a penalty period. This is a new rule effective November 1, 2007 in Florida.
- ❑ A penalty period can only be triggered if an individual is "otherwise eligible" for Medicaid benefits. This is a new rule effective November 1, 2007 in Florida.
- ❑ Intra-spousal transfers/gifts do not result in a penalty period.



ICP/Nursing Home

Income

Applicant: \$2,094/ month cap (gross figures)

Community Spouse: not applicable (other than for diversion)

Assets

Applicant: \$2,000 + exempt

Community Spouse: \$113,640+ exempt



Augmented elective estate: If an applicant is married and receiving Medicaid, and if the community spouse living at home (i.e., the "well spouse") predeceases the spouse on Medicaid, Medicaid benefits could be discontinued or suspended if the community spouse fails to properly create a Special Needs Trust in his or her estate planning documents.

Please speak with one of the attorneys at Elder Law Associates PA if you have any questions regarding the foregoing.