

ADVERTISEMENT

THE

Love Law Group, LLC

ELDER LAW • ESTATE PLANNING

Vendor Nursing Home Medicaid: Frequently Asked Questions:

What is Medicaid?

- Vendor Nursing Home Medicaid (aka “MO HealthNet” in Missouri) is a program designed to assist with the high cost of medical services for persons who meet certain eligibility requirements as determined by the Family Services Division (FSD) of the Missouri Department of Social Services.
- Vendor Nursing Home Medicaid is a partnership program between the federal government and the states. As a condition of receiving federal funding to assist with the state Medicaid programs, the federal government requires that the state comply with federal law in implementing the program.

How do I qualify for Medicaid?

Applicant must:

- Be U.S. citizen/Missouri citizen, or
- Have a green card for a minimum of 5 years.
- Be 65 or older, or blind, or disabled, or deemed as having a medical necessity.
- Be institutionalized, which means residing in a skilled nursing facility. (Licensed assisted living communities do not meet this definition.)
- Meet asset and income requirements.
- Pass the gifting question on the application (also referred to as the 5-year lookback).

When determining eligibility for Medicaid, what assets are considered countable and what are exempt?

Non-Countable Assets

- Home (in most circumstances)
- Car
- Personal effects
- Prepaid funeral plan (must be irrevocable)
- Burial Lots
- In some circumstances, up to \$1,500 of cash value life insurance

Countable Assets

- Cash value life insurance (in some cases, there can be a \$1,500 exemption)
- Tax-qualified accounts, regardless of ownership in Missouri
- Investment real estate (exceptions may apply)
- Extra real estate (beyond the home)
- Annuities
- All cash / investment accounts
- Extra vehicles
- Boats, trailers, motors
- Mineral rights

What are the asset limits?

- There are different asset limits for a single person and a married couple. These limits change every year. They are based of both Federal and State rule. Please contact The Love Law Group for more information.

What are the rules regarding income?

- The Community Spouse's income is protected in the State of Missouri.
- If a Community Spouse's gross income (before any deductions) is less than the eligible amount (this changes yearly), then the Community Spouse would be eligible for a spousal allotment.

What is Asset Spend-Down?

- After the non-countable assets and countable resources are determined, the next step is to determine how much of the countable assets exceed the asset limit for the applicant to be eligible for Medicaid. The amount that exceeds the asset limit needs to be spent and is referred to as the spend-down.

There are many factors to consider when faced with a spend down. For example, different rules apply for a single versus a spousal situation. There are several spend-down options available, and they are not all appropriate for every situation. With the help of a qualified attorney, a variety of options can be considered regarding how the assets can be spent down, depending on each circumstance.

Why is Medicaid Planning so expensive?

- Medicaid is more than just an application; it is a process that can take between 5-8 months to complete. This includes creating Medicaid pending status, creating a spend down process, getting the Medicaid application approved and sustained by the State and making sure that all documentation is submitted. The State

requires very specific documentation, and it requires a considerable amount of time to process these documents. At The Love Law Group, LLC, we have a dedicated Medicaid team with a combined 40+ years of experience to help you through this complicated Medicaid application process.

Disclosure Notice: *The choice of a lawyer is an important decision and should not be based solely upon advertisements. Disregard this solicitation if you have already engaged in a lawyer in connection with the legal matter referred to in this solicitation. You may wish to consult your lawyer or another lawyer instead of us. The exact nature of your legal situation will depend on many facts not known to us at this time. You should understand that the advice and information in this solicitation is general and that your own situation may vary. Further, neither the Supreme Courts of Missouri or Kansas nor the Missouri or Kansas Bars review or approve certifying organizations or specialist designations. This disclosure statement is required by rule of the Supreme Courts of Missouri and Kansas.*

Legal Disclaimer: *This information has been provided for informational purposes only. It does not constitute legal advice. The receipt of this information does not establish attorney-client privilege. Proper legal advice can only be given upon consideration of all the relevant facts and laws. Therefore, you should not act upon any of the information contained herein without seeking appropriate counsel.*