

Starting Soon.....

Medicaid Monday: The 2025 Medicaid Update

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Welcome

- ▶ **Your Lines Are Muted**
- ▶ **Type Questions in the Q&A Section at the Bottom of Your Screen**
- ▶ **Presentation is Posted:
Pierrolaw.com/Resources Under Medicaid Planning**
- ▶ **Fill Out Our Survey with Feedback**





Our Team Of Attorneys



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Agenda 1.13.25

- Key questions about long-term care
- New eligibility numbers: surprise?
- How is income calculated?
- What assets are countable or exempt?
- Regional rates and the penalty calculation
- What this means for applicants and their families





Key Questions on Paying for LTC

1. **Where** would you want to live?
2. **Who** would take care of you?
3. **How** would you pay for it?

Self-
Insuring

Private LTC
Insurance
+ Life
Products

Medicaid





Medicare vs. Medicaid



Medicare does not cover long-term care

Medicaid is the only government program that pays for long-term care

NEW 2025 MEDICAID ELIGIBILITY NUMBERS

Monthly Income

	2025	2024	Difference
Individual (at home)	\$1,732 +\$20	\$1,732 +\$20	\$0!
Couple (both at home)	\$2,351 +\$20	\$2,351 +\$20	\$0!
Community Spouse Income Allowance	\$3,948.00	\$3,853.50	+\$94.50
Institutionalized Spouse Income Allowance	\$ 50		

NEW 2025 MEDICAID ELIGIBILITY NUMBERS

Resources			
	2025	2024	Difference
Individual	\$31,175	\$31,175	0!
Couple	\$42,312	\$42,312	0!
Comm. Spouse Resource Allowance	\$74,820 ¹		

1 - \$74,820 (or the spousal share of 1/2 combined resources up to a maximum of \$157,920 (up \$3,780 from 2024))



NO Change to Income or Assets???

Plausible Explanation: They're likely to change.

- The federal poverty level (FPL) for 2025 has not been announced yet – once that information has been announced changes to Medicaid eligibility in New York are likely.
- So stay tuned...



Medicaid Review: Exempt Assets



Some assets that are exempt:

- \$31,175
- One Car
- Pre-paid burial
- Income producing property – business assets
- Life insurance – face value less than \$1,500!



IRA in "Periodic Payment Status" – major exception



Your Home

- Exempt if you, a spouse or minor or disabled child lives there
- Transfer exemptions
- Intent to return home
- Liens + Estate Recovery





Home? Or The Nursing Home?

Community Medicaid

- Home health care
- Assisted living facility
- Medicaid managed long-term care
- Adult day care
- No lookback under current rules

Chronic Care Medicaid

- Nursing home care
- 5-year lookback
- Transfer penalties = # of mos.
- No lookback for transfers - yet





Home Care: Window Of Opportunity Still Open

No lookback for asset transfers until
some point in 2025

-based on current DOH Guidance

- Implementation of law imposing a 30-month lookback on applicants for asset transfers after Oct. 2020 has been **delayed multiple times**





Home Care: Window Of Opportunity Still Open



Impacts Today:

- **Legal planning can be done to become Medicaid-eligible without penalty**
- **Higher income/asset limits** established in 2023 continue to allow seniors to keep more of what they have
- Many who would benefit **still require a plan** to become eligible



Pooled Trusts – The Key to Medicaid Home Care

- ▶ Excess Income above \$1,752 per month goes in
- ▶ Expenses get paid by Pooled Trust Trustee
 - What expenses qualify?
 - Mortgage Payments
 - Utility Payments
 - Tax Payments
 - Home Improvements
 - Food Payments
 - Additional Care if Medicaid isn't providing all that's needed
 - Monthly service costs for in-home technology





Navigating Home Care Once Approved

There are different kinds of Medicaid programs one can choose from, including:

1. **Managed Long-Term Care (MLTC)**
 - Personal Care Services Program (PCSP)
 - Consumer Directed Personal Assistance Program (CDPAP)
 - **Changes coming** – described later in this program
2. **Nursing Home Transition and Diversion Medicaid Waiver Program (NHTD)**
3. **Program for All-Inclusive Care for the Elderly (PACE)**

****Key is to work with a qualified team of professionals to help select the base fit for all involved****



Nursing Home Still Has 5-Year Look Back

- ▶ Applies to **Nursing Home/ Chronic Care Medicaid**
- ▶ All transfers of non-exempt assets are added up- 5 years worth
- ▶ The total is then divided by the NYS divisor = average monthly nursing home cost





5-Year Look Back And Medicaid Penalty

Common examples of transactions that can lead to a penalty:

- ▶ Deeding a house to your children
- ▶ Money gifted to a grandchild for graduation
- ▶ Large gift to your church or charity

Exceptions

- ▶ Transfers to a spouse or disabled child
- ▶ Transfers of the home to certain beneficiaries



2024 NYS Medicaid Regional Rates – STILL IN USE AS OF NOW

Region	Counties	2024	2023
New York City	Bronx, Kings (Brooklyn), NY (Manhattan), Queens, Richmond (Staten Island)	\$14,273	\$14,142
Long Island	Nassau, Suffolk	\$14,668	\$14,136
Northern Metropolitan	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester	\$14,165	\$13,906
Western (Buffalo)	Alleghany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming	\$12,241	\$12,130
Northeastern (Albany)	Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington	\$13,235	\$12,744
Rochester	Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Yates	\$14,419	\$13,421
Central (Syracuse/Utica)	Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, Tompkins	\$12,196	\$11,726



The Medicaid Penalty

The penalty is a number of months of ineligibility

- ▶ For example, Albany resident transfers \$152,928 within the past 5 years:
 $\$158,820 / \$13,235 = 12$ months w/o Medicaid
- ▶ Penalty period begins when person is:
 1. Receiving Care in a Nursing Home
 2. Is otherwise eligible - \$31,175 or less of countable assets
 3. Has submitted a Medicaid application



- **Who pays during the penalty period? The applicant!**

What's new for 2025 for Medicaid Home Care Applicants?



Medicaid Home Care:

1. Expected implementation of 30-month lookback =
 - >Time for Planning/Asset Protection or help NOW if needed
2. Continued shortage of care workers, mostly in rural areas
3. Once qualified, a BIG change to your options for “Managed Long-Term Care” on April 1...

Consumer-Directed Personal Assistance Program (CDPAP)



What is it? A Medicaid program to give recipients flexibility and freedom in choosing their caregivers

- As of April 1, 2025, a Georgia-based company Public Partnership, LLC, will administer the program, taking the place of over 600+ entities.
- Consumers must switch to PPL
 - ******On January 7, 2025 – Governor Hochul announced new CDPAP partnership with 30 Community Based Partners, including 11 Independent Living Centers across NY to support PPL in transition to being sole fiscal intermediary for CDPAP. ******



What This Means For Now

- You do not need to do anything today.
 - Your current FI will not be closed by DOH until 3/31/25.
 - You do not have to switch to LHCSA services or have PAs become licensed PCAs.
 - Change FIs to PPL, or potentially to a facilitator (core lead agency or subcontractor that works with PPL)
- You do need to pay attention and double check information.



RECAP: New York Medicaid 2025

- New eligibility numbers are expected once the Federal Poverty Level information is released.
- Consumer-Directed Assistance is changing to a Single Fiscal Intermediary on 4/1/25
- Proactive planning is the key
- Assets can still be saved with legal planning in a crisis when LTC is needed.
- Never 'spend down' before speaking with an elder law attorney

NEXT MEDICAID MONDAY

12-12:30pm
February 10, 2025

Medicaid Planning for Singles

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- 8:30am-3:00pm
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