

*Starting Soon...*

# ***How to Maximize Medicaid Home Care – Planning, Applying and Advocating***

September 8, 2025

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Partner



# Welcome

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





# Our Team Of Attorneys



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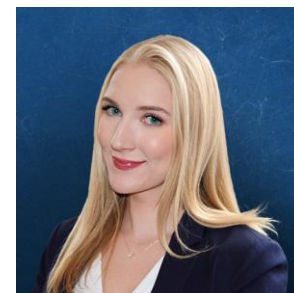
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**Not Pictured**  
Ethan Van Vorst, J.D.  
Avery Mickle, J.D.



# Agenda



- **PLANNING**

- Financial Eligibility for Home Care
- Medical Eligibility for Home Care – NEW

- **APPLYING**

- Completing a Home Care Medicaid Application

- **THEN WHAT?**

- Advocating



# MEDICAID INCOME & ASSET ELIGIBILITY RECAP

INCOME / MTH			ASSET LIMIT	
YEAR	SINGLES	COUPLES	SINGLES	COUPLES
2025	\$1,820	\$2,453	\$32,396	\$43,781

- Community Spouse Income Allowance: \$3,948
- Community Spouse Resource Allowance: \$75,820 - \$157,920
- Institutionalized Spouse Income Allowance: \$50 (no change)



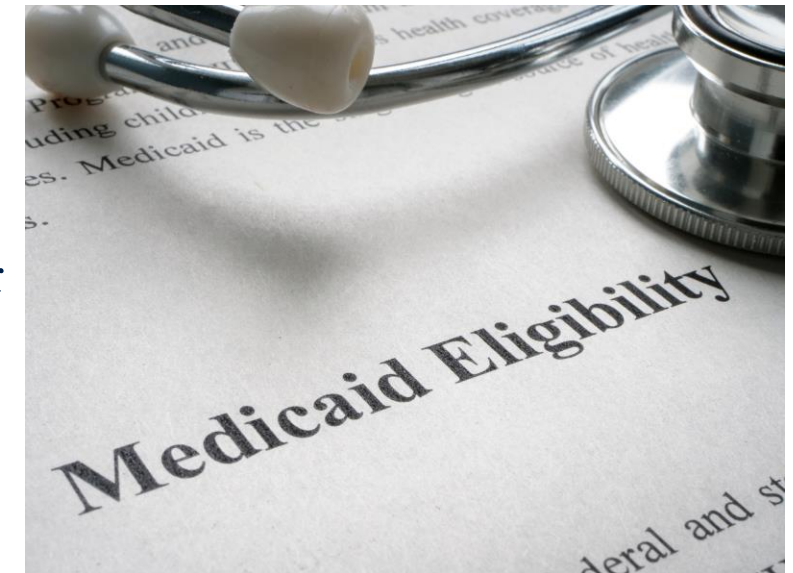
# PLANNING: Financial Eligibility

In order to qualify for Medicaid homecare, you can only have

- Up to \$32,396 assets
- \$1,820 monthly income (pension, social security, RMDs, rental)

## ▶ What is Exempt?

- ▶ Home (as long as it's occupied by applicant, spouse, minor or disabled child)
- ▶ Retirement Accounts (IRA, 401k, etc...)
  - account must be in periodic payment status
- ▶ Pre-paid burial/funeral account
- ▶ 1 Vehicle



# Heightened Medical Eligibility: NEW this month!



New policy issued by NYS Department of Health has raised the bar on

## MINIMUM NEEDS REQUIREMENTS

- Applicant is required to need assistance with at least **THREE (3)** “**Activities of Daily Living**” (ADLs) for “Limited assistance with physical maneuvering” to be eligible
- **Up** from TWO ADLs
- Took effect on September 1, 2025.





# Activities of Daily Living (ADLs)

- ▶ Activities of Daily Living Include:
  - ▶ Bathing
  - ▶ Dressing
  - ▶ Grooming
  - ▶ Eating
  - ▶ Transferring
  - ▶ Ambulating
  - ▶ Toileting





# What If The Applicant Has Too Many Resources?



- ▶ **Best Option:** create and fund irrevocable trust prior to applying for Medicaid home care:

## “Medicaid Asset Protection Trust”

- ▶ Used to hold assets in excess of Medicaid allowance



# Medicaid Asset Protection Trust (MAPT)

Clients

Assets



Income

- Trustee – manages trust assets
- Beneficiaries
  - Client – income for life and right to use real property
  - Heirs = Remaindermen - inherit when trust ends

# MAPT



- ▶ Home
- ▶ Bank Accounts
- ▶ Stocks & Bonds
- ▶ Annuities
- ▶ Life Insurance
- ▶ Business
- ▶ Real Estate

## Medicaid Asset Protection Trust

- Income is yours if you want it
- Principal can NOT be given back to you directly, but
- Principal can be given to children or other beneficiaries

# Advantages of Using a Medicaid Asset Protection Trust (MAPT)



- **Creates eligibility** for Medicaid homecare almost immediately
  - Possible because there is still no lookback for Community Medicaid benefits
- **Probate Avoidance** following Death
  - Also precludes estate recovery by Medicaid and NYS
- **Begins protecting assets** for nursing home Medicaid eligibility (5-year lookback)
- **Difficult to challenge** by disinherited beneficiaries
- **Privacy**
  - Nothing is a public record and administration remains private once Grantor has passed away
- **Expedited administration** process in comparison to probate



# What If the Applicant Has Too Much Income?

- Create and Fund a **Pooled Income Trust** for the applicant
  - Administered by a nonprofit entity
  - Funds used for monthly expenses for the applicant, including:
    - Housing Payments (Rent/Mortgage Payments)
    - Food
    - Clothing
    - Entertainment
    - Additional Homecare not covered by Medicaid
      - See March 2024 Medicaid Monday for additional info







# Before You Start the Application: Get Organized!

- ▶ Process requires many documents
- ▶ Being organized helps make the process go smoothly
- ▶ **Important Deadline to Note:**
  - ▶ Applicant must be financially eligible as of the 1<sup>st</sup> of that month.
  - ▶ If too many resources as of the 1<sup>st</sup> of the month, applicant will have to wait until the following month to apply (with limited exceptions).



# Step 1: Gather Documents Needed for Initial Medicaid Application



- ▶ Proof of identity and citizenship, such as a birth certificate, social security card, or driver's license.
- ▶ Proof of residence, like a utility bill or lease agreement.
- ▶ Income statements from sources such as Social Security, pensions, or employment.
- ▶ Bank statements, property documents, and other financial records to determine asset values.
- ▶ Medical records and documentation outlining the applicant's health condition and need for care (needed for pooled trust eligibility).

## Step 2: Complete the Initial Medicaid Application



- ▶ Once the necessary documents have been gathered, the next step is to complete the Medicaid application and Supplement A.
  - ▶ The application asks mainly about personal and income information
  - ▶ The Supplement A Form requires information about assets.
    - These forms can be confusing and your attorney will assist with their completion.

# Step 3: Submission of Documentation and Next Steps



- ▶ After the application is complete, it is submitted to the local Department of Social Services (DSS) office, either by mail, drop-off, email or fax.
  - ▶ Local DSS office reviews application.
  - ▶ DSS may request further documentation or clarification
  - ▶ Your attorney will assist with questions from the DSS office.
- ▶ Your attorney will also complete and submit the joinder agreement to establish a Pooled Income Trust around time of submission of Home Care Application



# Step 4: Medical Assessments and Care Evaluation



- ▶ Following approval:
  - ▶ Medical assessments are scheduled and completed with either:
    1. Managed Long Term Care company
    2. Waiver program

**The above are necessary to obtain in-home services.**







# Nursing Home vs. Home Care Application

How are Medicaid Home Care Applications Different Than Nursing Home Applications?

- ▶ No Lookback for Home Care (only require current financial information)
  - ▶ 60 month Lookback for Nursing Home Applications (financial statements for all financial accounts owned by the applicant during that time).
- ▶ Pooled Trusts can be used to preserve income in a homecare case
  - ▶ Pooled trusts cannot be used to preserve income in nursing home cases
- ▶ No Retroactive benefits for Homecare in most cases
  - ▶ Nursing Homes benefits can go retroactive for up to 3 months plus the month of application

# **MEDICAID MONDAY WEBINARS**

## **The Assessment Process: Medicaid Home Care**

**October 20 @ 12PM**

- ▶ **REGISTER:**  
**[www.pierrolaw.com/events](http://www.pierrolaw.com/events)**
- ▶ **(518) 459-2100**

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