

Starting Soon...

Preparing for the Storm: How to Build Your Ark

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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**





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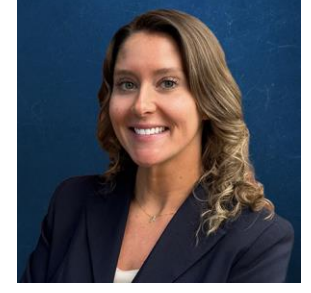
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Serving New York State Residents Through Offices in:

Albany, New York City, Ronkonkoma, Garden City, Hudson, Lake Placid, Utica
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Not Pictured:
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AGENDA: CHANGES COMING...

- #s Recap and Projection for 2026
- Impact of OBBBA Medicaid Funding Cuts
- NYS Medicaid Home Care Eligibility
 - Lookback: When?
 - Increase in ADL levels: status report



12 MONTHS OF MEDICAID MONDAY!

Watch Them All: <https://www.pierrolaw.com/videos/>

November:	Don't Take "No" for an Answer: Navigating Medicaid Denials
October:	The Home Care Assessment Process
September:	How to Maximize Medicaid Home Care
August:	Major Changes Ahead for NY Medicaid: Are You Ready?
July:	Nursing Home Medicaid
June:	Medicaid Asset Protection Trusts
May:	Preview of the 30 th Annual Elder Law Forum
April:	Legal and Financial Strategies to Qualify
March:	Qualifying for Medicaid Home Care and Pooled Trusts
February:	Medicaid Planning for Singles
January:	2025 Medicaid Update

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: \$74,820 – \$157,920
- Institutionalized Spouse Income Allowance: \$50 (no change)

2026: HOW WILL ELIGIBILITY NUMBERS CHANGE?

Historical trend: incremental increases except for 2023:

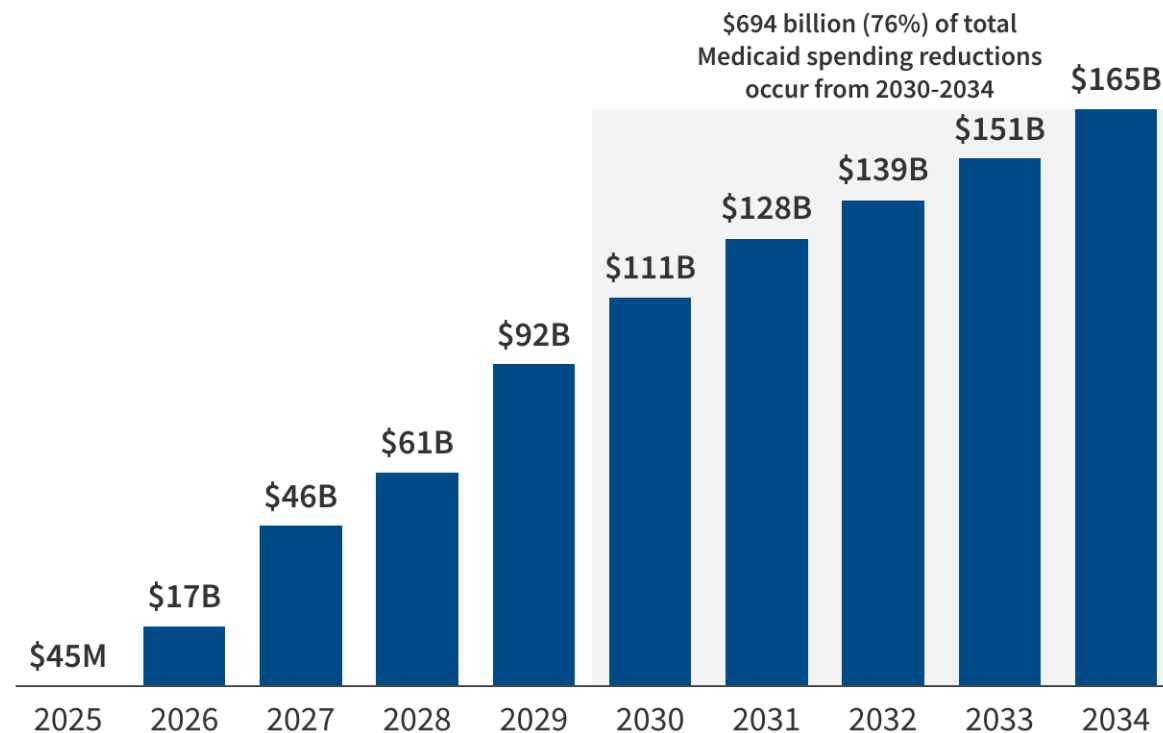
	YEAR	INCOME	CHANGE		YEAR	ASSETS	CHANGE
	2026	?	?		2026	?	?
	2025	\$1,820	+ \$68		2025	\$32,396	+ \$1,221
	2024	\$1,752	+ \$55		2024	\$31,175	+ \$993
	2023	\$1,697	+ \$743		2023	\$30,182	+ \$13,382
	2022	\$ 954	+ \$50		2022	\$16,800	+ \$900

Analysis: We don't expect NYS to boost eligibility levels much in 2026, because the State is bracing for expected Federal cuts to Medicaid funding.

#1: One Big Beautiful Bill Act: Medicaid Cuts Over 10 Years



**Federal Medicaid Cuts in the Enacted Reconciliation Package,
By Year**



Source: KFF Analysis



OBBBA Impact for New York

Key Points:

Projected Annual Loss:

New York is expected to lose **\$10 billion–\$13.5 billion per year** in federal Medicaid funding due to OBBBA cuts

Coverage Impact:

Up to **1.7 million New Yorkers** could lose Medicaid coverage—more than doubling the state's uninsured population

Source: Fiscal Policy Institute



Home Care Programs: Implications

Home Care Rollbacks:

Less funding may mean fewer covered hours or tighter eligibility for PCS, CDPAP, MLTC—compounded by new ADL standards.

Ripple Effect:

Hospitals under pressure will cut back referrals, community-based home care supports, and capacity—heightening risks for seniors and disabled individuals.

State Liability Shifts:

As federal support shrinks, New York may be forced to allocate state funds or cut services in other domains (e.g. childcare, education)

#2: What About the 30 Month Look Back?



**Medicaid Home Care Lookback and Transfer Penalty
enacted in **2020**: NOT YET IN EFFECT**

Look Back in New York – Reviewed:

Definition: Review of applicant's financial history before applying for Long-Term Care benefits.

Currently: The look back applies to **Nursing Home applicants**

Look back period is still **5** years

- Penalties for Transfers/Gifts
- Penalty = number of months before Medicaid will pay for care



What Can Result in a Penalty?

If an applicant or their spouse makes the following transactions during the Look-Back period, it may trigger a transfer penalty.

- Giving money as a gift
- Buying expensive gifts for others
- Paying for someone else's education, including family members
- Contributing to an education fund
- Paying off other's debts
- Paying for other's rent or mortgage
- Paying for other's insurance or medical bills
- Buying someone else a vehicle
- Covering travel expenses for someone else
- Loaning money
- Transferring ownership of a home
- Transferring ownership of a vehicle
- Donating a vehicle or other valuable items to charity
- Giving money to charity
- Church tithing
- Contributing to political candidates or causes
- Selling items at less than market value



#3: ADL Eligibility Change – Home Care

Took effect on September 1, 2025.

New policy issued by NYS Department of Health raised the bar on
MINIMUM NEEDS REQUIREMENTS

- Applicant is required to need assistance with at least **THREE** “Activities of Daily Living” – ADLs – for “Limited assistance with physical maneuvering” to be eligible
- **Up** from **TWO** ADLs



Eligibility Rule Change (cont.)

- Individuals with Alzheimer's disease or dementia:
 - Requires Supervisory Assistance with **TWO** (2) ADLs to qualify





Who This Applies To:

- Medicaid recipients – seeking **INITIAL** assessment for :
 - Personal Care Services (PCS)
 - Consumer Directed Personal Assistance Services (CDPAS)
- Managed Long-Term care (MLTC) enrollment
- Also applies to their reassessments

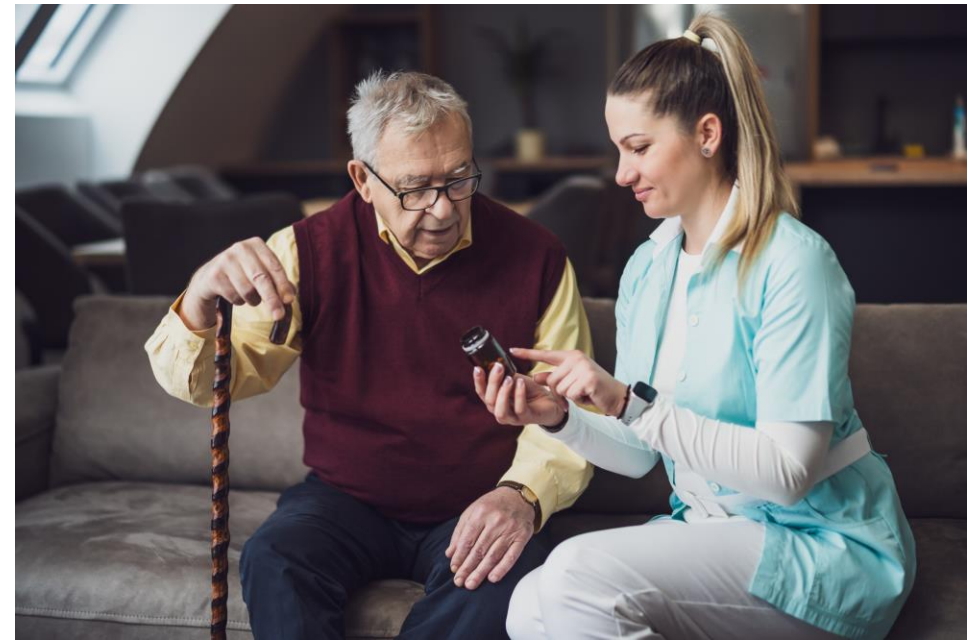
DISCUSSION:

How is it going three months into the new rules?



Legacy Status (Grandfathered In)

- For anyone assessed by NYIAP between **9/1/24–9/1/25** who enrolls in MLTC within a year, **or** is continuously enrolled in MLTC
- Exempt from Minimum needs requirements
- Applies to those in PCS, CDPAP, MLTC or PACE before 9/1/25



• The Holidays Present An Opening!

- Families are gathering
- Face-to-face observations of changes in the health of loved ones

But, Many families are not having crucial conversations:

- Parent /child dynamic
- Don't want to discuss declining health
- No talking – it will never happen
- No mindset change



Why Crucial Conversations Are Needed Now!

- Are essential planning documents in place? (Health Care Proxy, Power of Attorney, Trusts, Wills, etc.)
- Is there a need for care?
 - If yes – has the need changed?
- Have family member roles been identified?
- Is there a plan to pay for care when needed?
- Have available resources been identified?

“It will never happen to me” mentality must go!

Stay Ahead of Changes

- **Schedule a free consultation with Pierro, Connor & Strauss:**
 - Medicaid Asset Protection Trusts
 - Advance directives and Medicaid Planning
 - Medicaid Applications
 - Estate planning for the well spouse
- Take control. Plan ahead with confidence



NEXT MONTH MEDICAID MONDAY

**"2026: Let's Do the
Numbers"**

January 19th @ 12PM

- ▶ **REGISTER:**
www.pierrolaw.com/events
- ▶ **(866) 951-PLAN**

Watch the Whole Series
www.pierrolaw.com/videos/



THANK YOU!

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Schedule a
Consultation for
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