

Starting Soon.....

January 2026 Medicaid Monday “Let’s Do the Numbers”

**Aaron Connor, Esq.
Managing Partner**

**Frank Hemming III, Esq.
Partner**



**PIERRO, CONNOR
& STRAUSS, LLC**
Trusted Counsel

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



Louis Pierro



Aaron Connor



Peter Strauss



Frank Hemming



Anthony Khatchoui



Theresa Skaine



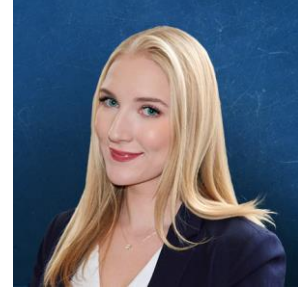
Arkley Mastro



Michael Mullaney



Brent Stack



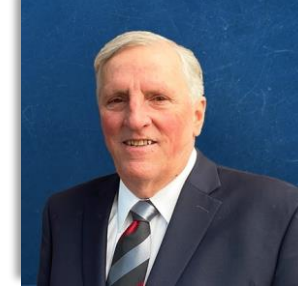
Patricia Whelan



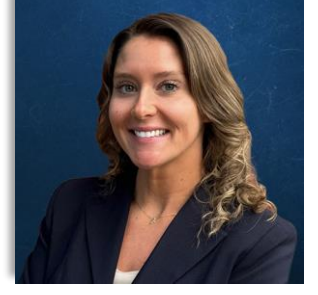
Tommaso Marasco



Verley Brown



Robert Bosman



Adrianna Mihalek

Serving New York State Residents Through Offices in:

Albany, New York City, Ronkonkoma, Garden City, Hudson, Lake Placid, Utica
New Jersey, Connecticut, Florida



Agenda 1.12.26

- Key questions about long-term care
- Eligibility numbers: waiting game!
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 2026 MEDICAID ELIGIBILITY NUMBERS

	Monthly Income		
	2026	2025	Difference
Individual (at home)	\$	\$1,800 +\$20	\$
Couple (both at home)	\$	\$2,433 +\$20	\$
Community Spouse Income Allowance	\$4,066.50	\$3,948.00	+\$118.50
Institutionalized Spouse Income Allowance	\$50		



NEW 2026 MEDICAID ELIGIBILITY NUMBERS

Resources			
	2026	2025	Difference
Individual	\$	\$32,396	\$
Couple	\$	\$43,781	\$
Comm. Spouse Resource Allowance	\$74,820**		

**\$74,820 (or the spousal share of 1/2 combined resources up to a maximum of \$162,660 (up \$4,740 from 2025))

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.



Income or Resources Changes: Done Deal?

They're likely to change.

- The federal poverty level guidelines (FPL) for 2026 will be announced – once that information has been announced changes to Medicaid eligibility in New York are likely.
- So stay tuned...





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



Medicaid Review: Exempt Assets

Some assets that are exempt:

- Assets up to the Medicaid asset allowance (\$32,396.00 for 2025)
- 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*



Review: Your Home

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





Home Care: Window Of Opportunity Still Open

As of Today: Still no lookback for asset transfers when applying for Community Medicaid benefits

- Implementation of law imposing a 30-month lookback on applicants for asset transfers after Oct. 2020 has been **delayed multiple times but is likely coming**
- Based on current DOH Guidance



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 \$1,820 (2025) 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





NEW Important update on Medicaid and IRAs

Simplified Rules for IRA Treatment in Medicaid*

IRAS no longer need to be “maximized” to be exempt

RMDs using IRS tables qualify as “periodic payments”

Applies to ALL Medicaid applications
– including Partnership Policies



Navigating Home Care Once Approved

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

- Managed Long-Term Care (MLTC)
 - Consumer Directed Personal Assistance Program (CDPAP)
 - Personal Care Services Program (PCSP)
- Nursing Home Transition and Diversion Medicaid Waiver Program (NHTD)
- Program for All-Inclusive Care for the Elderly (PACE)

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

Nursing Home Eligibility 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



2026 NYS Medicaid Regional Rates

Region	Counties	2026	2025
New York City	Bronx, Kings (Brooklyn), NY (Manhattan), Queens, Richmond (Staten Island)	\$15,282	\$14,582
Long Island	Nassau, Suffolk	\$15,193	\$14,914
Northern Metropolitan	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester	\$15,024	\$14,569
Western (Buffalo)	Alleghany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming	\$13,765	\$12,842
Northeastern (Albany)	Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington	\$14,783	\$13,916
Rochester	Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Yates	\$15,675	\$15,127
Central (Syracuse/Utica)	Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, Tompkins	\$14,146	\$13,042



The Medicaid Penalty

The penalty is a number of months of ineligibility

- For example, Albany resident transfers \$147,830 within the past 5 years:
 $\$147,830 / \$14,783 = 10 \text{ months w/o Medicaid}$

Penalty period begins when person is:

- Receiving Care in a Nursing Home
- Is otherwise eligible - \$32,396 (2025) or less of countable assets
- Has submitted a Medicaid application



Who pays during the penalty period? The applicant!

What's new for 2026 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. Continued adjustment to "3" ADLs to qualify instead of "2"
- enacted back in September



RECAP: New York Medicaid 2026

- Eligibility numbers are expected to update once the Federal Poverty Level information is released
- Proactive planning is the key
- In an LTC Crisis? Assets can still be saved with legal planning
- Never 'spend down' before speaking with an elder law attorney

NEXT MEDICAID MONDAY

**February 9, 2026
12:00-12:30PM**

Medicaid Trust Planning

REGISTER:

**[https://www.pierrolaw.com/events/
866-951-PLAN](https://www.pierrolaw.com/events/866-951-PLAN)**



- ▶ **WATCH THE ENTIRE MEDICAID MONDAY VIDEO SERIES!**
- ▶ **www.pierrolaw.com/videos/**

REGISTRATION OPENING SOON



- Thursday, May 14, 2026
- 8:30 AM - 4:00 PM
- The Desmond, Albany
- Or Live Stream
- Free to Attend
- 6 CEUs for Social Workers

Join the list for Updates:
<https://www.pierrolaw.com/events/>



Thank You!
QUESTIONS?

**Schedule a
Consultation:**
info@pierrolaw.com
866-951-7526

Capital Region • New York City • Lake Placid • Hudson • Garden City
• Ronkonkoma • Utica • CT • NJ • FL