

*Starting Soon.....*

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

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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](http://Pierrolaw.com/Resources) Under "Medicaid Planning"
- ▶ Fill Out Our Survey with Feedback



# Our Team Of Attorneys



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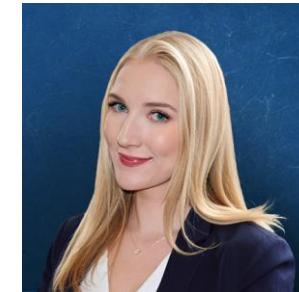
**Arkley Mastro**



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**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

<b>Monthly Income</b>			
	<b>2026</b>	<b>2025</b>	<b>Difference</b>
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

	<b>Resources</b>		
	<b>2026</b>	<b>2025</b>	<b>Difference</b>
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
2026	?	?
2025	\$1,820	+ \$68
2024	\$1,752	+ \$55
2023	\$1,697	+ \$743
2022	\$ 954	+ \$50

YEAR	ASSETS	CHANGE
2026	?	?
2025	\$32,396	+ \$1,221
2024	\$31,175	+ \$993
2023	\$30,182	+ \$13,382
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

\*Source: NYS GIS Bulletin



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



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

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



# Thank You! QUESTIONS?

Schedule a  
Consultation:  
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