

*Starting Soon...*



# ***Medicaid Trust Planning***

February 9, 2026

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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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# Agenda 2.9.26

- 2026 Medicaid Numbers
- Exempt Assets
- Medicaid Asset Protection Trust
- Example: Medicaid Home Care Using MAPT
- Documents & Deadlines



# 2026 MEDICAID ELIGIBILITY NUMBERS

Monthly Income			
	2026	2025	Difference
Individual (at home)	\$1,820*	\$1,820	\$0
Couple	\$2,453*	\$2,453	\$0
Community Spouse Income Allowance	\$4066.50	\$3,948	+\$118.50
Institutionalized Spouse Income Allowance	\$50		

\*Likely to adjust once Federal Poverty Guidelines are released.



# 2026 MEDICAID ELIGIBILITY NUMBERS

<b>Resources</b>			
	<b>2026</b>	<b>2025</b>	<b>Difference</b>
<b>Individual</b>	\$32,396	\$32,396	\$0
<b>Couple</b>	\$43,781	\$43,781	\$0
<b>Comm. Spouse Resource Allowance</b>	\$74,820 <sup>1</sup>		
<b>IS Resource Allowance</b>	\$137,400		

1 - \$74,820 (or the spousal share of 1/2 combined resources up to a maximum of \$162,660 (up \$4,740 from 2026))

# Exempt Assets

## Some Assets That Are Exempt:

- \$32,396
- Pre-paid burial
- Income producing business assets
- Life insurance – face value less than \$1,500!
- IRA in “Periodic Payment Status”- *major exception, include Roth IRA's*
- One Car

**Non-Exempt Assets= EVERYTHING ELSE!**

# Your Home

- Exempt if you, a spouse or minor or disabled child lives there
- Transfer exemptions
  - Caretaker Child (2 yrs.)
  - Sibling with an Equity Interest (1 yr.)
  - Disabled Child
  - Spouse
- Intent to return home
  - Subjective Intent OK
- Liens + Estate Recovery





# Transfer of Assets

- Lookback Period
  - Nursing Home, 5 yrs.
  - Home Care,
    - 2 ½ yrs. lookback expected ...
- Penalties for Transfers
  - Penalty = number of months before Medicaid will pay for care



# Medicaid Asset Protection Trust



*Used to hold assets (house, stock, life insurance with cash value) 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

# MAPT

## KEEP OUT

Cash

Bank Acct.

IRA, 401(k)

## Security Features

- Choose initial Trustee, and change at any time
- Choose initial beneficiaries, and change at any time
- With the consent of all beneficiaries, in some jurisdictions the trust can be “amended or revoked”



# MAPT Advantages

- **Probate avoidance**
- **Ability to distribute assets** outright or in further trust upon death of Grantor
- **Ability to hire and fire** trustees at any time
- **Access to income and assets** within the trust, if done properly
- **Ability to revoke** an irrevocable trust with consent of beneficiaries

# MAPT Advantages

- Ability to qualify for **Nursing Home Medicaid** in 5 years
- Ability to qualify for **Community Medicaid** immediately\*

**\* We expect rules to phase in a 30-month lookback for Community Medicaid in the future...---> awaiting further guidance from NYS DOH**

# Meet Bobbie

**Age 77 | Divorced**

## Status

- Early dementia
- Mobility issues
  - Hospitalized after a Fall
  - Rehabilitation paid by Medicare for 30 days
  - Recently returned home



# Background

Bobbie's daughter unable to be 24/7 caregiver

- Hired "Health Care Advocate" to coordinate caregivers
- Family looking for help to make sure Bobbie has assistance with medication management, dressing, bathing, and toileting



**Bobbie is a good candidate for Medicaid Home Care  
(~10 hours a day of personal care)**

# Bobbie's Income and Assets

## Income/month

Social Security:	\$1,500
Interest/Dividends:	\$ 340
IRA RMD:	\$ 980
TOTAL:	\$2,820

## Assets

Home:	\$200,000
IRA:	\$175,000
Savings & Checking:	\$ 25,000
Brokerage:	\$250,000

**First:** Bobbie creates and funds the Medicaid Asset Protection Trust with her home and brokerage account

**Second:** Bobbie creates a Pooled Income Trust & sends \$1,000 of income per month to her pooled trust account



# Applying For Medicaid

## **Bobbie can now apply for Medicaid- What Counts?**

- Assets: \$25,000 (\$32,396 limit)
- Income: \$1,820

**Eligible by March 1**



# Timing for Eligibility and Approval

- **Medicaid looks at eligibility as of the 1<sup>st</sup> of a month**
  - Therefore, if assets are transferred prior to 1<sup>st</sup> of March for Bobbie, she can apply for community Medicaid within the month of March based upon her eligibility as of March 1
- **Once submitted, the local Medicaid office has 90 days** to process the application and render a decision or issue a notice requesting additional information or documentation
  - If a pooled trust is not needed, this timeframe decreases to 45 days.

# Documents Needed to File

- **Identifying documents** – Birth certificate, IDs, health insurance cards, etc...
- **Financial documents** – bank statements showing balances as of 1<sup>st</sup> of the month you are applying for (March 1 for Bobbie), documentation showing current gross income
- If application signed by agent under Power of Attorney, Power of Attorney document also must be submitted
- \*\*If application was for nursing home, 5 years of records would be needed for **all** financial accounts in existence during the lookback period\*\* – Will work the same way if 30 month lookback is instituted for home care

# Next Steps



## If You Are:

- a. Planning ahead to qualify for Medicaid in the future, consider a MAPT now
  - b. Caring for someone who needs home care immediately or who is already bringing care aides in, a MAPT can preserve assets and help qualify for benefits without spending down additional funds
- ▶ **Seek guidance from an elder law attorney** – Pierro, Connor & Strauss offers free consultations via phone, Zoom or in person

# NEXT MEDICAID MONDAY

March 9, 2025  
12:00-12:30pm



**Aging Well in New York:**  
*Resources Helping To Keep  
You Home – Without Medicaid*



**Guest : Becky Preve,  
Association on Aging in New York**

**REGISTER:**  
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# REGISTRATION NOW OPEN!



**Reserve Your Seat Today:**

<https://www.pierrolaw.com/events/>

- Thursday, May 14, 2026
- 8:30 AM – 4:00 PM
- The Desmond, Albany
- Or Live Stream
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