

Starting Soon...



MEDICAID
M O N D A Y
PIERRO, CONNOR & STRAUSS, LLC

Medicaid Trust Planning

February 9, 2026

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Welcome

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pierrolaw.com/resources under
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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

	Resources		
	2026	2025	Difference
Individual	\$32,396	\$32,396	\$0
Couple	\$43,781	\$43,781	\$0
Comm. Spouse Resource Allowance	\$74,820 ¹		
IS Resource Allowance	\$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

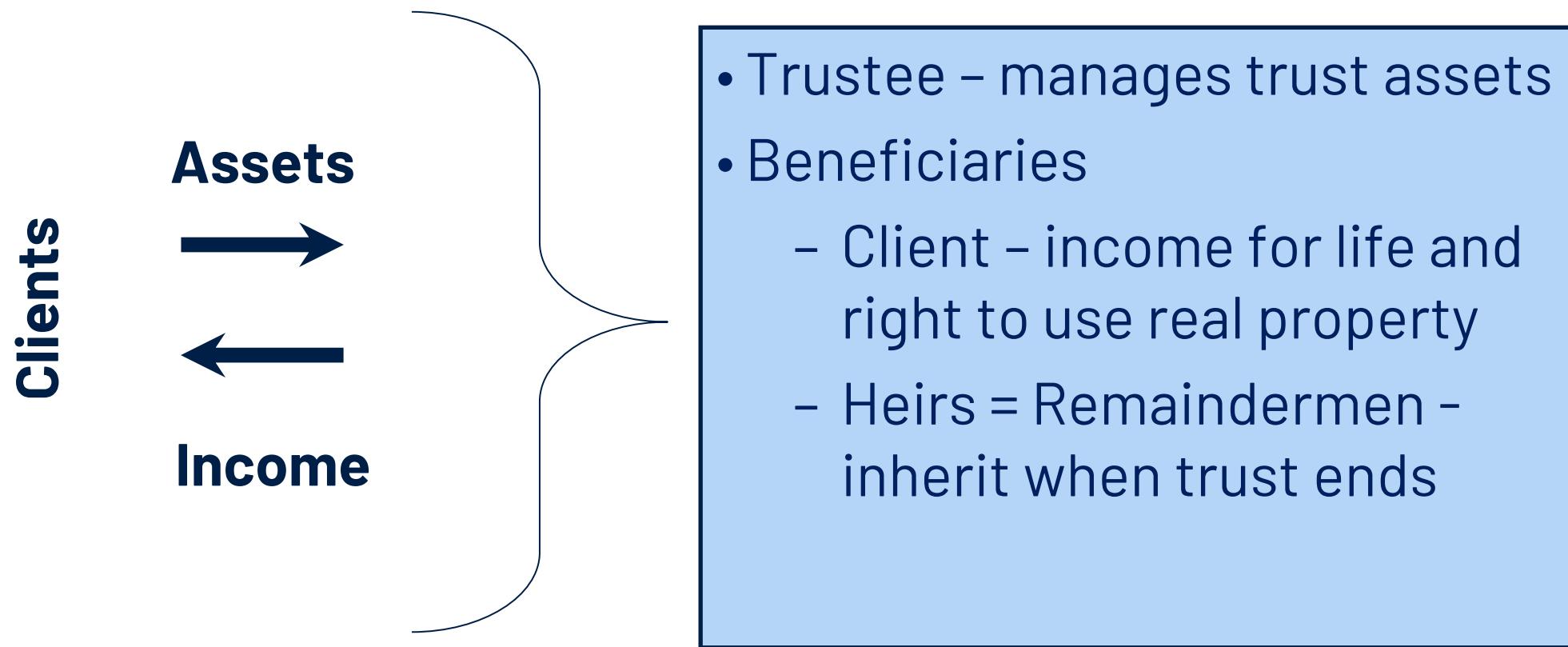


Medicaid Asset Protection Trust

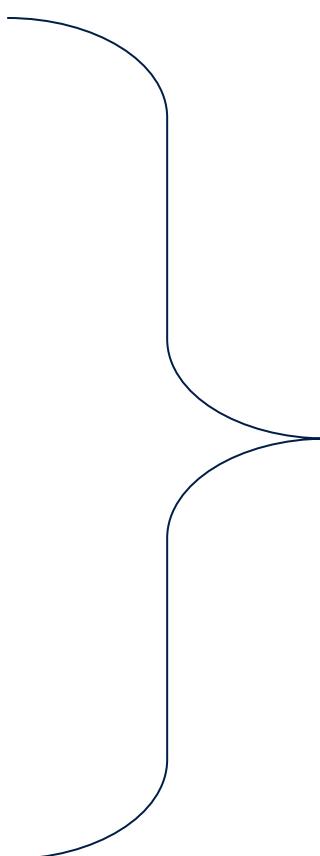


Used to hold assets (house, stock, life insurance with cash value) in excess of Medicaid allowance

Medicaid Asset Protection Trust (MAPT)



- 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

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 1st of a month**
 - Therefore, if assets are transferred prior to 1st 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 1st 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



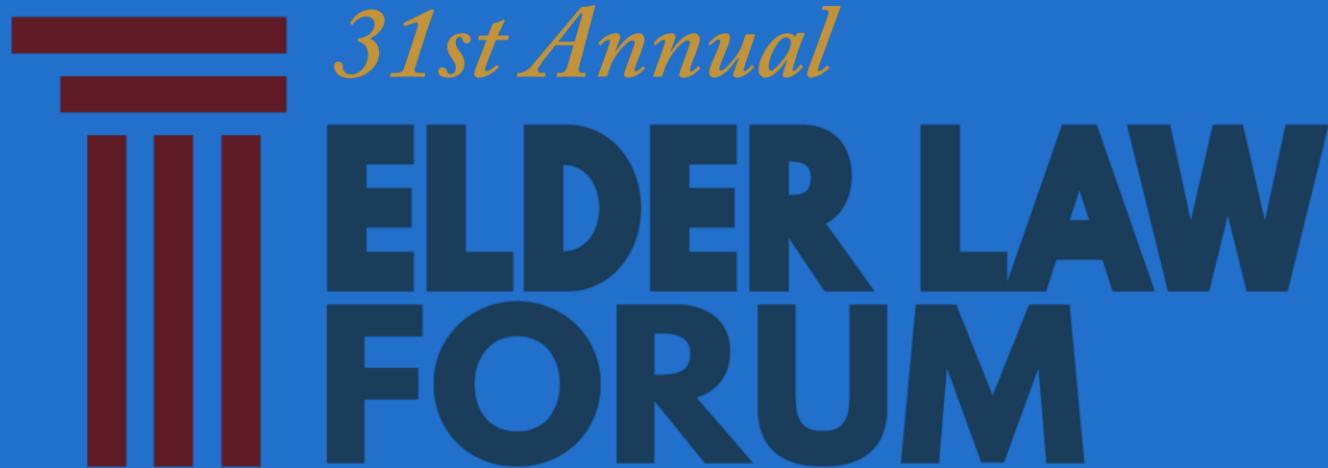
Aging Well in New York:
Resources Helping To Keep
You Home – Without Medicaid



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

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