Starting Soon.....

Medicaid Monday:
Why Families Get Stuck in the Medicaid Process

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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**

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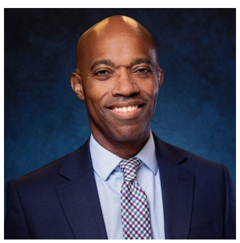
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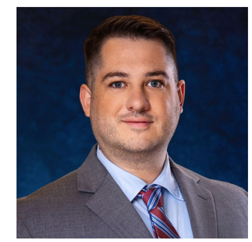
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AGENDA

- Recap of the Medicaid Numbers
- Medicaid Application Delays
- Planning Ahead
- Case Study

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2026 MEDICAID ELIGIBILITY NUMBERS

Monthly Income			
	2026	**2025**	**Difference**
Individual (at home)	$1,856	$1,820	$36
Couple	$2,509	$2,453	$56
Community Spouse Income Allowance	$4,066.50	$3,948	+$118.50
Institutionalized Spouse Income Allowance	$50		

2026 MEDICAID ELIGIBILITY NUMBERS

Resources			
	2026	**2025**	**Difference**
Individual	$33,038	$32,396	$ 642
Couple	$44,796	$43,781	$1,015
Comm. Spouse Resource Allowance	$74,820[1]		
IS Resource Allowance	$33,038		

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

BEFORE YOU START THE APPLICATION: GET ORGANIZED!

- Process requires many documents
- Being organized helps make the process go smoothly and lessens stress

Important Deadline to Note:

- Applicant must be financially eligible as of the 1st of the month Medicaid benefits are being applied for
- If the applicant has too many resources as of the 1st of the month, they will have to wait until the following month to apply (with limited exceptions)

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WHY DO FAMILIES GET STUCK

- **Missing Documentation**
- **Agency Processing**
- **Communication**
- **Family Conflict/ Legal Authority**

MISSING OR INCOMPLETE DOCUMENTS

Those assisting the applicant may not know:

- What accounts exist (how many, what type, etc.)
- What banks or financial institutions hold the accounts
- Where financial records are located
- Who to contact for the necessary information
  - Can someone other than the Medicaid applicant speak to holder of the information?

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MISSING OR INCOMPLETE DOCUMENTS

Common types of missing documents

- Identifying documents
  - Driver's License
  - Birth Certificate
  - Marriage Certificate
  - Death Certificate for Spouse
  - Social Security Card
- Income Verification Documentation
  - SS Award Letter
  - Statement showing Gross Pension
- Tax returns or missed tax filings

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WHAT HAPPENS WHEN CAPACITY IS A CONCERN?

#1 issue- No estate planning documents

- Power of Attorney
- Health Care Proxy
- Will

If loved one lacks capacity – Guardianship is then needed (see last month's Medicaid Monday)

- Both medical providers and legal practitioners are going to have an opinion about capacity

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WHO HAS LEGAL AUHTORITY TO ACT?

Who can actually speak and act for the applicant?

Somone the applicant trusts:

- Power of Attorney
- Health Care Proxy
- The following people with proper authority, information, rights/ releases:
  - Professional Healthcare Advocate
  - Family member who is educated in the system
  - Close friend

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AGENCY PROCESSING BACKLOGS

Delay in processing = delay in Medicaid approval

While Waiting for Approval: Home Care

- Care is often needed during the application pending period. Where does that care come from?
  - Private Pay Dollars
  - Informal supports like other family members, friends, etc…
- What if someone on the care team must return to work or school?
- What if the spouse has unexpected medical issues come up?
- What if the applicants condition worsens?

AGENCY PROCESSING BACKLOGS

While Waiting for Approval: Nursing Home

- Costs/ bills to the nursing home continue to accrue while the application is pending
  - Monthly income can be paid to the nursing home during pending period of application, or will likely be due as a lump sum following approval

- A denial can result in lost time and/or costs that cannot be recovered or undone

COMMUNICATION GAPS AND FAMILY CONFLICT

Common points of friction for families

- Should we keep parents at home for as long as possible?

- Should we move parents out of their home?
  - Move in with children?
  - Senior apartment?
  - Assisted living?
  - Nursing home?

- Stay close to which child? Or close to spouse?

- What if parent's wishes conflict with the wishes of other family members?

COMMUNICATION GAPS AND FAMILY CONFLICT

What if there are many differing viewpoints? Who's right?

- Strong opinions don't always reflect the day-to-day realities of caregiving
- Different perspectives can create conflict around care, finances, and long-term planning
- Disagreement can delay important decisions

PROACTIVE PLANNING

- **Best Option:** create and fund irrevocable trust prior to needing care:

  “Medicaid Asset Protection Trust”
  - Used to hold assets in excess of Medicaid allowance (houses, stock, life insurance with cash value)

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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

Advantages of Using a Medicaid Asset Protection Trust (MAPT)

- **Creates eligibility** for Medicaid homecare almost immediately
  - Possible because there is still no lookback for Community Medicaid benefits
- **Probate Avoidance** following Death
  - Also precludes estate recovery by Medicaid and NYS
- **Begins protecting assets** for nursing home Medicaid eligibility (5-year lookback)
- **Difficult to challenge** by disinherited beneficiaries
- **Privacy**
  - Nothing is a public record and administration remains private once Grantor has passed away
- **Expedited administration** process in comparison to probate

CASE STUDY: HENRY

The Situation

- Henry needs long-term care and plans to apply for Medicaid to receive care in his home
- His son, John, agrees to handle the application
- John gathers Henry’s financial information and submits the application
- John believes everything has been provided

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CASE STUDY: HENRY

What Goes Wrong?

- A bank account Henry rarely uses is overlooked
- Crucial documentation is missing regarding Henry's identity and income
- Medicaid requests additional documentation
- John has difficulty determining what records are needed and where to find them
- The application is delayed while the missing information is gathered
  - **If deadline to submit information is missed, application can be denied and the process has to start over**

CASE STUDY: HENRY

The Impact

- Henry's care needs continue while the application is pending
- Additional private-pay costs may accumulate
- John becomes overwhelmed managing:
  - Medicaid requests
  - Financial records
  - Bank communications
  - His father's care
- The longer the process takes, the greater the financial and emotional strain on the family

CASE STUDY: HENRY

What Could Have Been Done Differently?

- Organize all personal documentation in an easy to access location
- Identify all financial accounts before submitting the application, and gather necessary information for every account with the application
- Respond to requests for additional documentation promptly
- Consider working with an experienced Medicaid planning attorney
- Most importantly: Plan and organize before a crisis occurs

KEY TAKEAWAYS

1. Be Prepared: Gather the right financial, medical, and legal documents before you apply.

2. Stay Organized: Keep copies of everything and track every request, submission, and conversation.

3. Stay Engaged: Respond promptly and follow up when something is delayed or unclear.

4. Know Who Can Act: Make sure the appropriate person has the legal authority to communicate and make decisions.

5. Address Problems Early: A delay, missing document, or denial can become a bigger problem if it isn't addressed.

6. Plan Ahead: Create and fund trusts early to protect assets prior to needing care for best chance safeguarding assets

NEXT
MEDICAID MONDAY

"When Your Spouse Needs Medicaid: What Happens to You?

October 19, 2026
12:00- 12:30PM

REGISTER:
https://www.pierrolaw.com/events/
(518)459-2100

PRESENTED BY

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Thank You!
QUESTIONS?

Please fill out the Survey

Schedule a Consultation:
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