Starting Soon…..

MEDICAID MONDAY

PIERRO, CONNOR & STRAUSS, LLC

"Medicaid Crisis Planning vs. Pre-Planning: What Actually Changes the Outcome?"



November 9, 2026

Frank Hemming, III, Esq.
Partner

Louis Pierro, Esq.
Founding Partner

PIERRO, CONNOR & STRAUSS, LLC
Trusted Counsel

Welcome

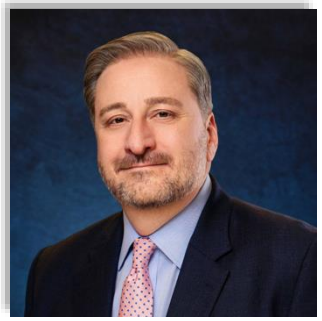
- Your Lines Are Muted
- Type Questions in the Q&A Section at the Bottom of Your Screen
- Presentation is Posted: Pierrolaw.com/Resources Under “Medicaid Planning”
- Fill Out Our Survey with Feedback

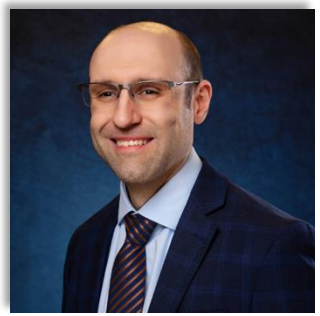


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OUR TEAM OF ATTORNEYS


Louis Pierro


Aaron Connor


Frank Hemming


Peter Strauss


Anthony Khatchoui


Theresa Skaine


Arkley Mastro


Verley Brown


Michael Mullaney


Patricia Whelan


Tommaso Marasco


Adrianna Mihalek


Ethan Van Vorst


Avery Mickle


James Anderson

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AGENDA

- Decision Points following different Events in Life
- Medicaid Evaluations and Exempt Assets
- Planning in Advance
- Crisis Planning and Common Mistakes
- Actions You Can Take Now



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THE MOMENT EVERYTHING CHANGES

Examples of life event that often lead to the need for a plan:

A fall, a diagnosis, a hospital stay, or a caregiver who can no longer manage.

THE CARE DECISION

- A loved one needs help now
- The family must quickly decide where care will happen and how it will be paid for.

THE FINANCIAL QUESTION

- Savings, retirement accounts, a home, and income may all be part of the picture, or may not be adequate for future needs
- But not every asset is treated the same way.

THE LEGAL REALITY

- The person may be unable to sign documents, manage finances, or explain past transactions.
- The family may be starting behind.

The first question is not simply "Can we qualify for Medicaid?"

It is "What choices are still available and what needs to happen first?"

LONG-TERM CARE IS MORE THAN A NURSING HOME

Medicaid is not one-size-fits-all.

COMMUNITY MEDICAID AT HOME

- Help with daily activities, can provide cueing for the completion of daily activities
  - CANNOT be just for monitoring
- Can involve family, aides of your own or agency care
- Still NO LOOK BACK

IN THE COMMUNITY – OUTSIDE OF THE HOME

- Assisted living, adult day services are options
- Available under community Medicaid qualification rules
  - NO LOOKBACK

NURSING HOME MEDICAID

- When care is best outside in a skilled nursing facility.
- Involves 5 year look back for Medicaid purposes and potential penalties if funds have been gifted

WHAT MEDICAID LOOKS AT

Care needs

- Does the person meet the applicable medical or functional level-of-care criteria?

Income

- What income is received, and how is it treated under the applicable program?

Resources

- Which assets are countable, exempt, jointly owned, or can they be transferred under the program's rules safely?

Transfers

- Is there a look back?
- Were assets gifted, sold, or transferred for less than fair market value?
- Can the gifted assets be returned?
- Is there an exception that would lead to the transfer not begin penalized?

IMPORTANT NOTE

Documentation:

Can the family support the application with records, statements, and required medical information?

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NY MEDICAID INCOME & ASSET LIMITS

	INCOME / MO.		ASSET LIMIT	
YEAR	SINGLES	COUPLES	SINGLES	COUPLES
2026	$1,856	$2,509	$33,038	$44,796

- Community Spouse Income Allowance: $4,066.50
- Nursing Home: Institutionalized Medicaid recipient's income allowance: $50

EXEMPT ASSETS

Some assets that are exempt:

- $33,038
- 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*
No Limit to Value!

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MEDICAID REVIEW: YOUR HOME



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

"TIME" CHANGES THE PLANNING EQUATION

PRE-PLANNING

- Assess goals and resources
- Complete and/or update advance directives: Power of Attorney, Health Care Proxy
- Protect assets – Medicaid Asset Protection Trust
- Allow for plan to mature so assets are protected after 5 years for nursing home purposes.

CRISIS PLANNING

- Scrambling for immediate care and payment decisions
- Existing ownership and past transfers must be reviewed; penalties may apply
- Fewer options may be practical or available
- Application deadlines and documentation can become urgent

Crisis planning is not "too late" planning. It is a different analysis, with different tools and priorities.

WHAT CAN BE CONSIDERED IN ADVANCE?

ASSET PROTECTION

MEDICAID ASSET PROTECTION TRUST

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

GIFTING & TRANSFERS

For skilled nursing care:

Certain transfers must be made 5 years before applying for Medicaid:

- *Financial gifts to children, grandchildren, charities*
- *Transfer of property, etc.*

Avoid having to "spend down" by using these options.

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PRE-PLANNING FOR 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**



TRANSFER OF ASSETS

- Lookback Period
  - Nursing Home, 5 yrs.
  - Home Care,
    - None, but 30 month lookback pending



- Penalties for Transfers
  - Penalty = number of months <u>before</u> Medicaid will pay for care

- Exempt transfers can be made to spouses or disabled children

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CRISIS PLANNING: COMMON MISTAKES FAMILIES MAKE UNDER PRESSURE

Well-intended decisions can create delays, penalties, or problems with care and eligibility.

- **Giving money to children or grandchildren** without understanding transfer consequences.
- **Adding someone to a deed or bank account** without reviewing legal, tax, and Medicaid implications.
- **Assuming a nursing home or facility** will structure the family's asset-protection plan.
- **Waiting to locate financial records** until an application is underway.
- **Assuming a Power of Attorney** grants every power needed or that a deficient document will be accepted.
- **Applying without understanding** how income, resources, and transfers will be evaluated.

TWO FAMILIES. SIMILAR ASSETS. DIFFERENT TIMING.

FAMILY A: PLANNED AHEAD

- 5 Years before care was needed
- Family reviews ownership of assets
- Updates legal documents, advance directives
- Preserves assets in a Medicaid Asset Protection Trust, begins collecting documents
- When LTC is needed, applicant is approved for Medicaid home care or Skilled nursing and assets were preserved

FAMILY B: CARE CRISIS

- Unexpected hospitalization
- Family rushes to arrange care with private pay
- Forced to locate 5 years of financial records
- Establish advance directives, evaluate assets and prior transfers on a compressed timeline.
- Face penalty period when applying for Medicaid
- Risk a ‘spend down’ of assets

Takeaway: Timing does not guarantee an outcome, but it can change the choices available and the time to implement them.

RULE OF HALVES: MEDICAID CRISIS PLANNING



- Even when legal planning hasn't been done, a legal plan can be structured to save typically half of countable assets.
- A portion of available assets fund care during the Medicaid penalty period
- Remaining portion of assets are typically gifted to family or other beneficiaries

WHAT FAMILIES- OR YOUR CLIENTS- CAN DO NOW

- Talk about care preferences and who may help make decisions
- Review Wills, Trusts, Powers of Attorney, and Health Care Proxies or establish them if they don't otherwise exist
- Create an inventory of income, assets, insurance, and liabilities
- Keep financial and tax records accessible and organized
- Before making gifts or changing ownership, get advice about the consequences
- If care is needed now, seek guidance before moving assets or submitting an application

THE BEST FIRST STEP

Get a clear picture of the care need, legal authority, assets, income, and family priorities. Then evaluate the available options.

TIMING MATTERS. PREPARATION CREATES OPTIONS.

PLAN EARLY

More time to coordinate documents, protect assets, establish care preferences, and have the best chance for success!

IN CRISIS, THERE ARE STILL OPTIONS

Even in a crisis when little or no planning has been done, there are strategies to preserve assets and qualify for Medicaid.

GET GUIDANCE

Assemble your team with an elder law attorney, financial advisor, accountant and health care advocate.

NEXT MEDICAID MONDAY

December 14, 2026
12-12:30pm

"The Hidden Costs of Giving: Medicaid Consequences of Giving Assets Away"

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



- MISSED A MEDICAID MONDAY?
- WATCH THE ENTIRE SERIES!
- www.pierrolaw.com/videos/

SAVE THE DATE!



- Thursday, May 13, 2027
- 8:30 AM - 4:00 PM
- The Desmond, Albany
- Or Live Stream
- Free to Attend
- 6 CEUs for Social Workers

Registration Opening in January:
https://www.pierrolaw.com/events/

PLEASE JOIN US!

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Thank You!
QUESTIONS?

Schedule a Consultation:

info@pierrolaw.com
(518) 459-2100

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