

# New Rules Regarding Medicaid Assistance for Seniors in Need of Home Health Care

*Act Now Before Draconian Medicaid Changes Take Effect*

QUEENS, NEW YORK, USA, August 16, 2021 /EINPresswire.com/ -- What's happening: HUGE Changes to Medicaid Home Care - [New Rules for Medicaid Home Healthcare](#)

New York is about to impose a 30-month lookback period and other severe restrictions on Medicaid Home Care.

What's the deadline: December 31, 2021 – that's when all asset transfers, paperwork, and Medicaid applications have to be completely finished and filed with the state. That's why it's important to act now.

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*Lori Somekh*



The Home Care Rules for Medicaid

Why this matters: You may not be able to get the care you need to keep yourself or your loved ones in their homes without wiping out their life's savings. Medicaid home care rules are going to be more like nursing home rules.

Why you need to get started now: Because the process takes time, and there's no time to spare.

[Big Changes to Medicaid Rules for Seniors](#)

Seniors and disabled individuals in New York who need a

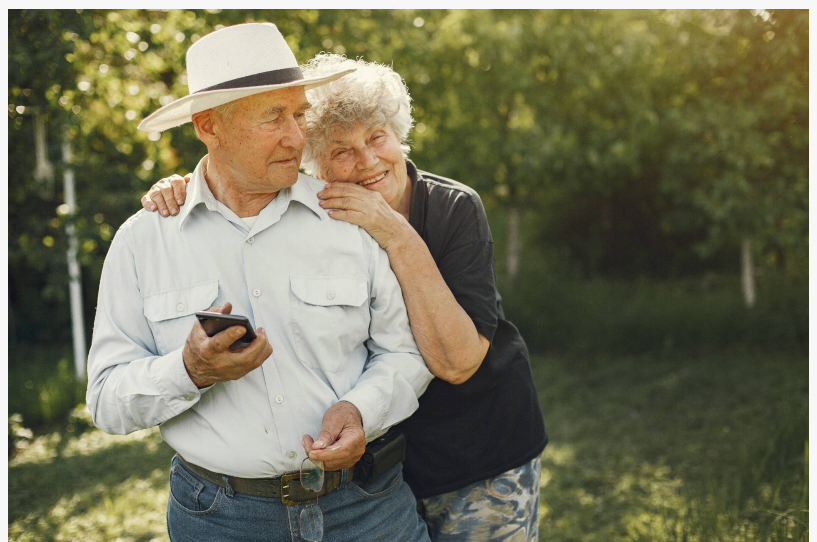
home health aide are about to see some very big obstacles to getting that care paid for by Medicaid after the end of this year. Last year New York passed sweeping cuts to the Medicaid home care program. These cuts have not yet been implemented due to the state of emergency caused by COVID-19. However, it is expected that a significant provision will be implemented as of January 1, 2022 – the new lookback period.

The average cost of private home health aides through an agency is approximately \$30/hour. For someone needing round-the-clock care, this can cost over \$250,000/year, which can deplete an individual's life's savings quickly. Since neither private health insurance nor Medicare pay for this important type of care, the only option is to either pay privately or to ask the Medicaid program to pay. Although this was not the original intent of the Medicaid program when enacted in 1965, it has become the default method of coverage for long-term care for seniors and disabled individuals.

Until now, New York has always allowed individuals needing home care to protect their life's savings by transferring assets to a trust or a family member and then applying for Medicaid home care right away. Unlike Medicaid coverage for nursing homes, Medicaid did not look back five years to see if the individual had transferred any assets in order to qualify for Medicaid. This allowed seniors and disabled individuals to get the care they needed without losing everything they've worked their whole lives to earn.

Under the new law, Medicaid home care as we know it is changing. For applications filed after December 31, 2021, there will be a 30-month lookback period. That means that the agency will look at the applicant's records for the last 30 months to see if any assets were transferred in that time period, and if so, those transfers will be penalized. They will take the amount of the transfer and divide it by the regional divisor (e.g. in NYC that divisor is presently \$13,037) and arrive at the number of months they will not pay for the care. For example, if the applicant transferred \$100,000 within the lookback period, they will divide 100,000 by 13,037 and impose a penalty period of 7.7 months.

In addition, there are several other changes to the program that will make it harder to qualify for home care, such as an increase in the number of activities of daily living (ADLs) a person must



Rules for Medicaid for Seniors are Changing, Drastically



Be Prepared with Proper Paper Work in Order

require assistance with, changes to the pooled income trust rules and a requirement that medical forms be completed by independent doctors rather than the applicant's own doctor. The state has made so many drastic changes that they are still figuring out how to implement them. However, they will be implemented soon.

To be clear, these changes will effectively deny care to individuals who need it. There is, however, a very small window of opportunity for someone needing care now to squeak in under the existing rules. If an individual has assets and needs care now, applications are still being processed without a lookback period, providing transfers are made and the application is submitted before the end of the year. That said, it takes time to draft trusts, transfer assets, shelter income and get medical and other documentation together to file a home care application. Hence, for anyone who has assets and needs home care now, the time to take advantage of this small window of opportunity is immediately.

Not only does this process take time, but elder law attorneys may be backlogged during this push to get help for people before the looming deadline. If you need home care, you should take immediate action.

You must act now. Contact us today to discuss your options and the steps you must take right away. There's no time to lose. The initial talk is free. You owe it to yourself and your loved ones.

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