

# Some Floridians' Medicaid Eligibility At Risk, Starting April 1, 2023

*Those in Florida who need long-term care do not have to go broke, or sell their house, or wait 5 years before qualifying for Medicaid LTC services.*

FLORIDA, UNITED STATES, February 3, 2023 /EINPresswire.com/ -- In Florida the Department of Children and Families (DCF) determines eligibility for Medicaid. As required by the Coronavirus Response Act, passed in March 2020, in response to a public health emergency, DCF implemented a process to maintain Medicaid eligibility even for those individuals who did not meet DCF's technical requirements nor were they asked to recertify (normally an annual process).

However, as of March 21, 2023, this leniency will come to an end.

More Floridians on Medicaid should anticipate re-certifying and providing proof of their continued eligibility.



Jason Neufeld, Florida Medicaid Planning Attorney (serving clients statewide)

For those on the Medicaid Waiver / HCBS Program (which pays for some Home Health Care or Assisted Living Facility care) or the Institutional Care Program, ICP (which pays for Skilled Nursing Facility / Nursing Home care), below are some common traps to avoid:

1. Failing to Properly Fund their [Qualified Income Trust](#) / Miller Trust Each Month.  
To remain eligible for either of the above Medicaid long-term care programs, all gross income that exceeds the program's income cap of \$2,742.00/month (as of January 2023), must be deposited into a Qualified Income Trust (QIT) each and every calendar month.
2. Forgetting about their \$2,000.00 Asset Limit Each Month  
To remain eligible for Florida's Medicaid Waiver or ICP Program, the Medicaid recipient must spend at least one day, each calendar month, with no more than \$2,000.00 in total countable

assets (the exception is that for those on SSI (not to be confused with Social Security Retirement Income, then one must have \$2,000.00 or less in total countable assets on the 1st day of each calendar month).

Elder Needs Law, PLLC helps people legally and ethically qualify for Medicaid long-term care benefits who both (a) are not initially qualified for Medicaid; and (b) who are on Medicaid and have received (or are going to receive) an influx in assets (e.g. from a personal injury settlement or inheritance) that will jeopardize their needs-based public benefits.

#### ABOUT MEDICAID PLANNING IN FLORIDA



Elder Needs Law - Elder Law Attorneys Serving Florida

As an Elder Law Firm serving the entire State of Florida – specializing in Medicaid-planning, we are often people's first point of entry into the long-term care system.



After March 2023, Florida Medicaid Recipients should expect to prove their continued eligibility. For those who are not yet eligible, but would like to be, an elder needs law firm can help."

*Jason Neufeld, Esq*

Most Floridians do not realize that Medicaid is not just for the poor or impoverished.

Generally, Elder Needs Law, PLLC serves clients who need Medicaid and are middle class or upper-middle class, who have saved their entire lives for retirement, only to be shocked and dismayed at the incredibly high cost of long-term care (e.g. home health care, ALF care or skilled nursing home care).

Elder care lawyers help people not only afford these services, but direct them to different community resources to make their lives better. This is a great honor.

Sickness. Incapacity. Death. These are among the most difficult subjects to contemplate, yet some of the most universal. Money worries people. The news is riddled with talking heads discussing the stock market and economy. But, statistically speaking, the most likely threat to your savings is not a recession, but the much more likely need for long-term care services due to sickness and incapacity that come from old age.

In short: a Florida [Medicaid planning lawyer](#) puts together strategies to help their clients pay the exorbitant costs associated with long-term care and protect their assets so they have something to pass onto their heirs.

The problem with the existing long-term care system in Florida (and the US in general) is that the very wealthy can afford to privately pay for home-health care, assisted living facility care, or skilled nursing home care. The indigent already qualify for Medicaid's long-term care benefits. It is the middle class who get the short end of the stick (in a long-term care planning context only). These are the clients I am best able to help - because Elder Needs Law, PLLC can put together strategies that will allow our clients to get long-term care benefits immediately or soon rather than having to wait five years or having to lose everything first.

Medicaid Planning Lawyers provides individuals a sense of control; bring peace of mind to a family at a time of great medical need. Medicaid planning allows me to create purchasing power and access resources that help my clients afford and buy the care that they want from the medical providers that they want; ensure a higher quality of care; bring dignity and preservation of independence in the face of incapacity; and preserve family savings and assets that can be passed down to the next generation.

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**ELDER NEEDS LAW, PLLC**

When to meet with a Florida Elder Law Attorney to Discuss Medicaid Planning?

\*Long-Term Care\* (LTC) is (not as) the need for in-home care, ALF care or Skilled Nursing Facility care.

**Medicaid Long-Term Care Crisis Planning (I need LTC now!)**

For those with any income amount, any asset amount, not currently receiving SSI or Medicaid and not in any immediate need for Long-Term Care (LTC); and are:

- 1. Between the ages of 40 – 65:** with early onset Parkinson's or Alzheimer's, already in need of LTC.
- 2. Between the ages of 18 – 99:** who due to sudden injury, illness, stroke, heart attack, or otherwise suddenly becomes disabled or in need of LTC.
- 3. Between the ages of 65 – 99:** who, due to the progression of any disease or natural aging process, and needs help paying for home-health care, ALF care, or nursing home care (collectively referred to as Long-Term Care or LTC)

**Medicaid SSI Preservation**

(you already have, and want to keep, one or both of these benefits) and are:

- The parents of a special needs child. Proper estate planning is essential to ensure that, if you pass away first, your estate can benefit heirs without jeopardizing their access to public benefits such as SSI and/or Medicaid.
- About to receive an inheritance.
- About to receive a personal-injury or medical-malpractice settlement.
- About to sell a home.
- About to come into a significant amount of money some other way.

**Medicaid Long-Term Care Advanced Planning**

For those with any income amount, any asset amount, not currently receiving SSI or Medicaid and not in any immediate need for Long-Term Care (LTC); and are:

- 1. Between the ages of 40 – 65** with early onset Parkinson's or Alzheimer's anticipating the future need for LTC.
- 2. Between the ages of 65 and 75, relatively healthy, and either:**
  - Have a family history of Parkinson's or Dementia; or
  - Have witnessed the declination of a loved one's finances due to LTC expenses; or
  - Want to protect your assets in case you need LTC in the future.

If you fall into any of the above categories, and live in Florida, please call Elder Needs Law, PLLC and schedule a consultation today.

Email: [www.ElderNeedsLaw.com](http://www.ElderNeedsLaw.com) | Scheduling Phone Number: 305-614-7379

Infographic - When to Talk to A Florida Elder Care Lawyer

