

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

MEDICAL & HEALTH CARE

LEGAL SERVICES

SELF HELP SERIES

Medicaid May Pay for Nursing Home Care

October 2015



We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

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Medicaid May Pay for Nursing Home Care

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Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.connlegalservices.org

Bridgeport

211 State Street 203-336-3851

New Britain

16 Main Street 860-225-8678

New London

153 Williams Street 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

872 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue 860-541-5000
Hartford, CT 06105

New Haven Legal Assistance Association

www.nhlegal.org

426 State Street 203-946-4811
New Haven, CT 06510

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have consumer problems.

1-800-296-1467

This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut.

The information in this booklet is based on laws in Connecticut as of 10/2015. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

Notes

What is Medicaid?

Medicaid is a federal health insurance program. It pays medical bills for people and families with low income and few resources. In Connecticut, the state Department of Social Services (DSS) runs Medicaid.

The rules are very complicated, and there are special rules for people who are

- 65 or older,
- disabled,
- under 21, or
- in a nursing home.

Is Medicaid different from Medicare?

Yes. Medicaid and Medicare are both federal health insurance programs that may help pay for nursing home care, but they do not provide the same coverage.

- *Medicaid* will pay for your nursing home care and most of your costs at the nursing home.
- *Medicare* only pays for a nursing home in some situations, and then for only up to 100 days.
- To learn more about Medicare, call
 - ▶ Center for Medicare Advocacy at 1-800-262-4414, or
 - ▶ Statewide Legal Services at 1-800-453-3320.

You should apply for Medicaid if

- Medicare does not cover your situation, or
- you do not have enough money to pay for nursing home care.

Who can get Medicaid?

Medicaid covers people and families with low income and few resources. To decide if you qualify, DSS will look at your situation, including how much income, money, and property you have.

What does Medicaid pay for?

Medicaid pays for medical care for people who do not have enough money to pay their medical bills.

Nursing home care is only one type of care paid by Medicaid.

If you qualify, Medicaid will pay for your nursing home care and most of your costs while you are in a nursing home, including

- doctor visits;
- medicine;
- hospital care;
- your room (shared, not private);
- meals;
- tests and treatments; and
- equipment your doctor says you need

Will Medicaid cover other types of health care?

Yes. If you qualify, Medicaid will pay for other medical bills, too.

Can I apply for Medicaid if I already live in a nursing home?

Yes, as long as you've lived in the nursing home for at least 30 days before you apply.

What if DSS turns me down for Medicaid?

If DSS says you do not qualify for Medicaid, you have the right to ask for a *fair hearing*. At the hearing, a fair hearing officer can look at your application to see if DSS made any mistakes. You can also explain any mistakes you think DSS made.

Fill out the appeal form that is included with the denial letter. Send it to:

Department of Social Services
Office of Legal Counsel,
Regulations and Administrative Hearings
25 Sigourney Street
Hartford, CT 06106-5033

Deadline! ► *You must send your request for an appeal within 60 days of the denial.*

Should I ask a lawyer to help me appeal?

Yes. A lawyer from Legal Services can look at your case and may be able to speak for you at the hearing.

Call Statewide Legal Services:

860-344-0380 (Central CT & Middletown)

800-453-3320 (all other areas)

Can someone help me fill out the application?

Yes. It's a good idea to have someone help you fill out the application. Medicaid rules are confusing.

Ask someone who knows Medicaid law, such as

- ▶ a DSS worker (if you have a disability),
- ▶ a friend you trust, or
- ▶ a lawyer who knows Medicaid law.

Important! If someone helps you fill out your application, that person must also sign your application.

When should I apply for Medicaid?

Apply as soon as you can. Fill out the application and give it to the DSS worker. DSS will also ask you for other papers. If you are eligible, your coverage can go back three months from the day you apply.

What papers do I need to apply for Medicaid?

DSS will ask you for copies of your

- ▶ birth certificate,
- ▶ Social security card,
- ▶ marriage certificate,
- ▶ Medicare card (if you have one),
- ▶ deed to your house, and
- ▶ bank statements for the last 5 years.

Important: Make copies of everything you give DSS. Keep them in a safe place. You may need them later.

If I have property or money, can I still get Medicaid to pay for a nursing home?

Maybe. When you apply, Medicaid looks at your assets (money and property). If your assets are too high, you may not qualify.

You can qualify for Medicaid if you have

- up to \$1,600 in countable assets (cash, bank accounts, stocks, and bonds);
- a burial plot (including goods and services such as a grave site, urn, casket, or headstone);
- a pre-paid funeral contract with a Connecticut funeral home that costs
 - up to \$5,400 (non-refundable);
 - up to \$1,800 for a single person (refundable); or
 - up to \$1,500 for a married person (refundable).
- Term life insurance with no cash surrender value.
- Cash value life insurance (total value must be \$1,500 or less).

Remember:

Medicaid is a very complicated law. It is *always* best to consult with an attorney.

You can only keep a limited amount of your income to have Medicaid pay for your nursing home care.

You can keep a small amount of income to spend on personal needs. This amount changes every year. See the elder law section at www.ctlawhelp.org for the current amount.

Married people may be able to give their spouse some of their income to pay for their living expenses. Talk to a lawyer to find out if this applies to you.

The rest of your income is paid to the nursing home each month. There are some exceptions. You can use your income to pay for

- unpaid medical bills,
- private health insurance,
- some medical services not covered by Medicaid, and
- some home expenses if you are expected to return home within 6 months.

What if I have long-term care insurance through the Connecticut Partnership for Long-Term Care?

Tell your DSS caseworker when you apply. This may help you protect more assets. To learn more about the Connecticut Partnership,

- call DSS at 1-800-547-3443, or
- visit www.ctpartnership.org.



Should I give away my home or money?

No! Talk to a lawyer before giving away any money or property. Medicaid will look at your bank statements, property, and other assets over the last 5 years. If you have given away your home or money, DSS can impose a penalty period. During the penalty period you will not be eligible for Medicaid.

Use this worksheet to estimate your spouse's monthly allowance.

Community Spouse Allowance Worksheet		
If you have a spouse in a nursing home on Medicaid, you may use this worksheet to ESTIMATE your monthly Community Spouse Allowance, effective 7/1/2013.		
Start with		\$1,991.25*
ADD Shelter Hardship (figure out using the info below.	+	\$
SUBTRACT monthly income.	-	\$
This is the amount you may be able to keep of the interest from your assets or from you spouse's monthly income.		\$
Shelter Hardship		
Rent or mortgage		\$
Add property taxes	+	\$
Add property insurance	+	\$
Add condo fees	+	\$
Add standard for utilities	+	\$708.00
Total shelter costs	=	\$
Subtract shelter allowance	-	\$597.38*
This is your shelter hardship to use above.		\$
<p>*Note: These figures are effective as of 7/2015. (The next adjustment will be 7/2016.)</p> <p>Remember, you or your representative must ask DSS for a Fair Hearing or go to court to get a higher community spouse allowance to meet your needs.</p>		

If there are financial difficulties, or if monthly housing costs are more than \$597.38, your spouse may be allowed a higher amount.

Your spouse probably will not be allowed more than \$2,980.50 a month.

Remember: These amounts change every year!

If your spouse's income is less than the minimum, your spouse can get a *community spouse allowance* from you to fill the gap.

This allowance comes from your

- monthly income, and
- income from assets (like interest) only if needed.

If you think your spouse will need more income or assets than DSS allows, you or your spouse can ask for a fair hearing to challenge their decision. It may be good to bring a lawyer to the hearing.

Deadline: You must fill out and file a request for a fair hearing within **60 days** of getting the notice from DSS that explains how much you are allowed.

How do I apply for Medicaid?

- Call Access Health Connecticut at 855-805-4325 for help or to apply.
- Visit <http://www.ct.gov/dss/lib/dss/connect/ltsstable.pdf> for a listing of DSS Long-Term Care Application Centers by region.
- Get the Medicaid application at <http://www.ct.gov/dss/lib/dss/pdfs/applications/w-1ltc.pdf>.

Is my house an asset?

Maybe. When you need Medicaid for nursing home care, your house is not counted as an asset if

- you will probably return home; or
- you may not return home, but one or more of these people live in your house:
 - ▶ your spouse.
 - ▶ your child under 21.
 - ▶ your blind or disabled adult child.
 - ▶ your brother or sister who co-owns the house and lived there for at least 1 year before you went into the nursing home.

Exception: If the equity in your house is more than \$828,000, it will count as an asset.

Can the state put a lien on my house or force me to sell it?

If any of the people listed above live in your house, the state cannot put a lien on your house or force you to sell it.

If none of these people live in your house and you are probably going to stay in the nursing home, you must sell your house for fair market value. The state will put a lien on it while you try to sell it.

What if my house doesn't sell?

As long as you are doing your best to sell the house, Medicaid will not count it as an asset.

Who gets the money if I sell my house?

DSS will take what you owe them for your nursing home care. You will not get Medicaid until you spend the rest of the money from your house. Once you have \$1,600 or less in total assets, you can go back on Medicaid.

Do I have to use my monthly income to pay for the nursing home?

If you are on Medicaid, you will probably have to spend your monthly pension, Social Security, or other income to pay for your nursing home. If you do not have enough money to pay the whole bill, DSS will pay the rest.

But you are allowed to keep some money each month:

- \$60 for personal needs.
- Support for your spouse or other dependent living at home.
- Health costs that Medicaid does not cover.
- \$90 each month for a single war veteran or the spouse of a deceased war veteran.
- Some expenses for your home if you will go back within 6 months, including rent or the mortgage.

Does my spouse have to pay for my nursing home care?

No. If you are in a nursing home, DSS only looks at your income to decide if you qualify for Medicaid, and how much you will have to pay each month. Your spouse's income will not be counted.

If your spouse has high income, DSS may ask your spouse to help with your nursing home bills. If DSS asks your spouse to help, your spouse should talk to a lawyer before agreeing to pay.

If I go into a nursing home, can my spouse keep our savings or assets?

Yes. Your spouse, called the *community spouse*, can keep half of your joint assets up to a maximum of \$119,220.

Your spouse can also keep

- a car,
- burial arrangements,
- the home (it does not matter how much equity you have in the house).

Important! This amount changes every January. Ask DSS for the most current amount. Also ask DSS to do a *spousal assessment*.

Can I ever keep more than the maximum amount of assets?

Yes, in some cases. You and your spouse may be able to keep extra assets if

- your monthly income is not enough to give your spouse the minimum the law requires, or
- you have a Connecticut Partnership-approved insurance policy with paid benefits. Tell Medicaid about your policy when you apply.

How much income is my spouse allowed each month?

The law says the community spouse may have at least \$1,991.25 in total income each month. This amount includes

- the community spouse's own income, and
- income from the spouse in the nursing home.