

The Paid Holocaust Reparation Have Medicaid Eligibility Benefits

Over the years as elder law attorneys, we have had the opportunity of meeting many interesting and wonderful people—clients, of course, who have had good as well as bad experiences in their lives. From time to time, we encounter clients who are amongst those who survived the German Holocaust.

Many Holocaust survivors are paid stipends from various sources, including the German government, owing to their status as victims of Nazi persecution. These stipends are paid periodically, usually each month. While there can never be an absolution for the unspeakable crimes committed by the Nazis against humanity, such reparation payments are a small gesture toward helping those who suffered so terribly during this dark period in history and serve as a token of recognition and acceptance of responsibility for these horrors.

The United States government also recognizes the importance of helping Holocaust survivors. The Medicaid program has special laws requiring that reparation payments be ignored as income in determining eligibility for this means-tested program. These reparation payments may be received from the German, Austrian, or Dutch governments. Indeed, the law requires that reparation payments received from any source because of one's status as a victim of Nazi persecution are exempt income for Medicaid purposes. Also, restitution payments made by the United States government to Japanese-Americans (or to their survivors) who were interred during World War II are exempt for Medicaid purposes.

The result of the above laws is that persons who receive such reparation payments, and who need Medicaid to help with nursing home costs, may receive full benefits without having to worry about such payments resulting in Medicaid disqualification. These reparation payments are also disregarded in determining the individual's co-payment toward the costs of nursing home care (i.e., the co-payment over and above what Medicaid pays).

The above brings to mind an important point. Many people often assume that they have too much money, property, or income to qualify for Medicaid, when in fact they do not. This is but one reason why people considering Medicaid should always consult an elder law attorney with many years of experience in this specialized area. Those who receive Holocaust reparation payments should disclose this fact and ask the attorney to assert his or right to continue receiving and enjoying such benefits without having them interfere with Medicaid.

You may email your questions to education@wrightabshire.com or visit our website at www.wrightabshire.com. Wesley E. Wright and Molly Dear Abshire are attorneys with the firm Wright Abshire, Attorneys, P.C., with offices in Bellaire, the Woodlands, and Carmine. Both Wright and Abshire are Board Certified by the Texas Board of Legal Specialization in Estate Planning and Probate Law and are certified as Elder Law Attorneys by the National Elder Law Foundation. Nothing contained in this publication

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