

Be Aware of the 2015 Public Benefits Update

By Wesley E. Wright and Molly Dear Abshire, published in the Houston Chronicle, Elder Law Notes, on December 15, 2014

The federal Centers for Medicare and Medicaid Services has published the new Medicaid income and asset figures for 2015. These numbers are important for persons who depend on public benefits for their care and support.

MEDICAID

For persons receiving Medicaid in nursing homes, intermediate care - mental retardation "ICF-MR" facilities, state hospitals, and persons enrolled in home and community-based waiver programs like Community-based Alternatives (CBA), the following figures apply:

Individual: \$2,199 (per month)

Couple: \$4,398 (if both spouses are applying or living together at home)

If countable monthly income (gross monthly income less aid and attendance, house bound allowances and reimbursements for out-of-pocket medical expenses paid by the VA) exceeds the cap by one dollar or more, eligibility can still be achieved using a device known as a Miller Trust. Also known as a Qualified Income Trust, it is a legal method that solves the problem of being over the income cap. Countable income is the amount of an applicant's income after all exemptions and exclusions and for Medicaid purposes includes gifts and personal injury awards.

When a spouse is institutionalized for a 30-day consecutive stay, federal Medicaid law mandates that a portion of the couple's combined countable assets is protected for the community spouse living at home. This protected amount is the Spousal Protected Resource Amount (SPRA) and is equal to one-half of the couple's assets as of the month of entering the nursing home but subject to minimum and maximum amounts. The 2015 SPRA amounts have not yet been published, but we will update this article with the new limits and post them to our Website.

Supplemental Security Income (SSI) is a federal cash assistance program for persons who are aged, blind or disabled and have limited assets and income. The new monthly SSI amount for a single person is \$733, and for a couple is \$1,100 per month.

Countable resources are assets that can be converted to cash and used to pay for your support or health care. Asset limits have remained the same for the last 25 years for Medicaid and SSI applicants. An individual is allowed a total of \$2,000 in assets, and a couple (if both are entering a nursing home) is allowed \$3,000. Asset limits are determined as of 12:01 a.m. on the first day of each calendar month.

MEDICARE

Also effective as of January 1, 2015 are the new Medicare, Social Security and VA amounts.

Part A Premium will be \$426 per month

Part B Premium will be \$104.90 per month (deducted monthly from the beneficiary's Social Security check)

The updated co-payment amount for days 21 through 100 in a skilled nursing facility is \$157.50 per day. Inpatient hospital stays will be \$1,260 through day 60, and \$315 for days 61 through 90.

If you find it difficult to understand the rules for Medicaid eligibility or other public benefits programs, you are not alone. While there are five ways to pay for a nursing home (private pay, long-term care insurance, Medicare, VA benefits and Medicaid) only about five percent of Americans have long-term care insurance and Medicare only pays part of the first 100 days of your nursing home stay.

Certified elder law attorneys have the expertise you need to navigate through the labyrinth of rules and minutiae of public benefits requirements. If you are seeking financial assistance for yourself or a loved one, it's important to consult with an experienced elder law attorney.