

Medicaid offers some help at home

Although many people seek Medicaid benefits to help when a family member enters a nursing home, there is an alternative program that gives some relief at home. It may help to delay nursing home entry for a period of time or avoid altogether if more intense help is not needed.

The Star Plus Waiver Program, previously referred to as Community Based Alternatives, offers a modest amount of help at home for those Medicaid applicants who qualify. It is provided by Texas Medicaid through the Health and Human Services Commission through a managed care system but is not available in all parts of the state. Typically, it currently has been providing about 20-30 hours of assistance per week, so it's definitely not the 24 hour, round the clock supervision and help that the person would receive in a nursing home.

The eligibility requirements are the same as those required for admission to a nursing facility. The person must be 65 years of age or older, blind or disabled, must be a United States citizen or a qualified alien (who meets more detailed requirements too lengthy for this article), must meet a medical necessity threshold that substantiates the need for services, and must meet the Medicaid income and resources requirements.

The income and resources caps for 2020 are \$2,349 gross monthly income which comes in the name of the potential Medicaid beneficiary and \$2,000 for total countable resources. A person who exceeds the income cap can overcome this ineligibility by utilizing a Qualified Income Trust (QIT), also known as a Miller Trust to solve the problem. If the Medicaid beneficiary is married and the spouse is not also trying to qualify for Medicaid, then the law offers significant help in maintaining substantial assets and income while still allowing the Medicaid applicant to achieve eligibility.

For those who qualify, the program may provide services such as non-medical personal care attendants that have been ordered by a caseworker or a case coordinator. These persons provide caregiver assistance, emotional support, and light housekeeping to try and help seniors stay in the home and operate as independently as possible.

They may provide services such as hair washing, bathing, shaving, assistance with dressing, medication prompting, toileting assistance, washing the dishes, light cleaning, vacuuming and mopping, preparation of meals, changing linens, laundry, shopping for groceries, assistance with exercise and in some cases, may be able to accompany the person on public transportation.

Later, if the person needs more care requiring a move to a nursing home, Medicaid can then be established without going through the entire application process again. Attention to eligibility requirements should be carefully considered. Most people don't realize that Medicaid has dramatically changed over the years due to legislative enactments that allow people with even substantial assets to qualify. So, it's better to find out from a qualified source to ascertain whether you or your family member would qualify.

Note: The waiver program maintains an interest list that is used to keep track of people waiting to get this service. There used to be a lengthy waiting list that could take up to two years but now it is usually a

short wait of two to three months. It would be advantageous to consult with a Certified Elder Law Attorney (CELA) to review your case before starting the process. When you are called by the program that your name has come up to the top of the waiting list, you don't want to be delayed because you're not ready. For more information, search online to hhs.texas.gov.

You may 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 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 should be considered as the rendering of legal advice to any person's specific case, but should be considered general information. Thank you to Wright Abshire's Theresa A. Clarke who contributed to the article.