

Medicaid Programs often Overlooked

By Wesley E. Wright and Molly Dear Abshire, as published in the Houston Chronicle Senior Living Section on March 26, 2008.

Many people think of Medicaid in terms of an institutional program; that is, primarily governmental assistance with nursing home costs. While it is true that Medicaid is available for this purpose, other equally important aspects of Medicaid are tragically overlooked. For example, it is possible for someone living at home, with no thought of nursing home entry, to qualify for Medicaid. The programs that provide such Medicaid coverage are known as "non-institutional" Medicaid programs. But while such programs for the elderly and disabled number 20 or more, their target populations are narrowly defined.

Supplemental Security Income ("SSI") is a federal cash assistance program that is administered by the Social Security Administration ("SSA"). It provides supplemental cash benefits to elderly, blind, and disabled individuals with limited assets and income. However, under a joint federal-state agreement, all SSI recipients in Texas have automatic Medicaid coverage. This includes many low-income individuals living in their own homes.

Federal law also protects Medicaid coverage for certain former SSI recipients. This includes people who would continue to be SSI-eligible disregarding the annual cost-of-living adjustments in regular Social Security benefits received since they lost SSI, people who lose SSI because of too much Social Security disabled adult children's ("DAC") benefits, and people who lose SSI because of too much Social Security widows/widowers benefits. Taken altogether, these programs provide Medicaid coverage to a large group of people who once received SSI but are no longer eligible for cash assistance.

Medicaid is also available to elderly and disabled people living at home through "waiver" programs, so-called because they waive certain usual eligibility requirements. These programs target people who need institutional care, but who elect home and community-based services as a cost-effective alternative. They provide the full range of Medicaid benefits, as well as unlimited prescription drug coverage and in-home services. A limitation of waiver programs, however, is that they have limited funding, restricted enrollment, and waiting lists.

There is also a category of limited-scope Medicaid programs that assist only with Medicare cost-sharing expenses. These are called "Medicare Savings Programs." Persons whose income is within 100% of the federal poverty level ("FPL") have all of their Medicare cost-sharing expenses paid, much like a government-funded Medicare supplement policy. Persons with higher income levels (up to 135% of the FPL) receive help only with paying the Medicare Part B premium (\$96.40 per month in 2008).

As well, there is a "Medicaid Buy-In Program," that allows disabled persons who are working to buy into Medicaid by paying a monthly premium based in income. The financial eligibility requirements for this particular program are somewhat less restrictive than those of traditional Medicaid. There is also one Medicaid-funded program that pays for personal attendant services for persons who have a functional

impairment in the ability to perform the activities of daily living, but provides no other Medicaid benefits.

The point is that Medicaid is a multi-faceted program that serves many different groups of people. One should never assume that he/she does not qualify. An experienced elder law attorney is familiar with all aspects of Medicaid and can assist in determining whether or not you fit into one of the "eligible" categories. Many people who once thought that they could never qualify for Medicaid learn, after consulting an elder law attorney, that they are indeed entitled to benefits.