

# Medicaid Is Not The Same In Every State

By Wesley E. Wright and Molly Dear Abshire, as published in the Houston Chronicle Senior Living Section on September 24, 2008.

When a family member reaches a point where nursing home care is the only option, and that individual needs Medicaid to assist in paying for such care, there often is confusion regarding Medicaid rules. "Families need to work with an attorney who has state-specific expertise to successfully navigate through the Medicaid rules," says G. Mark Shalloway, recent President of the National Academy of Elder Law Attorneys. "The state and federal partnership program of Medicaid often means that even a rule that is "similar" among states can result in very different outcomes regarding eligibility for the elder," says Shalloway.

Take, for example, Mr. Smith, a widower, who is elderly and in declining health. His children, Sally and Robert, fear that nursing home placement may be inevitable in the near future. They have grave concerns about the rapid depletion of his modest estate once nursing home placement becomes a reality.

Mr. Smith lives in Texas, Sally in California, and Robert in Colorado. The children would like to move their father to either of the other states where one child can see to his needs. The family then begins to discuss Medicaid and whether Medicaid requirements are the same in each state. Sally is sure that they are, since Medicare is fairly consistent nationwide and Medicaid also uses federal money. But Robert says he is not so sure, since each state seems to have its own individual Medicaid program.

Although Medicare and Medicaid have certain commonalities, they differ fundamentally in the following respects. Medicare is entirely a federal program. It is federally-funded and is administered by the Social Security Administration (SSA). In contrast, Medicaid operates on the principle of a federal-state partnership. Medicaid uses both federal and state funds, but each state administers its own Medicaid program within broad federal guidelines. The federal share of a state's Medicaid funding is at least 50%, but it can be higher.

Some states have elected to base their Medicaid requirements on the rules of the federal Supplemental Security Income (SSI) program. This does not mean that the Medicaid rules in those states are identical to those of SSI, but those states use SSI requirements as a base from which to operate.