



Estate Planning  
Probate Elder Law

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## HOW TO QUALIFY FOR THE STATEWIDE MEDICAID MANAGED CARE LONG TERM CARE PROGRAM 2015 HOPE AND HELP SYMPOSIUM - OCTOBER 17, 2015

### Early Elder Law Consultation for Client and Spouse, if Applicable, for Comprehensive Planning Review

#### Legal Lifetime and Testamentary Planning Goals and Tools

Durable Power of Attorney (2011 & 2013 Statutory Changes; 2014 Legislation)  
Health Care Surrogate Designation (2015 Statutory Changes) & Living Will  
HIPAA Release & Preneed Guardian Designation  
Possible Use of Revocable Living Trust & Other Trusts for Estate Planning Purposes  
Use of Last Will and Testament for Estate Planning Purposes  
Optional Other: "Do Not Resuscitate Order" (DNRO); "Five Wishes"; "POLST Paradigm"  
or Physician's Treatment Plan; "Ethical Will" or Family Letters

#### Legal Review of Eligibility for SSI-Related Programs Eligibility Standards

Institutional Care Program (ICP) for Nursing Home (SNF) room, board & care  
Home and Community Based Services (HCBS) Waivers for both at-Home and in Assisted Living Facility (ALF) services  
Financial Eligibility Considerations  
Detailed Review of Applicant's and Spouse's Finances  
Income Limit for Applicant (Too Much = Qualified Income Trust or Pooled Trust);  
Personal Needs Allowance (PNA); Possible Income Diversion for Spouse (CSIA);  
Asset Limit for Applicant and Community Spouse Resource Allowance (CSRA)  
Patient Responsibility Amount = Applicant's Cost Share for Services for Program  
Services; Basic Formula = GMI - PNA - CSIA - Unreimbursed Medical Expenses  
Legal Planning for ICP or HCBS Program Eligibility Needed Prior to Application  
Advanced Legal Planning Techniques for Program Eligibility are Available  
Consider Overall Impact on Family Now & Later, & Potential Estate Recovery  
Medical (i.e., Clinical) Eligibility Considerations  
Preview of Screening Interview for SMMC-LTC (HCBS at Home or in ALF)  
Preview of AHCA 5000-3008 (Form Rev. Oct. 2015) (ICP or HCBS)  
Placement & Anticipated Level of Care Pro Forma Budget & Practical Considerations  
In-Home, ALF, and SNF Options; Cost/Benefit Analysis Needed

#### Other Available Financial and Medical Resources for Members of ALS Community Veterans Administration ("VA")

Veteran with ALS Presumed to have 100% Service-Connected Disability  
Aid & Attendance (A&A) Pension Benefit for Wartime Veterans & Spouse  
SSDI through SSA Application; Automatic Medicare Admission with first SSDI Payment

#### Referral to ElderSource for SMMC-LTC Program Intake, Prioritization, and Enrollment

Getting on the Department of Elder Affairs (DOEA) Priority List (i.e., waitlist or APCL)  
Screening Form Telephonic Interview Process DOEA 701S (Form Rev. Apr. 2013)  
Coordinate & Assist w/ HCBS Application When Client Released From Priority List  
Coordinate & Assist from Enrollment Broker to Managed Care Organization (MCO/MCP)

## SSI-Related Programs - Financial Eligibility Standards: July 2015

Program and Type of Coverage	INCOME LIMIT		ASSET LIMIT		DIVERSION/MAINTENANCE NEED STANDARD
	Individual	Couple	Individual	Couple	
<b>PROGRAMS MANAGED BY SOCIAL SECURITY</b>					Child Allocation: \$367 (difference between Couple and Single FBR) SGA for DMRT: \$1,090 Student Earned Income Disregard: \$1,780 per month; \$7,180 annual cap
*Supplemental Security Income (SSI) (Cash payment of SSI from SSA; Includes Full Medicaid)	\$733 (FBR)	\$1,100 (FBR)	\$2,000	\$3,000	ICP, ICP/Hospice, HCBS, SMMC-LTC, and PACE Community Spouse Allowances: Maximum Income Allowance: \$2,981 MMMNA: \$1,991 ✓ CSIA Excess Shelter: \$597 ✓ CSIA Family Members Allowance: (MMMNA minus income) divided by 3 Other Dependents: Use CNS chart
+ *Low Income Subsidy (LIS) or Extra Help (helps with costs associated with Medicare Prescription Drug Plans. 150% FPL) Automatic with full Medicaid or Medicare Savings Programs (QMB, SLMB, QI1) Income limits change yearly.	\$1,471	\$1,991	\$13,640	\$27,250	
<b>PROGRAMS FOR PEOPLE 65+ OR DISABLED (Community Medicaid Programs)</b>					Maximum Resource Allowance: Community Spouse: \$119,220 ✓ CSRA Community Hospice Spouse Allowance Spouse only: use FBR With Dependents (or dependents only): use CNS
*MEDS-AD Full Community Medicaid (88% FPL)	\$864	\$1,169			
*Medically Needy No Income Limit. Full Community Medicaid when Share of Cost is met.	Subtract \$180 from gross income	Subtract \$241 from gross income	\$5,000	\$6,000	
<b>PROGRAMS FOR PEOPLE with MEDICARE (Medicare Part B Premium \$104.90, Part A free for most)</b>					
*QMB Pays Medicare premium, coinsurance & deductibles only (100% FPL)	\$981	\$1,328			
*SLMB Pays Medicare Part B premium only (120% FPL)	\$1,177	\$1,593	\$7,280	\$10,930	
*QI1 Pays Medicare Part B premium only (135% FPL)	\$1,325	\$1,793			
*WD (QDWI) Working Disabled Program; only Pays Medicare Part A premium; Must have lost SSDI due to employment (200% FPL)	\$1,962	\$2,655	\$4,000	\$6,000	
<b>PROGRAMS BASED ON INSTITUTIONAL POLICY- Possible Patient Responsibility and Income Trust RIT</b>					
Institutional Care (ICP) Pays Nursing Home room, board & care (and Pays Medicare premium, coinsurance & deductibles)	\$2,199	\$4,398	\$2,000 ((\$5,000 if MEDS-AD eligible)	\$3,000 ((\$6,000 if MEDS-AD eligible)	Individual PNA+ \$105 ✓ Couple PNA+ \$210
Hospice Pays for Hospice services related to terminal illness (and Pays Medicare premium, coinsurance & deductibles)	\$2,199	\$4,398			FPL-\$ 981 (ICP = \$105) FPL-\$1,328 (ICP = \$210)
HCBS Home and Community Based Services (Waivers) (and Pays Medicare premium, coinsurance & deductibles)	\$2,199	\$4,398	\$2,000	\$3,000	PACE/SMMC-LTC in ALF:R&B+ \$197 PACE/SMMC-LTC at home: \$2,199 ✓ Cystic Fibrosis: \$2,199 PACE/SMMC-LTC in ALF:R&B + \$394 PACE/SMMC-LTC at home: \$4,398 Cystic Fibrosis: \$4,398
<b>STATE FUNDED PROGRAMS</b>					
OSS Redesign (Optional State Supplementation) Assists with paying room & board at Adult Living Facilities (ALF) State rate = \$757.40 single / \$1514.80 couple Maximum payment = \$78.40 single / \$156.80 couple	\$811.40	\$1,622.80			Individual PNA+ \$54 Couple PNA+ \$108
OSS Protected (Optional State Supplementation) Assists with paying room & board at Adult Living Facilities (ALF) State rate = \$918 single / \$1836 couple Maximum payment = \$239 single / \$478 couple	\$918	\$1,836	\$2,000	\$3,000	
HCDA (Home Care For Disabled Adults) Pays small stipend to caregivers of disabled	\$2,199	\$4,398			+ PNA = Personal Need Allowance ✓

\* A \$20 General Income Disregard is granted in these programs. \$20 will be subtracted from the total of all income not based on need before comparing the income to the income limit. In addition \$65 is subtracted from the total of all earned income, and 1/2 the remainder is subtracted before comparing the income to the income limit.