

TEAM RUSSO

In Action for You

ELDER LAW

- Asset Protection
- Medicaid
- Nursing Homes
- Health Care Directives
- Long Term Care Planning
- Veterans Benefits

SPECIAL NEEDS

- Special Needs Trusts
- Guardianships
- Government Benefits
- Pooled Trusts
- Supplemental Security Income
- Social Security/Disability

ESTATE PLANNING

- Wills
- Living Trusts
- Family Protection Trusts
- Durable Powers of Attorney
- Estate Tax Planning
- Retirement Planning

TRUSTS AND ESTATES

- Probate
- Estate and Gift Taxes
- Administration
- Litigation

REAL ESTATE

- Sale and Purchase of Residences

RUSSO LAW GROUP, P.C. has earned the title “*Long Island’s Signature Elder Law, Special Needs & Estate Planning Law Firm*” following more than thirty years of local and national advocacy for seniors, baby boomers and their families.

“*Team Russo – In Action for You*” Team Russo is a staff of distinguished, experienced and compassionate attorneys with the knowledge & experience to address any concerns you may have, implement a plan tailored to your needs and provide you with Peace of Mind.

The law firm continues to implement new programs of awareness and action to meet the growing needs of its clientele. We have offices in Nassau & Suffolk Counties as well as New York City to serve your needs throughout all of New York.

Our genuine concern is demonstrated by commitment and ongoing involvement in community-sponsored programs, including among others:

- Alzheimer’s Disease Resource Center
- Arthritis Foundation, Long Island Chapter
- United Cerebral Palsy of Nassau County
- The Theresa Foundation

THE RUSSO COMMITMENT:

“We promise to be your family lawyer, no matter what the legal issue. We promise to be your lawyer for life.”

THIS IS OUR COMMITMENT.
OUR EXPERIENCE IS YOUR PROTECTION.

RUSSO LAW GROUP, P.C.

Estate Planning, Elder Law & Special Needs

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MEDICAID PLANNING

*Peace of Mind Through
Thoughtful Planning*

RUSSO LAW GROUP, P.C.

Estate Planning, Elder Law & Special Needs



New York Medicaid

MEDICAID IS A JOINT FEDERAL & STATE PROGRAM. Medicaid covers Long Term Care (“custodial care”) which is not covered under Medicare or Medicare Supplemental Insurance. Unlike Medicare, this program has asset and income eligibility requirements.

Who Can Qualify

Those 65 or older, blind or disabled individuals, or children under age 21 who meet the Medicaid income and asset eligibility requirements may qualify for Medicaid. Others may qualify by meeting the public assistance standards of eligibility.

Eligibility

A New York Medicaid applicant may have non-exempt assets up to \$14,850 (for 2015, adjusted annually), and a separate burial fund of up to \$1,500; or can prepay a funeral in any amount, subject to certain requirements.

HOMESTEAD

A primary residence is exempt for purposes of Medicaid eligibility under certain conditions.

LIVING TRUSTS

Irrevocable Living Trusts can be created so that the assets will not be considered available for purposes of Medicaid eligibility, subject to the transfer penalty rules. There are exempt trusts which can be set up for an individual who is disabled which do not create a transfer penalty.

TRANSFER LOOKBACK PERIOD

There is a sixty (60) month lookback period as to the asset transfers for purposes of Medicaid Nursing Home eligibility.

Transfer Penalty Rule

There is a period of ineligibility for nursing home care under Medicaid based on the transfer of assets made in the lookback period for less than full consideration, subject to certain exceptions. The penalty period may be shorter than the lookback period.

Spousal Allowances

A community spouse will be able to retain a certain level of resources and monthly income, and, at the same time, have an ill spouse qualify for nursing home care under Medicaid.

Monthly Budget

The Medicaid recipient's monthly income over a certain level must be used to pay for care, subject to some exceptions, before Medicaid will pay the unpaid balance. The excess income can be protected by using a Pooled Trust.

Medicaid Program

The **Community Based Home Care Program** provides care at home, acute hospital care, doctors and prescription drugs. The **Nursing Home Care Program** provides care in a nursing home.

MEDICAID IS A PRIMARY PAYER OF LONG TERM CARE.

There are strict Medicaid eligibility rules. These rules are complex and vary from state to state.

Russo Law Group

We Can:

- **INFORM** you of the Medicaid rules
- **ADVISE** you on how to protect your assets
- **IMPLEMENT** a plan with the appropriate documents, such as the Durable Power of Attorney, Trusts and Wills
- **REPRESENT** you in a Guardianship proceeding, if needed
- **PREPARE** and **SUBMIT** your Medicaid Application
- **REPRESENT** you before the local Medicaid agency
- **ASSIST** in hospital discharge and nursing home placements

Planning To Protect Assets

Russo Law Group will assist you in planning to protect your assets in the event of a catastrophic illness. We can advise you as to various insurance coverages and government programs to help pay for Long Term Care such as Medicare, Medicare Supplemental Insurance, Long Term Care Insurance and Medicaid.

