

IF YOU ARE MARRIED AND YOU OR YOUR SPOUSE NEEDS LONG TERM CARE: SOME BASIC INFORMATION ON MEDICAID

What is long term care?

Long term care includes medical and personal services for people who have a chronic illness or disability. People can get long term care services in their homes, or in care facilities like assisted living facilities, or nursing homes.

What is Medicaid?

Medicaid is a public health care program. There are federal and state laws which apply to Medicaid. It is administered in Lane County by the Senior and Disabled Services office.

Can Medicaid help pay for long term care for me or my spouse?

Yes, Medicaid can help pay for long term care. Usually, one spouse, but not both spouses, needs care. For information about Medicaid, or to apply for Medicaid for yourself or your spouse, contact the Senior and Disabled Services office (phone 541-682-4038). The spouse who needs care must qualify financially and must have care needs severe enough to meet program requirements.

Can Medicaid help me or my spouse with care needs in care facilities? At home?

Medicaid can help with long term care needs no matter where the spouse who needs care lives. Medicaid can help with care needs in a nursing home, residential care facility, assisted living facility, adult foster home, or in your own home. But, not all care providers accept Medicaid payment, so make sure the facility or care provider you choose does.

How much income can a married couple have if one spouse needs care?

Only the income of the spouse who needs care is counted in deciding if that spouse is financially eligible for Medicaid. The spouse who needs care can have up to \$2,022 per month in gross income. If the spouse has more than \$2,022 per month, he can still qualify if he gets an "income cap trust." Ask the Senior and Disabled Services office or an attorney about the "income cap trust."

If one spouse qualifies for help under Medicaid, how much of the couple's income must be spent toward care and how much can the other "healthy" spouse keep?

Since only the income of the spouse who needs care is counted, the other "healthy" spouse can keep all of her own income. Some of the income of the spouse who needs help has to be spent toward care, but some can be kept by the "healthy" spouse. The healthy spouse can usually keep at least \$1,750 per month of the couple's combined income. For example, if the healthy spouse has income of only \$750/month, she usually can keep at least \$1,000 of her spouse's income, too.

How much property can a married couple have if one spouse needs care?

Some, but not all, of the married couple's property is counted to decide if the spouse who needs care can qualify. Your home equity is not counted if it is less than \$500,000, or if the "healthy" spouse, or a child who is under 21 or disabled, lives at home. Your car (usually), household items and personal property do not count toward eligibility. Prepaid burial arrangements don't count, and sometimes you can set aside money for burial. Other property owned by either or both spouses which is counted is combined to decide if the spouse who needs care is eligible. Some of this property is protected by law for the "healthy" spouse. Some of it can be kept by the spouse who needs care. Some of it may have to be "spent down" before the spouse who needs care can qualify for Medicaid.

If one spouse qualifies for help under Medicaid, how much of the couple's property must be spent toward care and how much can the other "healthy" spouse keep?

You can keep the property listed above which doesn't count toward eligibility, such as your home, your car, etc. Of the remaining, combined, countable property of the couple, the "healthy" spouse can keep a minimum of \$21,912, and may be able to keep up to \$109,560 or more. The spouse who needs care can keep \$2,000 in resources, such as a bank account, and may be able to set aside money for burial expenses. Property which can't be kept by either spouse must be "spent down" before the spouse who needs care can qualify. Since both the healthy spouse and the spouse who needs care can each keep some of the couple's property, a couple should not spend down all of their property before applying for Medicaid for the spouse who needs care. Contact Senior and Disabled Services or an attorney to ask about the property you and your spouse own.

If some property has to be spent down before a spouse can qualify for Medicaid, does it have to be spent down on the spouse's care costs? Can it be given away?

No, you do not have to spend down only on care costs. You can spend your money on anything you need or want, for example on a newer car or on a new roof for your home. Or, you can pay off your bills or your mortgage. But, if you or your spouse gives away money or property, the spouse who needs care may be disqualified from receiving Medicaid. The length of time the spouse who needs care may be disqualified depends on how much you gave away - the more you gave away the longer the disqualification. The length of time you will be disqualified also depends on when you gave it away - the rules changed as of July 1, 2006. The penalty for giving away money or property after July 1, 2006, is harsh and may make you ineligible for Medicaid when you need it. If you are considering making a gift of money or property now, but may need Medicaid help in the future, you should consult an attorney before making the gift. There are some exceptions to the disqualification rules, for example, one spouse can transfer property to the other spouse without being disqualified.

Will the state take our property if one of us gets Medicaid? If my spouse gets Medicaid, will I have to move out of our home?

At the death of the spouse who received Medicaid, the state has a claim for reimbursement for the money spent on that spouse's care. This claim is against any property that spouse owned at death. But, the claim can not be made if the other spouse is still living, or if a minor child, or blind or disabled child of any age, is still living. So, the "healthy" spouse does not have to move out of the family home.

When should we contact Senior and Disabled Services or an attorney about Medicaid help with long term care?

Since Medicaid law allows the "healthy" spouse to keep some of the couple's income and some of the couple's property, you should get advice about Medicaid before you spend down all of your joint property. If you wait too long to get advice, you may have already spent property you could have kept. Also, since Medicaid law penalizes those who give property away, you should get advice before you give away property if you think you or your spouse may need Medicaid help. If you don't get advice about a gift you intend to make, you may be disqualified by that gift when you apply for Medicaid.

NOTE: THIS IS INTENDED TO BE A GENERAL OVERVIEW.
FOR ANSWERS TO SPECIFIC QUESTIONS,
CONTACT AN ATTORNEY OR SENIOR AND DISABLED SERVICES.

The figures used here are current as of 1/01/09, but they change from time to time.

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