

“Medicaid Qualification” Volume 1 (The Medicaid Process)

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Part 1: The Medicaid Application Process

The Medicaid application process can be a difficult undertaking. Even nursing homes, who regularly file Medicaid applications, can encounter problems when applying or re-certifying a case for Medicaid. Here are a few basic tips to assist when applying for Medicaid.

Since the Medicaid application is done “on-line,” the representative (family member, nursing home staff or Medicaid Attorney) needs to have all of the information assembled before he or she can begin the application process. Obtaining a copy of the application and reviewing the questions before filing out the application is a good way to ascertain what the Department of Children & Families (DCF) wants. Once the representative knows what DCF wants, he or she should write the answers down on one or two sheets of paper. This will make it easier to answer all of the questions without having to search through the file and slow down the process.

In preparing to fill out a Medicaid application, the family member or nursing home should add up all “countable assets.” If the countable assets are over the Medicaid limit (\$2,000.00 for a single person and \$119,220 for a spouse living in the community), the family member or nursing home should not proceed, but, instead, contact an “Elder Law Attorney” immediately. Since there are strategies to help qualify an applicant for Medicaid when the applicant and/or his or her spouse have assets above the limit, an elder law attorney specializing in “Medicaid Planning,” can typically help. The family member or nursing home should look for a “Board Certified” elder law attorney in his or her area.

If the applicant's income exceeds the monthly limit (\$2,199.00 IN 2014), a Qualified Income Trust is required to solve the problem under 42 U.S.C.1396(p)(d)4(B). The trust must be drafted by an attorney; and, as previously mentioned, a firm with a board certified elder law attorney should be consulted.

Another question on the Medicaid application asks if any assets have been transferred in the last five (5) years. This is known as "the 5 Year Look Back." If the answer is "yes," the family member or nursing home should not continue to fill out the application. Instead, he or she should consult with a firm with a Board Certified Elder Law Attorney to discuss possible solutions to the problem.

When filling out a Medicaid application, there can be many pitfalls which require expert advice.

Whenever a family member or nursing home thinks he or she has such a problem, a firm with a Board Certified Elder Law Attorney should be consulted. Consulting a Board Certified Elder Law Attorney will assist in preventing the applicant from being rejected for Medicaid. Even the process itself, requiring the representative to work with DCF and the Department of Elder Affairs (DOEA), can be daunting for the layman. A law firm that specializes in Medicaid Planning in Miami-Dade, Broward and Monroe Counties, and files Medicaid applications every week has specific knowledge about filing an application and resolving problems that prevent an applicant from qualifying for Medicaid.

If you are interested in finding out more about the Medicaid Application process, call the Elder Law Center of Mondschein and Mondschein, P.A. at 305-274-0955 for a FREE telephone consultation.

Part 2: How Soon Can I Qualify for Medicaid in Florida?

One of the first questions that a prospective client asks me at an initial crisis Elder Law consultation is, “How soon can I qualify for Medicaid?” The answer to this question depends on the facts of the case.

To begin with, is the applicant applying for Nursing Home Medicaid (ICP) or Community Medicaid such as Long Term Care Diversion which provides services in the home or an assisted living facility (ALF) and pays part of the cost of an ALF? If applying for ICP, then it depends on whether a Qualified Income Trust (QIT) is drafted or if the applicant is in hospice care. A QIT takes longer since the legal counsel of The Department of Children and Families (DCF) must review it. If the applicant is not in hospice care, a Level of Care (LOC) needs to be determined by The Department of Elder Affairs’s CARES Unit (CARES). When hospice is involved, it is presumed that the applicant meets the LOC. If the applicant is in an ALF, the above factors apply as well, but in addition, there is a waiting list since these programs are “Waiver” programs which means that slots must open up when funding is available. ICP Medicaid always has funding.

If the above is not confusing enough, the applicant’s county may also determine how soon an application for Medicaid can be approved. Small counties have fewer cases than larger counties so the cases can be approved in few weeks rather than months. Miami-Dade County, for example, takes two to three months for a LOC in an ICP Medicaid case compared to Manatee County which takes a few weeks to issue a LOC.

A Board Certified Elder Law Attorney, experienced in crisis Medicaid planning can help avoid unnecessary delays in the approval process by filing the case correctly utilizing the appropriate strategies and documentation. He or she can also work effectively with the DCF Caseworker so that all questions are correctly and timely answered. Furthermore, a Board Certified Elder Law Attorney with years of experience working with DCF has credibility with government caseworkers which helps the process move along.

In conclusion, the type of Medicaid case, county it is filed in, hospice status, and income level all factor into the time it will take to qualify for Medicaid in Florida. Who you hire to represent your loved one in this process is equally as important. In that respect, you should only hire a law firm that has a Florida Board Certified Elder Law Attorney, as it means that the person is a licensed attorney who has taken a specialized exam in Elder Law, in addition to a Bar Exam, and typically carries malpractice insurance. If you have any questions concerning Medicaid, call our office for a free telephone consultation: **(305) 274-0955**.