

# KATTEN & BENSON

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## MEDICAID PLANNING

Placing a loved one in a care facility is a difficult decision which often must be made quickly, and preparing financially just adds to the stress. Katten & Benson can help you navigate through the regulations and requirements so that you may concentrate on caring for your family.

Medicaid application and qualification is a lengthy process, and can influence or change many aspects of a person's life. Therefore, at Katten & Benson, one of our attorneys will always attend the initial meeting, as well as oversee the qualification process. We believe it is important to have an attorney fully engaged in the qualification process, as many legal issues can come up during qualification. Our attorneys can also provide you with many of the legal documents you may need, such as a Miller Trust, Lady Bird Deed, Mineral Deed, and Partition Agreements. Not sure what these are? Please call our office – we would be happy to explain how they may benefit you.

### **WHAT IS MEDICAID?**

Medicaid is a federally funded, state administered program which helps pay for long term care costs. Nursing home care is expensive, and applying for Medicaid benefits can be confusing and complicated. Medicare, on the other hand, is health insurance for those over 65. Medicare pays a limited long-term care benefit: 20 days, and possibly up to 100 days if a person qualifies. However, most people will need a longer stay at a nursing home, and may need to qualify for Medicaid.

### **WHAT ARE THE MEDICAID QUALIFICATIONS?**

There are three main requirements to qualify for Medicaid.

1. A person must demonstrate medical necessity – that is, a doctor or the facility must certify this person needs 24-hour skilled nursing care.
2. The qualifying individual's income must be under \$2,163.00 (gross) per month.
3. The qualifying individual's countable resources must be under \$2,000.00. Exempt assets, which do not count towards this limit, are a home, one vehicle, a

prepaid burial policy, and certain very small life insurance policies. All other resources count towards the \$2,000.00 limit.

At Katten & Benson we assist our clients by identifying the method for qualification best suited to the client's needs. We then submit the paperwork and associated documentation, and we monitor the case until certification is received from the Texas Health and Human Services Commission.

**I'M MARRIED, AND MY SPOUSE NEEDS TO GO TO A NURSING HOME. DO THE RULES CHANGE FOR A MARRIED COUPLE?**

Yes. Spouses who remain at home, called the community spouse, are allowed to keep all of his or her income, and possibly some of the incapacitated spouse's income, as well as many of the couple's assets. Spousal qualification is more complicated than qualifying a single person. We suggest that you make an appointment to determine if you or your spouse qualifies for Medicaid.

**I'VE HEARD THE STATE WILL TAKE MY HOUSE. IS THIS TRUE?**

No. While the State of Texas does have a Medicaid Estate Recovery Program, this program only goes into effect after a person has qualified for Medicaid benefits and passes away. Under current regulations, surviving spouses are exempt from recovery attempts. Additionally, there may be ways to avoid estate recovery all together. Please call our office for an appointment to learn how the Medicaid Estate Recovery Program works and discuss these options.

**HOW LONG DOES THIS PROCESS TAKE?**

While we do our best to provide complete and accurate information to Medicaid, once it leaves our office, we have little control over the timeline. Generally, a caseworker has 45 days to work a file, and it usually takes that long. In addition, if a caseworker asks for additional information, it may extend the deadline further. We will do our best to work with you and Medicaid as efficiently as possible.

# REQUIRED DOCUMENTATION FOR MEDICAID

Please provide all documents and verification of income or resources currently owned, transferred, sold, given away, or inherited by the applicant.

(Not all items may apply in all situations.)

- \_\_\_\_\_ Copy of Social Security Cards (for both spouses)
- \_\_\_\_\_ Copies of Medicare and Health Insurance Cards (front and back)
- \_\_\_\_\_ Documentation from insurance companies regarding premium amounts
- \_\_\_\_\_ Copy of Powers of Attorney or Letters of Guardianship with original and current inventory list
- \_\_\_\_\_ Copy of last FOUR bank statements for ALL BANK ACCOUNTS: must include any account where applicant is listed as signer
- \_\_\_\_\_ Copy of any cancelled checks over \$500.00 and verification of all deposits
- \_\_\_\_\_ Copies of closing statements for all accounts closed within the last five years, or accounts from which applicant's name has been removed, and verification of where the money was transferred
- \_\_\_\_\_ Copy of Safe Deposit box inventory
- \_\_\_\_\_ Copy of notes payable to applicant, stocks, and bonds held by applicant or spouse
- \_\_\_\_\_ Copy of title to car, truck or recreational vehicles, including motor homes
- \_\_\_\_\_ Copy of deeds to cemetery property, and copy of pre-need funeral arrangements with irrevocability waiver
- \_\_\_\_\_ Copy of all insurance policies, including whole life, burial, hospitalization, cancer
- \_\_\_\_\_ Copy of oil, gas, mineral or surface rights deeds, and show verification of any leases, bonus or royalty payments
- \_\_\_\_\_ Copy of any trust agreement, including Miller Trust
- \_\_\_\_\_ Copy of deeds showing life estate interests
- \_\_\_\_\_ Copy of deed to all transferred property, including houses, lots, lands and mineral rights, within the 60 months preceding the application, and verification of fair market value at time of transfer
- \_\_\_\_\_ Verification showing gross amounts of all income (Social Security, pensions, royalties, annuities, VA benefits, rental income, interest, etc.) as well as any deductions

Other:

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