



ElderCare Agency II, LTD

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## Update on Critical Law Change for Home Care

Transfers Made Prior to October 1, 2020 WILL NOT Be Subject to the New Medicaid Home Care Look Back

In April, Governor Cuomo signed into law a change to the Community Medicaid Home Care Program which provides home health aids for seniors and persons with disabilities. This change, Effective October 1, 2020, implements a 30-month look back requirement for Medicaid applications. Similar to nursing home applications for Medicaid applicants (and their spouses), this requires that you provide 30-months of documentation for all finances INCLUDING transfers.

This means for those of you who have loved ones who need or may need Home Care in the next 30 months that you may not be able to protect your assets and your home unless you become eligible before October 1, 2020.

This look back will be phased in between October 1, 2020 and April 2023. For applications filed as of January 2021, the look back will be three months (October 1 to January 1), for applications filed February 2021, the look back will be four months, increasing each month until the full 30 month look back is reached in April 2023.

The Charitable Pooled Income Trusts are likely to continue to be authorized by Medicaid to legally shelter an applicant's excess income so that seniors and persons with disabilities can afford to remain at home.

We are awaiting further written confirmation from the Department of Health (Medicaid) and my office will provide you with those important updates as they are received.

Please call or email the office to arrange a consultation by video conference, telephone or in-person. My office has implemented strict Covid-19 protocols for your safety.

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