

**Fallacy:** A person already in a nursing home has to move to a different bed or room when they go on Medicaid.

**Fact:** If the nursing home accepts Medicaid payments, there is no difference between the Medicaid beds and the private pay beds. Some nursing homes may have different beds for Medicare, because Medicare requires a different nurse/patient ratio than required for typical nursing home care. However, Medicaid only pays for a semi-private room, so if the nursing home resident is currently in a private room, they may be moved to a semi-private room.

**Fallacy:** When a person receives Medicaid, they have to change doctors.

**Fact:** Federal Regulations give the patient the right to choose their own physician. However, the physician has the choice of whether or not they will accept Medicaid payments.

**Fallacy:** Medicaid only pays for long-term nursing home care.

**Fact:** Kansas has developed a program that qualifies an assisted living facility as a qualified residence for Home Care Based Services (HCBS). If a Medicaid applicant is eligible for Medicaid in a nursing home and elects HCBS, the Medicaid agency can develop a home or assisted living care plan. The amount of payment for this service is negotiated between the State Area Agency on Aging and the residential facility. A CARE assessment must be done, and the result of the assessment is a determining factor. The Senior Care Act of 1992 provides for payment by care recipients on a sliding scale basis dependent on the recipient's income and level of need.

# MEDICAID



## *FACTS & FALLACIES*



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This brochure is intended to explain some of the myths and misconceptions associated with Medicaid. Our firm has the experience to respond to Medicaid questions and most of your legal needs.

**Fallacy:** The State of Kansas will take all of my money when I apply for Medicaid.

**Fact: A Medicaid applicant may be required to use their own funds first for care before the State will pay for care. Personal funds, however, are paid to the nursing home, not the State.**

**Fallacy:** A resident in a nursing home must private pay for two years before they are allowed to go on Medicaid.

**Fact: Over 50% of nursing home residents receive Medicaid assistance. If a nursing home accepts Medicaid patients, they cannot delay anyone's application for any period of time. When looking at long-term care facilities, one of the first questions you should ask them is whether or not they accept Medicaid.**

**Fallacy:** If you give your assets away, you can't receive Medicaid for five years.

**Fact: Depending on the size of the gift, this may not be the case. While there may be some exceptions, a determination of how long you would be ineligible to receive Medicaid basically depends on when the gift was made and the value of the gift.**

**Fallacy:** In a "division of assets" for married couples all assets must be spent on the care of the nursing home resident.

**Fact: After a division of assets has been completed, the share to be received by the spouse entering the nursing home can be spent on his/her nursing home care. It can also be spent for the care of the spouse staying at home, debt payments, home repairs, a new car, or any other Medicaid exempt items.**

**Fallacy:** Retirement accounts are exempt and don't count.

**Fact: All pre-taxed retirement accounts including IRA's, 401k's, and KPER's accounts are considered non-exempt and must be spent down before qualifying for Medicaid. There is an exception to this but only for married couples doing a division of assets, and then only in certain situations.**

**Fallacy:** Medicaid won't pay for physical therapy or personal hygiene items.

**Fact: Federal regulations specify that Medicaid payments include routine personal hygiene items and services to meet the needs of residents. This would include over-the-counter drugs, basic personal laundry, and other items like shampoo, toothpaste, etc. Also, once a doctor writes an order for physical, speech or occupational therapy, the nursing home must arrange for these services and the service will be covered by Medicaid.**