

ELDER LAW TODAY

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Updated Medicaid Figures for 2009

You may recall from past issues of *Elder Law Today* how the Medicaid laws work for a married couple when one of them needs nursing home care. The Spousal Impoverishment Provisions of the law make it clear that the Medicaid program does not intend to impoverish one spouse because the other needs care in a nursing home.

Much of this is based on the spend-down of assets and what levels must be met before someone qualifies.

The law says that for a married couple, the at-home spouse is entitled to keep a minimum amount of money with no spend-down. **The new minimum spousal share effective January 1st is \$21,912.** In addition, the nursing home spouse may keep \$2,000 in Kansas. In other words, for a couple with \$21,912 in countable assets (plus the \$2,000 allotted to the nursing home spouse) there will be no spend-down.

The maximum spousal share has also been increased. This is the maximum amount that the at-home spouse is allowed to keep. For calendar year 2000, the amount was just over \$84,000. So if a married couple had \$168,000 or more, they had to spend down to \$84,000 for the at-home spouse plus the nursing home spouse's share of \$2,000.

For calendar year 2009, the maximum spousal share has been increased to \$109,560. This means that if the couple has \$219,120 or more in countable assets, the at-home spouse will now be able to keep \$109,560.

The Medicaid laws also allow for a Minimum Monthly Maintenance Needs Allowance. The minimum income allowance that the at-home spouse is allowed to keep is \$1,822. If the at-home spouse's income is less than this minimum, the at-home spouse will be allowed to keep a portion of the nursing home spouse's income in order to meet monthly living expenses.

There is also a maximum total maintenance standard. This is the amount of income that the community spouse is allowed to keep if his or her expenses are great enough. Let's say there's a community spouse who lives in assisted living and has monthly rental costs of \$1,500. This at-home spouse would be able to keep more than the \$1,822 minimum. His or her figure would be increased to \$2,739. **The new maximum total maintenance standard for the community spouse is now \$2,739.**

This can sometimes allow a couple to greatly increase the amount of assets they keep. For instance, in a previous issue of *Elder Law Today*, we explained how it was possible for a married couple to go through division of assets, qualify for Medicaid, and not spend down. This increase in the maximum total maintenance standard will allow many couples to further increase the amount of assets that the couple is allowed to retain without spending down.

We'll keep you posted on further updates as they occur.

Services Available

Adrian & Pankratz, P.A. offers the following Elder Law services:

Division of Assets	Long Term Care Planning
Guardianship	Powers of Attorney
Estate Planning	Wills
Living Trusts	Special Needs Trusts



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