

Paying for a Nursing Home: Medicaid (Part 9 of 12) Getting Medicaid Assistance for Home Health Care

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Max and Margaret (as always, names and details have been changed to protect client confidentiality), are both in their late 70s and live in Erie, Pennsylvania. Margaret was diagnosed with Parkinson's disease several years ago and her health has declined to a point where it is nearly impossible for Max to take care of her by himself anymore. Although he would like for Margaret to remain at home as long as possible, his own health is beginning to be affected, and he is thinking that he may need to move Margaret into a nursing home. "If I could just get some assistance with her care, have someone come in so that I could get out of the house for a couple of hours a day, I think Margaret could continue living at home for quite a while longer."

Max comes in to see me. As he talks, it is obvious he feels guilty about moving his wife into a nursing home. They have lived together in this house for over 40 years. "I just can't continue taking care of Margaret alone. I want to, but it's too much for me." He is also concerned about what will happen to their savings. He has heard horror stories about couples "losing everything to the nursing home." I am able to reassure him that the Medicaid laws (at least as currently written) permit much of his and Margaret's life savings to be protected from having to be spent down on her nursing-home care.

However, I explain to Max that there may actually be a way for Margaret to receive the care she needs while remaining at home and still qualify for Medicaid, which would cover the cost of her care as well as pay for her medications. Through a program in Pennsylvania known as the "PDA Waiver program," Medicaid will pay for a certain amount of care in the home for individuals age 60 and older who meet the medical and financial criteria. The program is administered by the Pennsylvania Department of Aging, and the healthcare services are coordinated through the local Area Agency on Aging (AAA).

I explain to Max that the local AAA representative will come out to meet with him and his wife, and together they will develop a care plan specifically tailored to Margaret's needs. Some of the services available include¹:

- Home health and personal care services
- Respite care
- Adult day care
- Transportation
- Home modification

¹Services and eligibility information obtained through the Pennsylvania Department of Aging website: www.aging.state.pa.us/aging/cwp.

- Specialized medical equipment and supplies
- Counseling
- Home delivered meals

As specified by the Pennsylvania Department of Aging, individuals qualify who meet the following criteria:²

- Are at least 60 years of age
- Require the level of care of a nursing facility
- Can be served in the community by available health and social services
- Meet the financial requirements (assets at or below \$8,000 and income at or below \$2,199 per month, using 2016 figures)

The financial requirements for Medicaid under the PDA Waiver program are almost the same as those for Medicaid in a nursing home:

Assets:

- Nursing Home: For a single person or the spouse of a married couple to qualify for Medicaid in a nursing home, that person's assets cannot be more than \$8,000 (if his or her monthly income is \$2,199 or less), or not more than \$2,400 (if the monthly income is over \$2,199).
- Home Care: For Medicaid-covered care at home under the PDA Waiver Program there is an \$8,000 asset limit.

Income: The one difference between the requirements for Medicaid eligibility under the PDA Waiver program and for a nursing home concern income.

- Nursing Home: Because Pennsylvania is a "medically-needy" state, an individual's income will not disqualify that person for *nursing home* Medicaid as long as it is not more than the monthly cost of care for the nursing home. But since the cost of nursing homes in northwest Pennsylvania ranges from \$7,500 to over \$12,000 a month, this is simply not an issue for the overwhelming number of people who come to see us for asset-protection planning. (And folks who *do* have monthly incomes in this range do not need any assistance with protecting their assets, at least from the cost of long-term care).
- Home Care: For Medicaid-covered care at home under the PDA Waiver Program, only those with monthly incomes at or below \$2,199 are eligible.³

² See footnote 1 above.

³ For those with incomes over \$2,199, it may still be possible to qualify for Medicaid-covered home care, especially if one or more children or other non-spouse family members are providing care or supervision necessary for the person to remain at home. This will likely require the services of an experienced elder law attorney.

After going over these requirements for the PDA Waiver Program with Max, he said at least his wife met the *income* test for eligibility, but with over \$100,000 of savings in addition to their house and his \$45,000 IRA, he didn't see how Margaret would ever be *asset* eligible.

I then explained to Max that, as with care in a nursing home, there are legal steps which can be taken to protect a significant portion of their assets over \$8,000. Indeed, in their case it would be possible to protect nearly all of their life savings and still get Margaret eligible for this Medicaid care at home. (My conversation with Max will be continued in the next month's article.)

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*The content herein is for general informational purposes only and does not constitute legal advice. For specific questions you should consult a qualified elder law attorney.*

**Note:** *After the changes in the Medicaid law in 2006, it is more true than ever that "time works against you" when planning for long-term care. It is important that families who have a spouse, parent or other loved one needing long-term nursing care contact a knowledgeable and experienced elder law attorney for advice as soon as possible. While ideally this should be done prior to admission to a nursing home, families need to realize that even after the 2006 changes to the Medicaid law, there remain opportunities for seniors to protect a significant portion of their life savings, even when facing an immediate crisis, with no advance planning. But since every day of delay in a crisis can result in \$250 or more of irretrievable loss, don't delay in seeking advice.*

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