

Changes to Medicaid Eligibility and Access to Medicaid Home Care Services in New York

New York State has made radical changes to the Medicaid Home care regulations. Under prior regulations, a person could transfer assets for the purpose of qualifying for Medicaid Home care benefits and be deemed financially eligible for services in the month following the month of transfer.

The recently enacted New York State budget, which goes into effect on October 1, 2020, introduces, for the first time, a look-back period on assets transfers for those seeking Medicaid Home care benefits. With this stricter eligibility criteria, many people in need of home care assistance will not qualify for services without a significant asset spend-down. The good news is that there is still time for proper planning and preparation before these restrictive changes go into effect.

Look-back for Medicaid Home Care Applicants

Beginning on October 1, 2020, Medicaid will impose a two-and-a-half-year look-back period for elderly and chronically ill applicants who require home care benefits. Anyone applying for Medicaid from that date forward will be required to present all financial assets for the previous 30 months. If any non-exempt asset transfers occurred within that time frame, the application will be denied. The look-back period applies to both home care and assisted living programs.

Changes in eligibility criteria

Changes in eligibility criteria for New York's Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP), which provide essential services to individuals with chronic illnesses or disabilities who need assistance with activities of daily living (ADLs) will also affect individuals who apply after October 1, 2020.

Applicants previously needed assistance with only two ADLs to qualify for Medicaid home care services. After October 1, this requirement is increased to three. Furthermore, the requested services can no longer be prescribed by the applicant's personal physician but must come from an independent physician and approved by a DOH-contracted assessor. These changes will lead to further delays in the application process, as well as increased difficulties in obtaining desperately needed home care services.

Contact Lissner & Lissner LLP Today

If you are concerned about how recent Medicaid cuts will impact you, the legal team at Lissner & Lissner LLP can help. With more than 50 years of experience, we have the knowledge, compassion, and skill to help our clients handle difficult issues surrounding aging and chronic illness. And many of these clients are on Medicaid.

The controversial Medicaid redesign is causing even more distress due to the ongoing coronavirus pandemic. These are unprecedented times, and New Yorkers are at the center of the crisis. But we can help to ensure that your rights are protected. Contact Lissner & Lissner LLP Today at [\(212\) 307-1499](tel:2123071499) for a confidential consultation about your case.

Learn more about the [NY Medicaid home care law changes](#).