

New Medicaid Look-back and Transfer Penalty to be assessed for Community Based Home Care Services

Until now, New Yorkers could almost instantly qualify for Medicaid Home Care services by transferring assets one month and being considered financially eligible for Medicaid Home Care services the following month. This made Medicaid Home Care services a very attractive alternative for New York residents in need of long term care at home.

Starting July 1, 2021, this will no longer be the case. All persons applying for Medicaid Home Care services in New York State after July 1, 2021 will be subjected to a phased in look-back period which will eventually reach 30 months (2.5 years).

A complicating factor is that the Look-back will apply to non-exempt transfers made after October 1, 2020.

Importantly, there have been no changes to the exempt transfer rules. Thus, transfers to a spouse or to a disabled child remain exempt. The effect of the new rules on homestead transfers have not yet been fully determined.

If you believe that you or a loved one would benefit from Medicaid Home Care services within the next two years, and you have assets in excess of the Medicaid limitations, you would be well advised to take immediate action. If immediate action is not possible, there are still planning opportunities to preserve assets.

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

