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**Going into a Nursing Home? Planning to Return Home?
TIPS for keeping your Income to Pay Your Rent & Keep your Home**

If you go into a nursing home, you may need Medicaid to help pay for your stay. Even if you are in the nursing home for just a short stay for rehabilitation, Medicaid rules assume that you are staying there permanently. Permanent nursing home residents are typically allowed to keep only \$50 per month as a personal needs allowance (PNA), plus enough to pay any Medicare, Medigap or other health insurance premiums. The rest of their income must pay for their nursing home care. The amount you must pay for nursing home care is called a "NAMI" which stands for Net Available Monthly Income.

This fact sheet tells you steps you must take to keep your income during a temporary nursing home stay, so you can pay your rent or other living expenses and return home. If you are married, you will learn some protections for your spouse and other dependents who live at home.

For people who receive Supplemental Security Income (SSI), see other Fact Sheet available at <http://www.wnylc.com/health/download/594/> to learn how to keep your SSI for three months if you go to a nursing home or hospital.

1. YOUR RIGHT TO KEEP ENOUGH INCOME TO PAY YOUR RENT AND OTHER EXPENSES

YOU HAVE THE RIGHT TO REQUEST "COMMUNITY BUDGETING" – which allows you to KEEP \$904 per month of your income (2021) instead of only \$50, plus enough to pay any health insurance premiums. This allows you to keep more of your income to pay your rent.

HOW TO REQUEST COMMUNITY BUDGETING:

1. A doctor at the nursing home, must sign a form certifying that there is a "reasonable expectation" that you can return home. The physician does not have to guarantee that you will return home. The physician certifies on the form that you are planning to return home and gives an anticipated discharge date.

In NYC - the form is [Discharge Alert: Non-Chronic Care Budget \(Form MAP259d\)](http://www.wnylc.com/health/download/132/) (<http://www.wnylc.com/health/download/132/>)

Outside NYC, use form LDSS-3559
(<http://www.wnylc.com/health/download/714/>)

2. The physician's certification must be submitted to your local Medicaid program along with the Medicaid application to pay for your nursing home care. Ask the nursing home to have this form signed by the physician and to submit it to Medicaid. The form can be submitted even after the Medicaid application was already submitted.
3. If the discharge date changes, the nursing home submits MAP259e (in NYC). All of the related NYC nursing home forms can be downloaded at <http://www.wnylc.com/health/download/132/>

4. COMMUNITY BUDGETING MUST BE RENEWED with a physician’s certification form every 6 months. However, there is no limit to just one 6 month period.

2. Special Help for People who are Discharged Home with Home Care after 30 or More Days in a Nursing Home or Adult Home

Normally, if you your income exceeds the Medicaid income limit, you would have to pay a “spend-down,” which is a contribution toward the cost of your Medicaid services. This amount is generally the amount over \$904.00/month (2021) for a single person, after you pay any Medicare, Medigap or other health insurance premiums.

EXAMPLE: Sam’s income is \$2,252.50. His Medicare Part B premium is deducted from his Social Security check (\$148.50 - 2021). He pays \$200.00/month for a Medigap supplemental policy, so he has \$1,904.00 left. His “spend-down” would be \$1,000.00/mo.

However, if Sam was in a nursing home for 30 days or more and Medicaid paid for any part of his stay, his spend-down will be reduced by a Housing Allowance when he is discharged with MLTC. This is to help him pay his housing expenses. In New York City, this Allowance would reduce his spend-down by \$1,535.00/month (in 2021)(See allowance amount in other areas of NYS on *next page*). Sam’s spend-down would be reduced to ZERO.

Here is how Sam’s budget works – reducing his spend-down to ZERO (2021 NYC figures)

	Regular Budget	Budget with Housing Allowance
Sam’s Income	\$2,252.50	\$2,252.50
MINUS DEDUCTIONS:		
- Part B premium	- 148.50	- 148.50
- Medigap premium	- 200.00	- 200.00
- \$20 income disregard	- 20.00	- 20.00
- Medicaid income level ONE	- <u>884.00</u>	- 884.00
		- <u>HOUSING ALLOWANCE \$1,535.00</u>
TOTAL DEDUCTIONS	-\$1,252.50	-\$2,787.50
EXCESS INCOME- Spend-down	\$1,000.00	\$ 0.00

The special Housing Allowance will be approved if you are:

- Age 18 or over,
- Have been in a nursing home or an adult home for 30 days or more,
- Medicaid paid for any or all of your nursing home care, and
- You are enrolling in or staying in a Managed Long Term Care (MLTC) plan to return home, and
- You have a housing expense, like rent or a mortgage.

BE SURE TO ASK ABOUT THE HOUSING ALLOWANCE if you are being discharged home from a nursing home or adult home. When you enroll in a Managed Long Term Care plan, the enrollment worker should fax the Housing Allowance form to the Medicaid program with the rest of your enrollment paperwork. The NYC form can be downloaded at <http://www.wnyc.com/health/download/398/>. In other counties you can copy this form or ask your county for their form.

THE SPECIAL HOUSING ALLOWANCE VARIES BY REGION AND CHANGES YEARLY. The 2021 amounts are in [Attachment I to GIS 20 MA/13 -- 2021 Medicaid Levels and Other Updates \(https://www.health.ny.gov/health_care/medicaid/publications/pub2020gis.htm\)](#) .

Updates are posted here <http://www.wnyc.com/health/entry/212/>)

Region	2021 Amount	Counties
Central	\$ 450.00	Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, Tompkins
Long Island	\$1,393.00	Nassau, Suffolk
NYC	\$1,535.00	Five boroughs
Northeastern	\$ 524.00	Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington
North Metropolitan	\$ 1,075.00	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester
Rochester	\$ 469.00	Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Yates
Western	\$ 413.00	Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming

3. Maintaining Income for Your Spouse or Dependents Living at Home using “Spousal Impoverishment” Medicaid Budgeting – If you are in a Nursing Home or MLTC Plan

Married people who are in a Nursing Home for chronic long-term care, OR who are enrolled in a Managed Long Term Care (MLTC) plan, may use all or part of their income to support their spouse at home. This means that less of their income must be “spent down” toward the cost of their care. The amount of your income that you may use to support your spouse depends on your spouse's own income.

If your spouse's income is less than \$3,259.50 per month¹ (in 2021) then your spouse may keep his or her own income² plus an income allowance,³ which is enough of your income which, when added to your spouse's income, brings your spouse's total income up to \$3,259.50.

If your spouse's own income exceeds \$3,259.50, Medicaid will ask him or her to contribute 25% over that amount toward your nursing home care. Your spouse can then consider doing a “spousal refusal.” With spousal refusal, his or her income and resources are not counted

¹ This amount is called the “MMNA” – Minimum Monthly Maintenance Needs Allowance

² For this purpose, your spouse's income consists of income they receive solely in their name plus half of any income that is in both your names.

³ This amount is called the “CSIA” – Community Spouse Income Allowance. If your spouse needs more of your income, they can sue in Family Court for an order of support, or request a fair hearing but will need to prove “exceptional circumstances resulting in significant financial distress.” NY SSL 366-c(2)9g), (8)(b); 18 NYCRR 360-4.10(a)(3), (b)(6).

toward your eligibility. However, the local county (HRA in NYC) has the right to sue your spouse for support. Each county determines whether to sue.

When calculating the amount of your and your spouse's income, both of you can deduct from your income the cost of health insurance premiums, court ordered child support you pay, and the actual cost of child/incapacitated adult child care.

Your spouse is still entitled to an income allowance even if your spouse refused to contribute his or her assets to the cost of your care (more about "spousal refusal" below).

What You May Keep as Your Own Allowance.

- **If you are a long-term nursing home resident**, you may keep only **\$50/month** Personal Needs Allowance and enough of your income to pay any Medicare or other health insurance premium. Then you deduct the amount needed to bring your spouse's income up to \$3,259.50. You must pay the balance to your nursing home as your Net Available Monthly Income (NAMI).
- **If you are in an MLTC plan**, you may keep **\$416/month** Personal Needs Allowance (2021 figure) and enough of your income to pay any Medicare or other health insurance premium. Then you deduct the amount needed to bring your spouse's income up to \$3,259.50. You must pay the balance to the MLTC plan for the cost of your care as a "Spend-down" or Medicaid "surplus."

PROTECTION FOR OTHER DEPENDENTS. Your dependent children or parents (who have over 50% of their needs met by you or your spouse) also get an allowance from you – \$719 per month in 2021 (up to a maximum \$2,155 per family).

THESE PROTECTIONS REMAIN IN EFFECT WHEN YOU RETURN HOME and enroll in a MANAGED LONG TERM CARE Plan. If you were in a nursing home and then return home and receive Managed Long Term Care, your spouse is still entitled to the same spousal impoverishment allowances that are described here.

THESE SPOUSAL PROTECTIONS DO NOT APPLY TO MAGI MEDICAID RECIPIENTS – those who have Medicaid based on "Modified Adjusted Gross Income" (MAGI). MAGI is for those who are either under age 65 and do not have Medicare, or who are of any age and have Medicare but are the parent, grandparent or other relative taking care of a child or relative under age 18, or under 19 if in school full time. However, MAGI recipients may keep \$1,468/mo. income in a nursing home (2021). They have no asset limit.

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This Fact Sheet posted at <http://www.wnylc.com/health/download/711/> -check for updates

More info at <http://www.wnylc.com/health/entry/165/> (spousal impoverishment) and
<http://www.wnylc.com/health/entry/212/> (special housing standard)
<http://www.wnylc.com/health/entry/117/> (Community Budgeting in nursing home)