

Medicaid and Married Couples

Q: My husband had a stroke and his doctor recommends a nursing home placement. My neighbor said the nursing home will take all of our money if I admit my husband. Is that true?

A: No. A nursing home cannot require you to assign your assets to it as a condition of admitting your husband to the facility.

Q: Then how do I pay for my husband's care?

A: Your husband might be entitled to a limited amount of Medicare benefits. If not, you would have to rely on private medical insurance, use your own funds, or apply for Medicaid.

Q: Our medical insurance does not cover nursing home care. Our house is our biggest asset, but we still have a mortgage. Do I have to use all of our money before I can turn to Medicaid for help?

A: No. You should consider Medicaid as a potential source of payment now rather than wait until your money is gone.

Q: Do you mean I might be able to keep some of our money and still qualify my husband for Medicaid?

A: Yes. The Department of Job & Family Services determines what the married couple owns, which is called the "pool of assets." Then the Department removes exempt assets from the pool. "Exempt assets" are those things, such as your car or your principal place of residence, which would not affect your husband's Medicaid eligibility. The assets remaining in the pool are called "countable resources." Your husband's eligibility would be based the value of countable resources.

Q: So I can keep the exempt assets, but I have to spend the countable resources before my husband can receive Medicaid, right?

A: The exempt assets would not have to be used for your husband's care. In addition, you would be entitled, at a minimum, to a resource allowance equal to one-half of the countable resources, subject to a floor of \$22,728 and a ceiling of \$113,640. For instance, if countable resources totaled \$15,000, you would keep all of the money (the floor); if countable resources were \$50,000, you would be entitled to \$25,000 (one-half share); if there were \$300,000 of countable resources, your resource allowance would be \$113,640 (the ceiling).

Q: What happens to the rest of the "countable resources"?

A: The rest of the "countable resources" must be reduced to \$1,500 before your husband could qualify for Medicaid. These funds must be spent for the benefit of either spouse. For example, these funds could be used to: purchase pre-paid irrevocable burial contracts for either spouse; buy household and/or personal goods for either spouse; pay off debts; or upgrade exempt assets (e.g., buy a new car for yourself).

Q: What happens to our income when my husband starts receiving Medicaid?

A: You keep your own income and, depending on your income need as calculated by the Department, you might be able to keep some of your husband's income. Your husband is entitled to keep \$40 of his monthly income, to transfer income to you if permitted by the Department, and to pay monthly health insurance premiums and past unpaid medical bills, if any. Funds remaining after these deductions are paid to the nursing home as his "patient liability." Medicaid dollars cover the difference between the cost of his care and his patient liability, even if his patient liability is zero.

11/30/2012

Law You Can Use is a weekly consumer legal information column provided by the Ohio State Bar Association. This article was prepared by attorney Deborah A. Wainey.



Search Law You Can Use

Create PDF via PDFmyURL.com



12

Articles appearing in this column are intended to provide broad, general information about the law. Before applying this information to a specific legal problem, readers are urged to seek advice from an attorney.
