



WE ARE THERE  
FOR YOU EVERY  
STEP OF THE WAY

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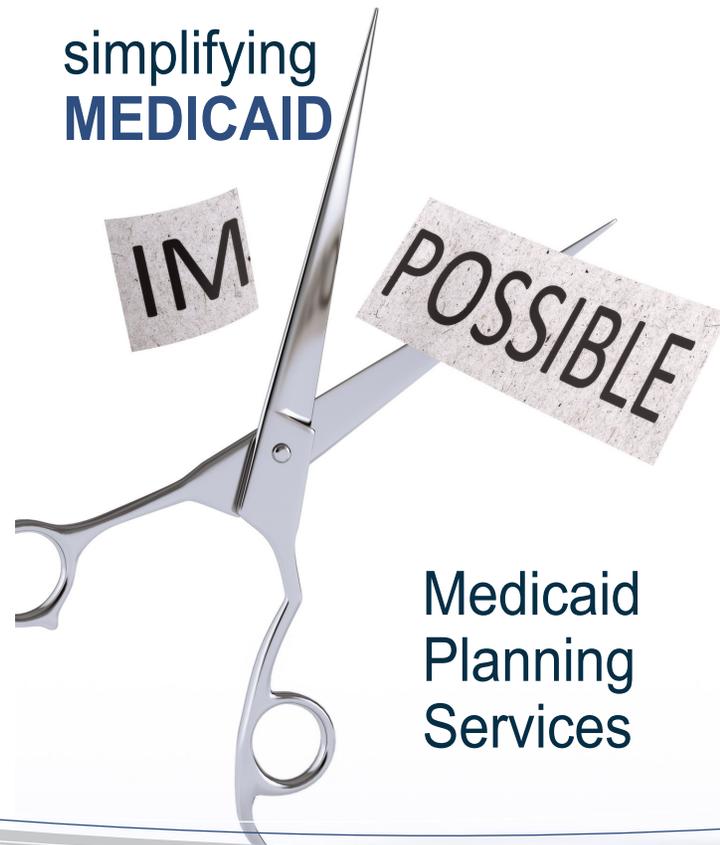
WE MAKE HOUSE CALLS

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simplifying  
**MEDICAID**



Medicaid  
Planning  
Services

UNDERSTANDING

HOW MEDICAID WORKS

Over the last 40 years, Medicaid has become the most common source of funding for long term care. Therefore, it is crucial for families to understand the requirements for Medicaid assistance. The Hyde Law Firm strives to educate clients and prepare applications which satisfy all eligibility roadblocks that a family may face within the stressful time of planning for a loved one's care.

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—THE—  
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## MEDICAID PLANNING SERVICES

The Medicaid handbook and federal law offer opportunities to legally preserve a person's assets. A careful assessment of the financial situation reveals which eligibility requirement poses a problem for a successful application and offer solutions to each obstacle. Like most situations in life, being prepared and having the knowledge, will make all the difference.

## SPOUSAL PROTECTION

Federal rules provide special allowance for the spouse of a Medicaid applicant. These allowances are specifically intended to prevent the spouse from becoming impoverished when their husband or wife needs long term care. The community spouse may be eligible to keep a portion of the applicant's income. Additionally, there are protections that enable the community spouse to retain assets. Finally, there is no penalty imposed for transfers of assets between spouses.

## Requirements for Medicaid eligibility

- 1** The Applicant must have medical necessity to be in a nursing facility.
- 2** The Applicant must be a resident of Texas and a United States Citizen.
- 3** The Applicant must be in the nursing home for at least 30 days.
- 4** The Applicant cannot have more than \$2,130 total gross monthly income. If the Applicant has more than \$2,130 we will need to prepare a Qualified Income Trust.
- 5** The Individual Applicant cannot have more than \$2,000 in assets. If the Applicant does have more than \$2,000 in assets we will show your family how to protect as much of the money as possible.

**Myth:** I must spend down all of my assets before qualifying for Medicaid.

**Fact:** Medicaid rules do not mandate the disposal of assets. While proper spend down can be a part of good planning, an applicant may also (1) transfer assets and accept a penalty or (2) buy exempt assets.

**Myth:** Medicaid will take your home.

**Fact:** Medicaid will not sell your home and take the proceeds. The Medicaid Estate Recovery Program of MERP enables the State to seek recovery of monies paid on behalf of the recipient. However, there are various exemptions to MERP.

**Myth:** An Applicant is not eligible for 5 years if any asset is transferred.

**Fact:** Medicaid policy requires disclosure of assets transferred within 5 years from the date of application. However, the period of the penalty for the transfer varies based on the total value of the transfer.



YOU HAVE QUESTIONS. WE HAVE ANSWERS.

