

# Jankower Law Firm, L.L.C.

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[www.Jankower.com](http://www.Jankower.com)

July 2008 Newsletter

## Medicaid in Louisiana

### Individuals in Need of Benefits Can Qualify If They're Willing to Wait

Medicaid is the nation's major public financing program for health care coverage of low-income families and long-term care of low-income elderly and disabled people. It is a major payer for health care services for the low-income families that lack health insurance, elderly people who need help with medical care, disabled elderly people who need long-term care, and non-elderly disabled persons who need acute and long-term care.

Individuals can become eligible for Medicaid benefits in many different ways. For example, if a person is eligible for Supplemental Security Income (SSI), part of the benefits that he or she will receive is a Medicaid card. Others may become eligible for Medicaid benefits upon admission to a long-term institutional care facility such as a nursing home or group home. Some people receive Medicaid benefits through Medicaid spend-down programs in situations where their monthly medical expenses exceed monthly income.

#### **Waiver Programs: Playing the Waiting Game**

States are also permitted to offer Medicaid to especially identifiable groups through community and home-based waiver programs. These programs were originally authorized and established in 1981 during President Reagan's term of office under Section 1915(c) of the Social Security Act. Prior to that time, long-term care benefits under Medicaid were limited to home health and personal care services and institutional facilities. The 1981 legislation provided a vehicle for states to offer additional services not otherwise available to serve people in their own homes and communities, helping to preserve their independence and ties to family and friends.

Louisiana administers a number of waiver programs and related benefit programs providing services and funding to eligible recipients in community and home based settings. Among the programs administered by the State of Louisiana providing such benefits to eligible recipients in home and community based settings are the New Opportunities Waiver (NOW), Children's

Choice, Elderly and Disabled Adults waiver, Supports waiver, and the cash subsidy program.

These programs provide a vast array of benefits to the eligible recipients. Benefits provided under these programs include physician and hospitalization care, prescription drugs, long-term care, respite and personal care attendants, skilled nursing, dental care, monetary stipends, case management, eyeglasses and hearing aids, and assistive devices, just to name a few. These programs also provide "respite care" to persons with special needs in that skilled caregivers can be brought in to serve such family members while parents or family caregivers are away from home.

Waiver programs are "slotted programs" meaning that eligible recipients must wait for slots to open before they can receive benefits. The waiting lists for some of these programs are extremely long. However, there are a number of ways in which an individual can obtain needed Medicaid benefits without necessarily having to wait for a slot to open up on a waiver list depending upon the person's particular circumstances. The most important thing is to make sure to seek advice from professionals on all of the different programs and services that may be available to your loved one and to apply for all programs that he or she may have an opportunity to receive. At the same time, it is critical to engage in proper planning to make sure that eligibility requirements for your loved one can be met and maintained for that time when a slot or program opens up.

### **You CAN Negotiate the Medicaid Maze**

Medicaid policies for eligibility, services, and payment are complex and vary considerably depending upon the state in which a person in need of benefits resides. Qualifying for one of these Medicaid-related programs can be challenging as Medicaid has stringent eligibility requirements, including severe resource and income limitations. For persons seeking eligibility through waiver programs, there are currently limited slots available and long waiting lists. Once slots open up, applicants must be re-evaluated to make sure that they continue to meet qualifications. Funding for such programs is always tenuous, directly affecting the viability of the programs. Persons deemed ineligible for benefits must prove eligibility by pursuing administrative appeals.

Planning for the care of a family member with disabilities or special needs is an extremely important matter. The process can be frustrating and time-consuming. In order to take advantage of any of these state administered Medicaid programs, it is critical to seek the advice and assistance of an individual who understands and keeps up with the ever-changing Medicaid rules and requirements. For advice and assistance on negotiating through the Medicaid maze, please contact us at [Steve@Jankower.com](mailto:Steve@Jankower.com).

## Upcoming Seminars in 2008

**July 17th**

National Business Institute

"Medicaid Planning in Louisiana: Complex Issues Require Sensible Solutions"

Lafayette, LA

**July 24th**

National Business Institute

"Medicaid Planning in Louisiana: Complex Issues Require Sensible Solutions"

Baton Rouge, LA

**September 19th**

National Business Institute

"Fundamental Probate Procedures & Practice"

Lafayette, LA

If your group or organization is interested in having me speak and provide more information about Medicaid planning, please contact me. Talks can be tailored to fit your specific needs and time constraints. We use PowerPoint presentations designed to explain Medicaid Planning in an easy to understand format.