

EDGENTUS WEB SERIES

COURSE SUMMARY

Course Title: Medicaid Estate Recovery and Protecting the Family Home

This 2-hour course explains the federal estate recovery mandate, the effect of exemption of the family home and the federal equity cap on the long-term care Medicaid eligibility process, and the top planning strategies for protecting the family home from recovery. This course is applicable for practitioners in all states except California.

Learning Objectives:

Through this course you will learn:

- How a home is treated for LTC Medicaid eligibility determinations.
- When a home loses its exemption.
- The federal home equity cap impact on LTC Medicaid eligibility determinations.
- The federal home equity cap exclusions.
- Basic LTC Medicaid divestment issues as they relate to the homestead.
- Selling a home after a patient is on LTC Medicaid.
- Scope of estate recovery.
- Recoverable estate: Probate Definition v. Expanded Estate Definition
- Effective techniques to avoid estate recovery of a family home.

Location: Online Webinar (Zoom Webinar Platform)

Hours: 2

Date: September 29, 2020

Time: 2:00 pm ET – 4:00 pm ET

Presenters: Michael Anthony, JD

Level: Introductory/Basic

Prerequisites: None (Introduction to Medicaid Planning is recommended but not required.)

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COURSE OUTLINE

Medicaid Estate Recovery and Protecting the Family Home

Date: September 29, 2020

Time: 2:00 pm ET – 4:00 pm ET

- I. Exemption of the homestead during eligibility determinations
 - a. Scope of exempted homestead – 42 U.S.C. §1382b(a)(1)
 - b. Intent to Return requirement – 20 C.F.R. §416.1212(c)
- II. The effect of the federal home equity cap on Medicaid eligibility
 - a. Federal home equity cap 42 U.S.C. §1396p(f)(1)(A)-(C)
 - b. Federal home equity cap exclusions 42 U.S.C. §1396p(f)(2)
- III. Basic Medicaid Divestment (all states except California)
 - a. 60-month lookback (DRA2005)
 - b. Calculation of penalty period
 - c. Start date of penalty period
- IV. Post-eligibility sale of homestead
 - a. Duty to report change of circumstances
 - b. Effect of net proceeds on eligibility
 - c. Effect of gifting net proceeds
- V. Estate Recovery Rules
 - a. Scope of Recovery
 - b. Definition of Estate
 - i. Probate Estate
 - ii. Expanded Estate Definition
 - c. Estate recovery avoidance options
 - i. Probate Avoidance (in Probate Estate Only States)
 - 1. Ladybird Deed
 - 2. Percentage Deed
 - ii. Life Estates
 - iii. Sale and Modern Half-a-Loaf
 - 1. Pre-Eligibility Sale
 - 2. Post-Eligibility Sale