

EDGENTUS WEBINAR SERIES

COURSE SUMMARY

Course Title: Understanding Medicaid Divestment Rules

This introductory course provides a simple and easy explanation of the divestment rules applicable to long-term care Medicaid. This course takes the student through the basics of divestment planning and explains key terms such as the lookback period, the penalty divisor, the penalty period and disqualifying transfer. This course describes how to calculate the divestment penalty. This course is applicable for practitioners in all states except for California.

Learning Objectives:

Through this course you will learn:

- What is divestment for LTC Medicaid.
- What is the history of LTC Medicaid divestment.
- Key LTC Medicaid divestment terms.
- What transfers count as divestment.
- Transfers that are exempt from divestment.
- What is the lookback period for determining disqualify transfers.
- What is the applicable divestment divisor.
- How to calculate the divestment penalty.
- How to cure a divestment penalty.
- When intentional penalties make sense in Medicaid Planning.

Location: Online Webinar (Zoom Webinar Platform)

Hours: 2

Date: November 3, 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

Understanding Medicaid Divestment Rules

Date: November 3, 2020 Time: 2:00 pm ET – 4:00 pm ET

- I. What is Medicaid divestment for long-term care?
 - a. History of LTC Medicaid divestment
 - b. Key terms for Medicaid divestment
 - c. Source of Medicaid divestment rules
- II. Determining disqualifying transfers
 - a. Transfers that create a penalty
 - i. Transfers for less than fair market value
 - ii. Uncompensated transfers
 - b. Transfers that do not create a penalty
 - i. Exempt individual transferees
 - ii. Exempt trust transferees
- III. Defining the lookback period
 - a. DRA expansion of the lookback period
- IV. Determining the applicable divestment divisor
 - a. State and regional divisors
 - b. What divisor to use
- V. Calculating the Divestment Penalty
 - a. Aggregation of penalty-causing transfers
 - b. Divestment penalty formula
- VI. Divestment Penalty Cures
 - a. Unwinding transfers
 - b. Hardship waiver
- VII. When transferring assets can help protect assets
 - a. Advanced planning
 - b. Gift + Wait Strategy
- VIII. When intentionally creating a penalty can be helpful to protect assets
 - a. Modern Half-a-Loaf Strategy