



### **Medicaid Alert: New York State Budget and its Impact on Nursing Home Medicaid Eligibility**

On April 9, 2022, Governor Kathy Hochul signed the annual state budget and addressed many important issues facing older adults. The budget expands Medicaid benefits for people 65 and over as well as benefits for the disabled. Permissible income and resource thresholds were increased effective January 1, 2023, allowing many more older New Yorkers to qualify for institutional Medicaid benefits than ever before.

#### ***Expansion of Medicaid***

**INCOME:** Currently, a single individual cannot have more than \$934 in monthly income in order to qualify for Medicaid benefits (\$1,367 each for married couples). Effective January 1, 2023, the income threshold will increase to \$1,563 for single applicants (\$2,106 for married couples). Individuals or couples with higher income levels may continue to “spend down” their excess income on medical bills or utilize pooled income trusts to qualify for benefits.

**RESOURCES:** Currently, a single individual cannot have more than \$16,800 in total assets in order to qualify for Medicaid benefits (\$24,600 for married couples). Effective January 1, 2023, the new asset limit will be \$28,134 (\$37,908 for married couples). Even though the proposed state budget initially called for a complete elimination of the Medicaid resource test, this was not incorporated into the final state budget.

**What does this mean for nursing homes in New York?** Based on the substantial increases in the Medicaid income and resource thresholds, we anticipate that additional older New Yorkers will qualify for institutional Medicaid benefits than ever before. This will likely mean that facilities will have fewer private pay residents and more residents who are recipients of Medicaid benefits. **In light of the financial impact this may have on nursing homes, it is more important than ever to preserve your bottom line!** The experienced and skilled attorneys at Cona Elder Law

can assist you in securing Medicaid benefits, protecting against pick-up date delays, and ensuring NAMI best practices for residents under these new rules. You'll never leave private pay or Medicaid reimbursement dollars on the table with Cona Elder Law on your team!

*Cona Elder Law is an award-winning health care law firm with a superior reputation representing health care systems, health care facilities, Assisted Living Facilities and Continuing Care Retirement Communities in New York, New Jersey and Pennsylvania.*

*As an Elder Law firm, Cona Elder Law offers expertise in government benefits, Medicaid, Medicare, Fair Hearings, Article 78 proceedings and Guardianships, in addition to collections and litigation. We keep open all possible sources of payment, whether private payment through litigation or by securing Medicaid benefits on behalf of a resident. With our unsurpassed success rate, Cona Elder Law is more efficient and more effective than other law firms. Contact us at 631.390.5000 or visit [www.conaelderlaw.com](http://www.conaelderlaw.com).*

*F:\WORDDOCS\Nursing Home Development\Leading Age NY\Solutions Newsletter\May 2022 Newsletter - Medicaid Budget Update.docx*