

What Happens to the Medicaid Application Process During COVID-19 Outbreak?

Due to the unprecedented ramifications of the recent COVID-19 outbreak, many Courts across the State of New York have temporarily closed. While some Courts continue to accept Article 81 Guardianship filings, others are only accepting emergency applications (i.e. when there is imminent danger of harm to the Alleged Incapacitated Person ("AIP")).

However, to date, the majority of the Departments of Social Services across New York State (NYSDSS) remain open and continue to accept and process Institutional Medicaid applications.

As such, it is imperative that skilled nursing facilities be aware that applications **still must be filed on a timely basis**. Furthermore, even if your facility is located in a jurisdiction where the Courts are closed, or only accepting emergency applications, and the processing of the application requires the appointment of an Article 81 Guardian, a proposed Order to Show Cause with a signed and verified Petition still must be submitted with the Medicaid application in order to avoid denial and preserve the requested pick up date.

Genser Cona Elder Law is here to assist its clients in navigating these uncharted waters. Please contact us by telephone at **631.390.5000** or email Partner Ken Kern at Ken@genserlaw.com with any questions you may have.