Course Syllabus

Session 1: What is Medicaid Long-term Care?

1. History of Long Term Care Medicaid/Medi-Cal.
    - Legislation
    - Terminology
2. Institutional Care v HCBS and Waiver Services
3. Medicare v Medicaid
4. Critical Stages of Medicaid Planning
5. Medicaid Qualification
    - Who is eligible to apply
6. When to file an application
7. Medicaid Long Term Care Source of Law
    - Federal Program Run by the States
    - Federal Authorizing Statute
    - State Authorizing Statute and State Plan
    - State Regulations and State Eligibility Handbook/Manual
8. Basic Asset Eligibility Philosophy

Session 2: Understanding Medicaid Eligibility Rules and Procedures

1. Planning Stages and Methodology
    - Establishing an intake system and organizational base
    - Critical dates in a Medi-Cal Planning case
2. Categorizing Assets
    - Protected/Exempt
    - Unprotected/Available
3. Resource Allowances
    - Individual
    - Two Married Couples in Facility
    - Community Spouse
4. Calculating the Spenddown
    - Single Spenddown
    - Marital Spenddown with No Community Spouse
    - Community Spouse Spenddown
    - Common Mistakes and Helpful Error Margins
5. Home Equity Limit

Session 3: Divestment Penalties and Divestment Planning

1. What is a divestment?
    - Gifts and transfers
    - Less-than-fair-market-value test
    - Disclaimers
2. What is the lookback?
    - Lookback planning from 1988 to present
    - Determining the lookback period
    - Global lookback issues
3. How to calculate a divestment penalty?
    - Identifying the divisor
    - Identifying the penalty start date
    - Calculating the penalty period
4. Divestments that Do Not Cause Penalties
    - Exempt Transfers
    - Transfers of Exempt Assets
    - Post-eligibility transfer issues
5. Creating intention divestment penalties?
    - Half-a-loaf gifting
    - Divestment as a planning too

Session 4: Additional Asset Protection Medi-Cal Eligibility Strategies

1. Basic Strategies
    - Shift Assets from Countable to Non-Countable
        - Home Equity
        - Primary Vehicle
        - Personal Property
        - Pre-Paid Funeral or Burial
    - Caregiver Agreements
2. Convert Assets to Income
    - Medi-Cal Compliant Annuity
        - Requirements
        - Use of balloon annuities
    - Promissory Note
3. Gift and Wait
4. Gift and Apply
5. Long-Term Care Partnership Program Policies

Session 5: Income Eligibility

1. Income Cap state v. Non-Income Cap state
2. Medically needy pathway
3. Community Spouse Income Allowances
    - How the MMMNA works
    - Calculating the MMMNA
4. Planning strategies to increase spousal income allowance

Session 6: Applying For Medicaid

1. Preparing and filing the application
    - When to file
    - Where to file
    - How to file
2. Verifications
    - Residency and citizenship
    - Assets
    - Income
    - Transfers
3. Office Actions
    - Approvals
    - Denials
    - Request for Information
    - Annual review
    - Income adjustments
4. Post-eligibility issues
    - Duty to report
    - Post-eligibility assets
    - Change of Circumstances
    - Death of a community spouse
    - Undue hardship waivers for punitive divestments

Session 7: Advanced Advocacy

1. Fair Hearings
    - Office inaction
    - Correcting an approval error
    - Improper Denial
    - Filing the request
    - Representation at the hearing
2. State/Federal Court and Appellate Advocacy

    - Exhaustion of administrative remedies
    - Appeals available through state court
    - Concurrent jurisdiction of federal court

Session 8: Estate Recovery

1. Medicaid estate recovery rules
    - Scope of assets to be recovered from
    - Assets exempt from recovery
    - Use of undue hardship waivers
2. Methods to Reduce Recovery

Session 9: VA Aid and Attendance

1. Overview of Aid & Attendance
    - What is the Improved Pension
    - How much can a person receive
    - Who is eligible to apply
    - VA A&A terminology
2. Four Pillars of A&A Eligibility
    - Wartime Service
    - Medical Necessity
    - Net Worth Limits
    - Income For VA Purpose Calculation
3. Planning Strategies for VA A&A
    1. Divestment
        - No divestment penalties
        - Effect of divestment on future Medicaid eligibility
        - Non-divestable asset
    2. VA-Compliant Annuities
    3. Homestead exemption and sale issues
4. Application for VA Aid & Attendance
    0. Intent to File and establishing a claim date
    1. Application and application processing
    2. Fee prohibition on charging
5. Medicaid and VA Aid & Attendance Harmonization
    0. Uses of A&A to supplement Medicaidl Planning
    1. Effect of Medicaid eligibility on VA benefit

Session 10: Practical Issues and Ethical Concerns

1. Multi-discipline approach to planning
2. Lawyers working with non-lawyers
3. Common fee structures
4. Marketing Medi-Cal Planning Services
5. Sales and uses of annuities
6. Certified Medicaid Planner designation