

# Medicaid/MassHealth: When is it too late to apply?

By *Linda T. Cammuso*

Consider the following scenarios:

- “My Medicare days are running out and I still need more rehab; what do I do now?”
- “My mother needs nursing home care, and she never planned for this event — is it too late to apply for MassHealth?”



## **Legal Briefs**

While it is always better to plan ahead to protect your assets, it is almost never too late to protect at least some of your remaining assets — and to save your family from a great deal of stress, should you find yourself in a crisis situation.

Mistakes are made as seniors reach this stage. Some erroneously feel that it is too late to do any planning and that their only option is to spend down all their money before they can apply for Medicaid/MassHealth benefits. Even those who feel it is their responsibility to pay for their care may have a spouse or disabled child or other relative who is relying on those assets. Assets can still be saved even though a move to a facility is imminent, and often times there are special exceptions or circumstances that may apply to exempt certain assets from MassHealth countability.

In the nursing home context, families may rely on the advice of well-intentioned social workers, case managers or others to guide them in the MassHealth application process. However, the MassHealth rules, which are based on state regulations, administrative decisions and court rulings, are complicated

and often confusing. Without proper guidance, families may miss key spend down opportunities and planning options to protect their assets. A denial of the application can jeopardize a person's care options, and may result in lengthy and costly appeals. An elder law attorney who understands the MassHealth system and rules and is versed in the application process is an invaluable resource.

Contacting an elder law attorney if you or a family member are in a crisis situation for help is a wise move. The support that you should expect to receive includes:

- A personalized analysis of the financial and healthcare considerations that are relevant to your situation;
- A review of qualifying your spend down options;
- Preparation of the application form and all attachments;

- Communications with MassHealth caseworkers, on your behalf, throughout the application process;
- Coordination with the assisted living facility or nursing home;
- Appeals for denial of benefits.

You should also expect your attorney to assist with the annual eligibility verification process and to counsel you on the steps necessary to maintain eligibility.

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