

IRA M. LEFF

AND ASSOCIATES

ATTORNEYS AT LAW

1800 CENTURY PLACE, N.E.
SUITE 100
ATLANTA, GEORGIA 30345

IRA M. LEFF

FACSIMILE: (404) 634-4300

DIRECT DIAL: (404) 633-1801

February 13, 2008

ELDER LAW MINUTE

What is the process of applying for nursing home Medicaid in Georgia? The first step is to make sure that you fall within the resource and income limits. If your gross income is more than \$1,911 per month, you will need a Qualified Income Trust in order to qualify. While there are prototypes of this trust in the Medicaid Manual which is available on line, I recommend that you consult an elder law attorney if you fall into this category. Operation of the QIT requires thorough knowledge of how Medicaid works.

If you are a single applicant, you can have no more than \$2,000 of includible resources. But, if you are married and your spouse lives in the community your combined limit is \$106,400. A mistake that I often see is applicants assume that Medicaid looks at net worth rather than assets. Unfortunately, the only time when liabilities reduce the value of an asset is when the debt is an encumbrance on the asset, *e.g.* a secured loan. So, pay your bills before the end of the month and get your assets down below the limit.

Once you are sure that you qualify, the next step is to submit the Medicaid application to the Department of Family and Children Services (DFCS) in the county where the nursing home is located. If you go to WWW.DFCS.DHR.GEORGIA.GOV you will find the mailing addresses of all Georgia DFCS offices. If you do not have an application (Form 297) you can request one from DFCS.

Within a few weeks, a caseworker will contact you usually by mail requesting verification of all basic qualification elements including, Social Security cards, Medicare and health insurance cards, birth certificates, photo identification, marriage license, power of attorney, application for Veteran's Benefits, and proof of all resources, income and transfers. You will normally be given 10 days to submit this information to DFCS.

Many applications are rejected because the applicant is not able to fully comply in 10 days. I recommend that you do not submit the Medicaid application until you have assembled a verification booklet for DFCS. The more thorough and organized the materials, the better your chances are for approval because the DFCS caseworkers are overworked and under a lot of time pressure.