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# HOW TO STAY OUT OF THE NURSING HOME & STILL GET THE CARE YOU NEED

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Your goal is to stay out of a nursing home or keep your loved one out of a nursing home. We understand. Many people share that goal with you. You want to maintain your independence. It is even more important now, to avoid the extra restrictions and isolation that nursing homes have imposed due to COVID-19.

You have good reason to be concerned. If you don't plan ahead, there is a good chance you will eventually spend time in a nursing home. Today, 1 in 7 people ages 65 and older live in nursing homes. It's the last place any of us wants to be. One study found that seniors are more afraid of losing their independence and moving to a nursing home than they are of dying!

The good news is this: staying at home, maintaining your independence, and getting good care IS possible. This report lays out options to help you stay home so you are empowered to avoid the nursing home. These options are not well known or understood. You are getting a head start just by reading this report!

## GOVERNMENT PROGRAMS THAT CAN HELP YOU STAY OUT OF THE NURSING HOME:

**TERMS TO KNOW** - Before we start the list, you need to know that the government program in Minnesota that pays for long term care is called "Medical Assistance" or "MA". MA is Minnesota's version of Medicaid. It is a combined federal and state program, and in Minnesota it is administered by the county you live in. If you qualify, MA will pay for your care in or out of the nursing home. MA that pays when you are in the nursing home and over 65 is called "MA-LTC" for Long Term Care. You are hoping to avoid MA-LTC.

The MA program that pays for care when you live in your own home over age 65 is called Elderly Waiver (Option #1 below). Alternative Care Waiver is another program that pays for home care services (Option #2 below). The purpose of both Elderly Waiver and Alternative Care Waiver is to promote community living and independence with services designed to address each person's individual needs and choices. The 2 programs have different application processes, financial eligibility requirements, and covered services.

1. **ELDERLY WAIVER ("EW")** - (For people who need nursing home level care, who want to live at home and financially qualify). Again, this is the part of Medical Assistance that pays for care **outside of the nursing home** for those aged 65 and older who meet the



current financial eligibility requirements. A single person can have only \$3000 in assets, plus a home if still living in it, and other very limited assets. A married couple can have only \$131,640 in assets, plus a home if one of you is still living in it, and other very limited assets. There are also income limits for EW, and if you qualify, you are only allowed \$104 per month spending money. We understand, these asset limits are very low. That is why it is important to preplan with an elder law attorney, so you can maximize your money.

With EW, you can live in your home, or apartment, or in assisted living, and have the government pay for services or even pay your family to care for you. And there is more. Many of the services described below under AC Waiver are included in EW.

EW includes the following services and more:

- Care Services: home care nursing, health aide, PCA, case management, adult companion and day care services, family caregiver coaching and training, respite care.
- Other Services: chore services, home delivered meals, homemaker services (cleaning and household), nutrition services, transportation.
- Equipment: specialized supplies and equipment, home and vehicle improvements to make them more accessible for you, electronic alert devices you wear to send an alert if you fall and need help.

The most important thing about Elderly Waiver is to plan ahead with an elder law attorney so you qualify for MA and protect your assets. That is because there is a 5-year lookback period. You need to follow the complex MA rules during the 5 years before you apply to MA. Most people don't know the rules, and they don't know how they can protect their assets under the rules.

It's also important to plan ahead to have options to live in the assisted living of your choice. Here is how it works: Only some assisted living facilities take "EW," and those that do have limited beds and typically require you to private pay 1-2 years before they allow you to go on MA-EW. If you plan ahead in case you need to move to an assisted living apartment, you will have more and better options to choose from.

Whether you think you have 6 years or 6 months until you need help paying for care, now is the time to work with an elder law attorney to make a plan to qualify for EW and protect as many of your assets as possible, and your choice of independent living.

2. **ALTERNATIVE CARE ("AC") WAIVER** - (For people who need nursing home level care, want to live at home, and have too much money to qualify for MA-EW). If you need some help with the activities of daily living but you don't financially qualify for Medical Assistance EW or LTC, AC Waiver could be a great option. This program provides home and assisted living services for people 65 and older who require the level of care a nursing home would provide, but want to stay in their home. You do need to financially qualify for



AC Waiver. Basically, if your assets would be low enough to qualify for EW after paying for 135 days of care in a nursing home, then you qualify for AC.

AC Waiver can provide help with many things that EW covers, including:

- Care Services: home care nursing, health aide, PCA, case management, adult companion and day care services, family caregiver coaching and training, respite care.
- Other Services: chore services, home delivered meals, homemaker services (cleaning and household), nutrition services, transportation.
- Equipment: specialized supplies and equipment, home and vehicle improvements to make them more accessible for you, electronic alert devices you wear to send an alert if you fall and need help.

3. **ADDITIONAL SUPPORT: ESSENTIAL COMMUNITY SUPPORTS (“ECS”) –** (For people who need less care than EW or AC). ECS provides services and coordination for people who do not need a nursing facility level of care with service coordination. Currently you may qualify for up to \$424 per month for the following services:

- Adult day service
- Caregiver training and education
- Chore services
- Community living assistance
- Home-delivered meals
- Homemaker services
- Personal emergency response system
- Service coordination / case management

4. **COMMUNITY SPOUSE ALLOWANCE** - If your spouse goes on MA (in or out of the nursing home), you are probably worried about how much money will be left for you! The Community Spouse Allowance allows you to keep some assets, and income so you are not completely impoverished. If your spouse’s income is high enough compared to yours, MA will allow them to transfer income to you every month. This helps your family have more money to live on every month to help pay for your housing and care. **Here’s the key: the county will not tell you about the spousal income transfer, so you can only get it if you know enough to ask!** Don’t miss this important benefit that many spouses do not know about.

5. **UNDER 65 “ALPHABET SOUP” MA WAIVER PROGRAMS** - You don’t have to wait until you are 65 to get the government to help pay for your care. In fact, the under 65 programs have unique advantages, so if you think you even might be eligible, it is worth looking into. Like EW and AC, these programs provide care services and other supports.



There are special Medicaid programs that pay for care and services if you are under 65. I call these the “alphabet soup of programs,” because they are known by their abbreviated titles, for example: CADI/CAC, BI and DD. These programs are better than the over 65 programs because you can often keep more money. The time to apply is before you are 65, even if you think you don’t need help yet. Normally, you can keep the extra money after you turn 65.

This is important if you are caring for a family member who is under 65. Even if you feel you could continue providing care without help for a while after they turn 65, I strongly urge you to consider consulting with an elder law attorney now. We can tell you if your loved one qualifies for an under 65 program. If your loved one qualifies, you can continue to be the caregiver, and your loved one gets to keep more assets for the rest of their lives. Each program has its own complex rules. We can help you determine which programs you or your loved one might qualify for, and which would be best.

6. **RESPIRE CARE** (an add-on to many of the services listed above) - Short-term care services are available when a recipient of one of the programs provided to a person or when his or her primary caregiver is absent or needs relief. This will provide the level of supervision and care that is necessary for the person in need, and often gives family members a much needed break. Respite care services are available under AC, EW, CADI/CAC, BI, and DD waivers which all have different rules of qualification.
7. **MOVING HOME MINNESOTA (“MHM”)** - (For people of any age who want to leave the hospital or nursing home and go home). The goal of MHM (a federal project) is to create opportunities for Minnesotans to move from institutions to their own homes in the community. MHM helps develop and implement transition plans to help you reach your goal of receiving services at home. To receive MHM services, you must transition out of a nursing home where you resided for 90 or more days during which time you received MA, and you then move into a qualified community residence, such as your home. MHM will provide a knowledgeable transition coordinator to facilitate the transition while ensuring you will have access to the supports and services you need during the process and after you move home.
8. **VETERAN’S BENEFITS** - If you are a veteran (thank you for serving!), or if your veteran spouse is living with you, Veteran’s Benefits can help you stay home. You are entitled to free or very discounted services outside the nursing home. For example, you can get housecleaning, bathing, and respite care services at a discount. These benefits are easy to apply for, you don’t normally need to hire an attorney, and you will qualify even if you have more assets than MA allows. This is a great benefit for our veterans and their spouses.
9. **USE NEW TECHNOLOGY TO STAY AT HOME, PAID FOR BY MEDICARE** - We now have home medication-dispensing devices that store all your pills, unlock when it’s time to take them, and alert you with a signal at pill time. They will even call you or a



relative if you miss just one dose! Other devices monitor your blood pressure and body temperature. There are more smart technology options to help you stay home safely. Best of all, Medicare covers many of these services before you even qualify for MA, because they save money when you stay out of the nursing home.

**10. NS BEYOND GOVERNMENT PROGRAMS** (options outside of government programs to help you stay out of the nursing home) -

Mom's Meals – This convenient service delivers high quality, nutritional meals directly to people who need them, up to every meal! Mom's Meals is a private provider and is available to individuals over 65, disabled, on Medicare/Medical Assistance, or on a Health Insurance Plan that offers paid meal benefits. You may also opt to private pay for this service if you don't yet qualify for the government programs listed above.

Reverse Mortgage – If you own your home and your budget is getting tight, a reverse mortgage can work well for you. This is not a government program. Instead, you work with a private reverse mortgage company. It works in reverse, just like it says. Instead of you paying the mortgage every month, it pays you income every month. These are not for everyone, as interest rates can be relatively high and you are taking on debt, so it is wise to consult with a reverse mortgage consultant as well as your financial advisor and elder law attorney before taking the plunge. We have some clients who are very happy that a reverse mortgage has helped them stay home and out of the nursing home. We can refer you to a reputable reverse mortgage consultant who can educate you on this option.

My goal in writing this report is for you to know that you do have options, and to know the next step. You don't want you or your loved one to go to a nursing home. The options available to stay out of the nursing home are confusing and overwhelming, and this report is only the tip of the iceberg as many of these programs have complicated and unintuitive rules. We are happy to help you navigate around the iceberg with our Smooth Sailing System for avoiding the nursing home. We will educate you on what you need to know to make good decisions, answer your questions, and handle the messy details for you.

The next step is to call us for a confidential, complimentary Strategy Session tailored to you. At the Strategy Session, we will ask about your goals, your family, your health, your finances, and your concerns. We will listen. We can explain the next steps toward developing a plan to meet your goal of staying home. We determine which options are possible in your situation and help you choose what is best for you. Once we develop your plan, we will walk you through it step by step. We will help you get all the help available.

At Safe Harbor Estate Law, we focus on Elder Law. We work with seniors like you and your loved ones every day. We have helped many people navigate the rough waters of aging, care, and government programs. We understand it can be overwhelming and scary and confusing. We feel very rewarded when we can help people like you be educated and empowered to choose the best options for you.

**PLEASE CALL US TODAY AT (612) 615-9535.**