

LKR Alert

October 17, 2002

Littman Krooks & Roth P.C.

Elder Law and Medicaid

DISTRICT OF FISCAL RESPONSIBILITY FOR RESIDENTS OF ADULT HOMES

Effective March 1, 2002, there has been a change in the law affecting the rules for determining which Medicaid district is fiscally responsible for residents of certain adult care facilities. See Social Services Law §62.5(d).

NEW RULE: Under the new rule, when an individual enters an adult care facility (i.e., Congregate Care Level II Adult Home, enriched housing program or residence for adults) in another district (e.g., an individual moves from an apartment in Bronx County to an adult care facility in Westchester County) and is or becomes in need of Public Assistance and/or Medicaid, the district from which the individual was admitted to the adult care facility (e.g., Bronx County) continues to be responsible for providing assistance and care. This responsibility continues until there is a break in need.

OLD RULE: Under the old rule, if an individual entered an adult care facility in another district (e.g., an individual moved from an apartment in Bronx County to an adult care facility in Westchester County) and was or became in need of Public Assistance and/or Medicaid, the district in which the adult care facility was located (e.g., Westchester County) would be responsible for providing assistance and care.

Note: The above change is effective March 1, 2002. Individuals residing in adult care facilities on March 1, 2002, who are receiving Temporary Assistance or Medicaid, continue to be the responsibility of the district currently providing such assistance or care, including Medicaid.

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Speakers

If you are interested in having an attorney from Littman Krooks & Roth P.C. speak at your facility, please contact Lauren Rego at (212) 490-2020 or (914) 684-2100.

Littman Krooks & Roth P.C. offers legal services in several areas of law, including Medicaid, Health Care, Guardianship, Elder Law, Estate and Tax planning, Estate Administration/Probate, and Trusts and Estates. Our offices are located conveniently in Midtown Manhattan at 655 Third Avenue, and in White Plains, New York at 81 Main Street.

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