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### **Medicaid cuts: Punishing the impoverished**

Radical transformations to New York's Medicaid Program are set to take place July 1. With the ability to impact hundreds of thousands of New Yorkers, proposed changes by Governor George Pataki are facing much opposition from politicians and public coalitions.

"The big news about these Medicaid cuts are the significant reductions to homecare benefits," says Bernard A. Krooks, founding partner of Littman Krooks LLP and president of the National Academy of Elder Law Attorneys. "[Pataki] is trying to implement onerous public policies forcing seniors into nursing homes."

Under the governor's new plan, senior citizens and persons with severe disabilities will be denied at-home care if they are determined to have given a graduation gift, wedding gift, or donation to a church or charity exceeding an estimated \$1,000. They face a possible disqualification from Medicaid for a "penalty period" of five years.

Lois Aronstein, AARP New York State director, told U.S. Newswire, "The health care needs of vulnerable New Yorkers are being put on the chopping block in the governor's plans and we need to do something about it." She continued, "Moving forward with a plan that cuts children, the low-income and [the] elderly off of vital services, such as access to home care services and prescription drugs, is a major step in the wrong direction."

The governor has claimed that the cut will impede "Medicaid for Millionaires." According to a 2004 article by New York Gotham Gazette writer, Richard Gottfried, "Supposedly [the cut] would keep people who can afford their own care from taking advantage of Medicaid. Actually, it would require people of modest means to impoverish themselves to pay for care or would pressure family members to give up their careers to care for an elderly relative."

"At its best, Medicaid provided care to people," said Jed Levine, Director of program and services of Alzheimer's Association "It is immensely sad and difficult for [families with Alzheimer's sufferers] to have to cope with the loss of healthcare. Not only will they have to deal with the huge complexities of this disease, now, they will have to battle with this law."

The right to "spousal or parent refusal" will become nearly impossible with the proposed Medicaid cuts. According to the Alzheimer's Association May 2006 Action Alert, "New York's Medicaid program expects couples to live in the community on only \$900 per month income - 20% below the Federal Poverty Line. A husband or wife who is "well" will be forced to divorce or institutionalize their spouse... If the disabled spouse is placed in a nursing home, Medicaid will allow a "well" spouse to keep more of his or her income and assets (up to \$99,540 in their combined assets and \$2,489 in monthly income) than if the family cares for the disabled spouse at home. If [the "ill" spouse] stays home and

needs home care, [the couple] can have only \$5,400 in combined assets and \$900 in monthly income."

According to Ann Berson, policy consultant of Alzheimer's Association, "Under the new rule, the well spouse must be absent from the home if [he or she] refuses to contribute money to support the ill spouse' This new law offers no financial protection to anyone involved. At a time when everyone is encouraging home care, [Pataki] is making it virtually impossible."

In keeping with Pataki's new provisions, Medicaid recipients must show citizenship to qualify for state programs. This stipulation is believed by Pataki and his supporters to prevent illegal immigrants from receiving healthcare. However, many disaster victims, and homeless may not have instant access to these documents. "Many people don't have passports and original certificates," said Krooks, "The effect is we are hurting our own. The whole thrust in these changes is about fiscal policies. [Pataki] is attempting to balance the budget on the backs of seniors by cutting their ability to get healthcare."

"They should call him "King Pataki" instead of Governor," noted Krooks.

Several organizations have formed a coalition in an effort to stop Medicaid cuts. The Alzheimer's Association's New York City chapter has vowed to continue advocacy activities to prevent the Governor's rule from passing July 1. They are currently requesting that New York citizens call the Governor's office urging him to discontinue this proposal.

Numerous calls to the governor's office by AmNews went unreturned.