

Elder Law & Special Needs Alert: Changes to Medicaid – New York State Education and Health Budget Bill Creates a Home Care Look-Back Period for all Home Care Services

The New York State Education and Health Budget Bill includes a big change for Medicaid planning, with the creation of a Home Care Look-Back period. **Effective October 1, 2020, there will be a Home Care Look-Back of 2½ years (30 months) for all home care services.**

Similar to the penalty now calculated for skilled nursing level (institutional) Medicaid, a penalty will be imposed for transfers made during or after this look-back period for all home care services.

The bill does not include any changes to spousal refusal (the ability of a community spouse to refuse to support his/her spouse who is entering a nursing home); or minimum CSRA (the amount a community spouse can keep when his/her spouse enters a nursing home).

This new Home Care Look-Back will impact many families and their need for estate planning. We are readily available to answer any questions you may have and to assist you with your estate planning and asset preservation. We will also continue to update you as further information and clarification on this new law becomes available.

Please visit our [Elder Law & Special Needs](#) or [Trusts & Estates](#) Practice Areas to learn more about the legal services we can provide in these areas. If you have any questions or would like more information on the issues discussed in this communication, please do not hesitate to contact us.