

New York NAELA Chapter's 2020 Cross-Border Medicaid Planning Project

50-State Medicaid Survey

This chart will serve as a valuable reference tool for attorneys to use in cross-border Medicaid planning for their clients with interests in multiple states.

A committee of board members from the New York NAELA Chapter has created a comprehensive chart with input from NAELA members throughout the country on Medicaid eligibility, allowances, and best planning tools in every state. Spearheaded by Fern J. Finkel, Esq. (current New York NAELA vice president), with committee members Tammy R. Lawlor, Esq. (current New York NAELA president-elect), Pauline Yeung-Ha, Esq., and Scott Silverberg, Esq., the committee has worked diligently over the last two years to create and compile the information.

This chart will serve as a valuable reference tool for attorneys to use in cross-border Medicaid planning for their clients with interests in multiple states. It provides an easy way for elder law attorneys throughout the country to compare Medicaid planning strategies, eligibility limits, and common practices across state lines.

NAELA member practitioners in each state were contacted and asked to respond to 26 main questions (many

with subquestions) regarding Medicaid planning, estate recovery, and tax implications in their states. Once the answers were received, the responses were entered into two charts. The first chart, arranged by state in alphabetical order, contains each state's responses to the 26 questions and subquestions, giving the reader a state-by-state snapshot of the Medicaid landscape.

The second chart, arranged by question, contains all 50 states' responses to each question, providing a snapshot comparison between all states' eligibility, allowances, planning practices, and estate recovery.

To provide ease of navigation, headers, footers, and clickable navigation hyperlinks on both charts offer quick and easy searching and comparison between the states' responses and between the two chart formats.

A second round of responses from the contributing NAELA members was initiated as the Medicaid eligibility figures were updated for 2020, with the committee updating the Medicaid Resource Allowance, Community Spouse Resource Allowance, Medicaid

Income Allowance, and Minimum Monthly Maintenance Needs Allowance figures for each contributing state and seeking confirmation from the state contributors as to the updates and initial responses to the remaining questions.

This 50-States Survey was presented at the New York NAELA Chapter's Annual Meeting on January 28, 2020, receiving rave reviews from the New York membership. It is now being rolled out to all NAELA members throughout all states.

Although this chart is for general informational purposes only and should not be used on its own to provide formal legal advice, we have been referring to it in our practices when multistate questions arise. The chart will remain available for updates by the NAELA state contributors, and we anticipate increasing reference by NAELA elder law attorneys across the country, year after year.

An ambitious project has come to fruition and is now available to all NAELA members. ■