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MEDICAID FIGURES ADJUSTED for JANUARY 2009

For the first time in memory (mine anyway) there will be NO increase in any of the Medicaid figures that are normally adjusted each January. This is because the annual change in the consumer price increase for the federal government's fiscal year (September 2008 to September 2009) was **-1.3%**.

Consequently, effective January 1, 2010, the following Medicaid provisions for the Community spouse (the "well" spouse who is not institutionalized, but is living in the community) remain unchanged:

1. The minimum amount of assets protectable for the Community Spouse remains at **\$21,912**. In other words, if the couple's combined assets are \$21,912 or less, the Community Spouse may minimally retain \$21,912 without any requirement to justify a need for that amount.
2. The maximum amount of assets protectable, without a Fair Hearing or Court order, for the Community remains at **\$109,560**. Additional assets may be protected above this amount, in limited circumstances, if there is a demonstrated need. A higher amount may be sought from the Department of Social Services through an administrative hearing, through a Superior Court, or from a Probate Court having appropriate jurisdiction through a Conservatorship.
3. The maximum monthly income available to the community Spouse without a showing of exceptional circumstances remains at **\$2,739**.
4. The penalty period divisor remains at \$9,464 per month and the minimum monthly needs allowance remains at \$1,750. These numbers will change each July 1st.

If you would like additional information on any Medicaid or estate planning matter generally, be it large or small, please feel free to call Paul or Brendan or visit our website at www.ctseniorlaw.com.

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* Certified as an Elder Law Attorney by the National Elder Law Foundation as approved by the American Bar Association. Certification of this specialty is not recognized by the Rules Committee of the Connecticut Superior Court.