

AREAS OF PRACTICE

ELDER LAW

ASSET PROTECTION
MEDICAID PLANNING
NURSING HOMES
HEALTH CARE DECISIONS
LONG TERM CARE
PLANNING
MEDICAID APPLICATIONS

ESTATE PLANNING

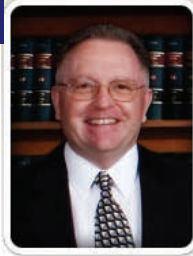
WILLS
LIVING TRUSTS
DURABLE POWERS OF
ATTORNEY

ESTATE AND TRUST ADMINISTRATION

PROBATE
ESTATE AND GIFT TAXES
ASSET MANAGEMENT
TRUST ACCOUNTINGS AND
FIDUCIARY TAX RETURNS

TAX AND BUSINESS PLANNING

CORPORATIONS AND LLC
ACQUISITIONS AND
DISPOSITIONS
BUSINESS SUCCESSION
PLANNING



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*ESTATE & ELDER LAW
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Don has practiced law for thirty three (33) years and concentrates his practice in the areas of Estate and Trust Administration, Estate Planning, Elder Law, Financial Retirement Planning, Business Formation and Succession Planning. He is a member of Wealth Counsel©, National Organization of Estate Planning Attorneys, Elder Counsel (a National Organization of Elder Law Attorneys), and National Academy of Elder Law Attorneys (NAELA).

Don is also a member of the New York Bar Association and Indiana Bar; a member of the Taxation Section and the Trusts and Estates Sections of the American and New York State Bar Associations and the Elder Law Section of the New York State Bar Association, having served as a member of its Executive Committee.

In addition, Don is a Certified Public Accountant in the State of New York, a member of the American Institute of Certified Public Accountants, and a member of the New York State Society of Certified Public Accountants.

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**MEDICAID
PLANNING
&
LONG TERM CARE
ASSET PROTECTION
IN
NEW YORK**

**THE SOUTHERN TIER'S
PREMIER
ELDER LAW, ESTATE PLANNING
& SPECIAL NEEDS
ATTORNEY**

NEW YORK MEDICAID

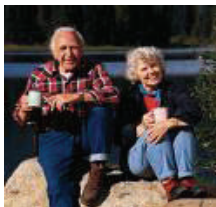
MEDICAID IS A JOINT FEDERAL & STATE PROGRAM. Medicaid covers Long Term Care (“custodial care”) which is not covered under Medicare or Medicare Supplemental Insurance. Unlike Medicare, this program has asset and income eligibility requirements.

WHO CAN QUALIFY?

Those 65 or older, blind or disabled individuals, or children under age 21 who meet the Medicaid income and asset eligibility requirements may qualify for Medicaid. Others may qualify by meeting the public assistance standards of eligibility.

ELIGIBILITY

A Medicaid applicant may have non-exempt assets up to \$13,800 (for 2009, adjusted annually), and a separate burial fund of up to \$1,500; or can prepay a funeral in any amount, subject to certain requirements.



HOMESTEAD

A primary residence is exempt for purposes of Medicaid eligibility under certain conditions

LIVING TRUSTS

Irrevocable Living Trust can be created so that the assets will not be considered available for purposes of Medicaid eligibility, subject to the transfer penalty rules. There are special Trusts which can be set up for an individual who is disabled which do not create a transfer penalty.

TRANSFER LOOKBACK PERIOD

There is a sixty (60) month lookback period for purposes of Medicaid eligibility for assets transferred on or after February 8, 2006.

TRANSFER PENALTY RULE

There is a period of ineligibility for nursing home care under Medicaid based on the transfer of assets for less than full consideration, subject to certain exceptions. The penalty period may be shorter than the lookback period.

SPOUSAL ALLOWANCES

A community spouse will be able to retain a certain level of resources and monthly income, and, at the same time, have an ill spouse qualify for nursing home care under Medicaid.

MONTHLY BUDGET

The Medicaid recipient’s monthly income over a certain level must be used to pay for care, before Medicaid will pay the unpaid balance.



DONALD W. MUSTICO

We Can:

- **INFORM** you of the Medicaid rules
- **ADVISE** you on how to protect your assets
- **IMPLEMENT** a plan with the appropriate documents, such as Durable Power of Attorney, Trusts and Wills
- **REPRESENT** you in a Guardianship proceeding, if needed
- **PREPARE and SUBMIT** your Medicaid Application
- **REPRESENT** you before the local Medicaid agencies
- **ASSIST** in hospital discharge and nursing home placements

