

EDGENTUS WEBINAR SERIES

COURSE SUMMARY

Gifting Across the Hudson

This 2-hour advanced course covers an overview of all trusts related to Medicaid eligibility planning and provides a detailed, in-depth analysis of standard Medicaid Asset Preservation Trusts. These trusts are considered divestment-causing trusts and will be differentiated with trusts that do not cause divestment. The practical uses of Medicaid Asset Preservation Trusts will also be discussed in great deal. This course is applicable for practitioners in all states except California.

Learning Objectives:

Through this course you will learn:

- An overview of Medicaid divestment rules relating to long-term care.
- How two appeals court decisions from nearby jurisdictions with similar fact pattern compare and contrast.
- The effect of gifting or loaning money to family members on a long-term care Medicaid application.
- How to overcome the imposition of an assessed period of ineligibility during a Medicaid application.
- How to frame a case for fair hearing or on appeal consistent with the exclusion of family transfers.
- Additional family transfers that cause divestment penalties and how to avoid them.

Location: Online Webinar (Zoom Webinar Platform)

Hours: 2

Date: December 1, 2020

Time: 2:00 pm ET – 4:00 pm ET

Presenters: Michael Anthony, JD

Level: Advanced

Prerequisites: None. (Introduction to Medicaid Planning and Understanding Medicaid Divestment Rules are strongly recommended.)

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COURSE OUTLINE

Gifts Across the Hudson

Date: December 1, 2020 Time: 2:00 pm ET – 4:00 pm ET

- I. Medicaid Divestment Rules Overview
 - a. Transfers to Family Members
 - i. Gifts
 - ii. Loans
 - iii. Payments for Care
 - b. Transfers Causing Divestment v. Exempt Transfers
- II. Case Analysis: Matter of Wellner v. Jablonka, (N.Y. App. Div., 3rd Dept., No. 525385, April 19, 2018). Loan Caused Divestment Penalty.
 - a. Fact pattern.
 - b. Issue.
 - c. Ruling.
 - d. Rationale.
- III. Case Analysis: M.C. v. Medical Assistance and Health Services, (N.J. Super. Ct., App. Div., No. A-1755-14T3, Dec. 13, 2016). Loan Exempt from Divestment Penalty.
 - a. Fact pattern.
 - b. Issue.
 - c. Ruling.
 - d. Rationale.
- IV. Comparing Wellner and M.C.
 - a. Similarities
 - b. Differences
 - c. Framing a Winning Case
- V. Other Solutions to Family Divestment
 - a. Promissory Notes
 - b. Family Caregiver Agreements
 - c. Lump Sum Family Caregiver Agreements (Florida Only)