

EDGENTUS WEBINAR SERIES

COURSE SUMMARY

Drafting Medicaid Compliant Family Caregiver Agreements

This 1-hour advanced course covers in detail the divestment rules on paying family members for care. Payments to family members are treated as penalty-causing divestments under long-term care Medicaid, but a person can pay a family member for home care under strict rules and with the use of a Medicaid-compliant family caregiver agreement. This course covers each of the internal elements of the agreement, as well as various external state requirements to validate the payment of a family member as a non-divestment activity.

Learning Objectives:

Through this course you will learn:

- Paying a family member for care causing divestment.
- Use of family caregiver agreements to defeat divestment penalty.
- Structure of family caregiver agreements.
- Determining the scope of care for the family caregiver agreement.
- Setting the payment rate for care under the family caregiver agreement.
- Tax implications of paying a family member for care.
- The effects of family caregiver agreements on VA benefits.
- External documentation needed to validate a family caregiver agreement.

Location: Online Webinar (Zoom Webinar Platform)

Hours: 1

Date: September 25, 2020

Time: 3:00 pm ET – 4:00 pm ET

Presenters: Michael Anthony, JD

Level: Advanced

Prerequisites: None. (Introduction to Medicaid Planning is strongly recommended.)

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COURSE OUTLINE

Drafting Medicaid Compliant Family Caregiver Agreements

Date: Sept. 25, 2020 Time: 3:00 pm ET – 4:00 pm ET

- I. Paying a family member for care
 - a. Presumption of divestment
 - b. Effect of divestment on Medicaid eligibility
 - c. Overcoming the presumption of divestment with a family caregiver agreement
- II. Rules governing family caregiver agreements
 - a. Divestment Rules
 - b. State specific caregiver agreement rules
- III. Drafting a Medicaid compliant family caregiver agreement
 - a. Key Elements of a QIT
 - i. Lump-sum v. pay-as-you-go agreements
 - b. Identifying the parties to the agreement
 - c. Describing the scope of the agreement
 - d. Setting the rate of care under the agreement
 - e. Calculating the lump-sum payment (Florida only)
 - f. Executing the agreement
- IV. Paying for care under the agreement
 - a. Tracking time and activity of the care provider
 - b. Tax consequences of paying a family member for care
- V. External Validation
 - a. Doctor Requirements
 - b. Third-Party Requirements