Medicaid Block Grants could hurt Seniors

Dear Mr. Premack: I have been following various proposals from the Trump Administration, and am very concerned about the possibility that they will convert Medicaid to a Block Grant program as you mentioned in your January 16 column. Can you provide us with any of the pros- or cons-, and how such a change to this ultimate safety net could affect Seniors of modest means? – PS

Currently, Medicaid's nursing home program is a joint federal-state program. The federal government sets standards for patients to qualify for benefits, and standards for what benefits are provided. The states manage the application process and handle paying the nursing facilities, using funds provided mostly by the federal government. Texas Governor Abbott has encouraged Washington to enact Block Grants.

A Block Grant, in general, means that federal funds are sent to the states without guidelines as to how the program is to be run. The states would be allowed to structure their own plan and decide who could qualify for assistance.

According to a recent report issued by a non-profit organization called the Center for Medicare Advocacy (CMA) with offices in Washington, DC., if Medicaid becomes a Block Grant program, nearly one million nursing home residents who rely on Medicaid nationwide could immediately lose coverage for their nursing home care. In addition, all of the federal standards that govern nursing home care today could be in jeopardy.

The CMA says that States could change the income, resource, and medical need eligibility rules, making some current residents completely ineligible for any further Medicaid coverage. They acknowledge that states would likely continue Medicaid coverage of nursing home care subject to substantial changes in who would be covered, what type of care and services residents would receive, and how long coverage would continue. Block Grants would not require states to continue these current federal protections:

- 1. Nursing homes are now forbidden from requesting or requiring family members (like the children) to guarantee payment of the nursing home bill, or to bear any liability. Under a Block Grant, each state could decide that the children are liable for a parents' nursing home costs to some extent.
- 2. Nursing homes must now accept as payment-in-full the amount paid by Medicaid. The nursing home cannot claim they would be getting more if the patient was privately paying for care, nor can it demand the patient or family make up the difference. Under a Block grant, each state could remove this cap, increasing the cost of care dramatically.
- 3. The states are now forbidden from making a claim for recovery of costs if there is a surviving spouse, minor child or disabled child living in the home. Under a Block Grant, each state could expand its recovery program, taking away or putting a lien against the patient's homestead even if there is a spouse, minor child or disabled child living there.
- 4. Current federal law provides income and asset allowances to a well spouse still living at home. With a Block Grant, these protections could be eliminated. At-home spouses could be forced into total poverty before any Medicaid coverage is provided for the nursing home patient.

Keep your eyes and ears open to any proposals that are introduced in Congress. If you feel the proposals would be harmful or would be beneficial, contact your Senators and Representatives to express your opinion.

Paul Premack is a Certified Elder Law Attorney with offices in San Antonio and Seattle, handling Wills and Trusts, Probate, and Business Entity issues. View past legal columns or submit free questions on legal issues via www.TexasEstateandProbate.com or www.Premack.com.