

Nursing Home Alternatives During COVID-19

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What is the alternative to being in a nursing home? That question is top of mind for many seniors now due to the high risk factors of the coronavirus, and the fact that the disease has become widespread within nursing home facilities.

While some folks simply cannot live at home as a medical matter, many of those in nursing homes, especially those who are there primarily because of their dementia symptoms, may be able to move back home or to a relative's home. Those who are considering this but wondering how they can pay for the care at home should consider the Frail Elder Waiver (FEW) program (sometimes referred to as the Choices program). As the name implies, the FEW allows people living in the community to "waive" the usual income limits. A senior who would otherwise be medically eligible for a nursing home using the MassHealth criteria can, instead, qualify for MassHealth benefits at home. The asset criteria for qualification are exactly the same:

- The senior cannot have more than \$2,000 in countable assets.
- The spouse can own the home, can have other assets up to \$128,640, and can have unlimited income.

For seniors who have too much in assets, the same strategies (transferring funds to a d4c pooled trust and/or buying an annuity) are available to allow the senior to restructure assets at the last minute, and then qualify.

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Once the senior has qualified for the FEW, MassHealth will typically pay for between 40-50 hours of home care services per week to keep the senior at home. MassHealth may also pay a family member (other than the spouse) a stipend to stay home and care for the senior. While there may be a deductible involved depending on the senior's income, that deductible can come from the senior's income, which now won't be paid to the nursing home. It can also come from the spouse's funds, from the d4c trust, or from a reverse mortgage on the home.

If you are concerned that you or someone you love may need nursing home care in the near future, the Frail Elder Waiver is something you may want to consider as an alternative.

For more information, please feel free to contact me at (508) 860-1470 or abergeon@mirickoconnell.com. I will also focus on this issue in my June virtual seminar, GETTING CARE AT HOME DURING THE PANDEMIC, which will be aired on local cable stations. You can also find the seminar on Frank and Mary's YouTube channel, www.youtube.com/elderlawfrankandmary. Frank and Mary's YouTube channel may be a helpful resource during COVID-19, as my co-hosts and I address many common issues facing seniors and the resources available during the pandemic through weekly virtual local cable TV shows.