

**MEDICAID STATUTE  
PASSES CONGRESS AND  
AWAITS PRESIDENT'S  
SIGNATURE**

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**THE PRESIDENT IS EXPECTED TO SIGN NEW MEDICAID LAW CHANGES ON  
FEBRUARY 8, 2006 AT WHICH TIME THE LAW BECOMES EFFECTIVE!**

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While New York will have a period of time to effect conforming New York legislation, the new asset transfer rules will be effective as of the date of the federal law change.

The new rules will require different approaches and different strategies. As in most instances, each family will present its unique set of circumstances. Thus a method to assist one family may not be effective to assist another.



While there may have been abuses of the Medicaid program, most of the families we assisted were not wealthy in any sense of the word and did not want to spend their entire savings on the cost of care of a spouse or parent. We did what we could to assist them achieve their goals.

Nobody wants to gift assets in order to protect them. Yet if a person has the wrong illness (one needing long term care that need not be provided in a hospital or with a physician) clients were forced to gift assets so that they might access the Medicaid program. Some argued that gifting was wrong. That people should use their own funds to pay for their long term care needs. I believe that to be a narrow and somewhat selfish view. In addition, the old rules penalized the Medicaid applicant who gifted his/her assets to family members or a trust. A person suffering with a heart condition, cancer, or diabetes had that person's medical care paid for by Medicare or its providers. Yet people with mental illness, MS, forms of dementia, or Parkinson's diseases, have no such protection. If society wants people to stop protecting assets, society must be willing to pay for long term care. I dare say this will not happen.

The simple fact is that society does not want to pay for long term care and also does not want people to protect their assets and get on the Medicaid program. From this viewpoint, it is the public which must recognize the unfortunate state people find themselves in and it is society's refusal to pay which begets asset transfers.

Dean S. Bress