

Special Allowable Deduction for Home Maintenance

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Objectives

- Offer you the legal foundation
- Establish the purpose of the Deduction for Home Maintenance
- Equip you with important concepts necessary to understand the Deduction for Home Maintenance
- Provide you with information on how to apply for the Deduction for Home Maintenance



Legal Foundation

Federal and State

Legal Foundation

- 42 U.S.C. §1396a(17)
- 1 TAC RULE §358.438
- MEPD Chapter H-1700



Purpose of deduction for home maintenance

Problem / Solution for Potential Medicaid
Beneficiaries

Problem / Solution

- The Problem:
 - What can a person do when their stay in the nursing facility will be on a short term basis and the beneficiary needs part of their income to preserve their home until they return?
- The Solution:
 - MEPSD H-1700 provides an allowable deduction for a short-term stay where the beneficiary returns home within six months



Important concepts

Must return home within six months of admission

Must Return Home within Six Months

- HHSC allows a home maintenance deduction when:
 - A person has a home / apartment in the community and intends to return home within six months of admission to a nursing home and;
 - A person has a home / apartment out in the community where the expenses (mortgage / rent / utilities (no phone)) must be paid to maintain the home / apartment and;
 - Health Care provider certifies that the person will return home within six months

Allowable Deduction

- HHSC bases the deduction on the following:
 - The person's mortgage or rent
 - Average utility charges (phone excluded)
- Deduction **CANNOT** be more than the Supplemental Security Income (SSI) amount
- NOTE: If there is a spouse in the community, this deduction is not allowable.



How to qualify

Form H-1280

How to Qualify

- Complete form H-1280
<http://www.dads.state.tx.us/forms/H1280/>
- Notify the eligibility specialist that they expect to be in the facility for more than 30 consecutive days but less than 6 months
- Eligibility specialist will confirm the stay with the beneficiary's health care provider
- Health care provider will certify to eligibility specialist within 90 days of admission that the beneficiary is likely to leave the facility within 6 months
- Within 90 days eligibility specialist must receive evidence of expenses in the community that the person must pay to maintain home

Example

- An individual entered a nursing facility on March 1. An application was received on May 30, which included a completed and signed Form H1280, Statement of Residence Maintenance Needs. The applicant signed the form on March 28 and the physician's signature was dated April 15.

Contact Information

- In providing services to Texans, Texas Legal Services Center (TLSC) can provide support.
- The toll-free numbers for benefits counselors and the ADRCs 1-800-880-9797
- Legal Hotline for Texans is 1-800-622-2520
- Health Law Program at 1-866-979-4343.