

Long-Term Care  
Medical  
Assistance:

# PAYING FOR THE NURSING HOME



## **Maryland Legal Aid: Who We Are**

Maryland Legal Aid is a non-profit law firm dedicated to providing high-quality legal advocacy to protect and advance human rights for Maryland's most vulnerable low-income individuals, families, and communities.

## **Know Your Rights!**

While this brochure contains general information about your rights as a Maryland resident, it is not meant to be legal advice. Even though every effort is made to keep this information current, the law sometimes changes. If you need information about your specific situation, or if you have a pending legal case, you should seek legal counsel from Maryland Legal Aid or another legal resource.

## **What is Long-Term Care Medical Assistance?**

"Medicaid" is a state and federal government program that helps pay for medical services for low-income individuals. In Maryland, Medicaid is called "Medical Assistance" and is managed by the Maryland Department of Health. Under the Medical Assistance program, there is a program for nursing home residents called Long-Term Care Medical Assistance. In this brochure, "Medical Assistance" refers to the Long-Term Care Medical Assistance Program.

## Will Medical Assistance cover the full cost of my nursing home care?

Yes. Medical Assistance will cover your nursing home based if you meet financial and medical criteria.

Financially, a person with over \$2,500 in available resources will be determined to have money to pay for their care. In addition, if you have no income or your only source of income is Supplemental Security Income (SSI), you will not be expected to contribute to the cost of your care. If you have other sources of income, such as Social Security Retirement or Social Security Disability Insurance, the state will likely determine that you have “available income” to contribute to the cost of your care. Medical Assistance pays the difference between what the states determines you have available to pay and the cost of nursing home services. If you do not pay your share of the cost, the nursing home can seek a court order for payment and/or can initiate the process to discharge you.

Importantly, Medical Assistance is only approved after meeting financial criteria if the state determines you require skilled nursing care. Once you have been rehabilitated, the state will stop providing coverage.

## How does Medical Assistance determine how much I must pay each month?

Medical Assistance has income and asset requirements for eligibility. According to the requirements, you must pay the nursing home your available income each month. Your available income is your total income minus your deductions.

### **Available Income = Total Income – Deductions**

To determine how much you must pay as your monthly available income, Medical Assistance adds up your Total Income from all sources. This includes:

- Social Security
- Alimony
- Pensions
- Retirement benefits
- VA benefits
- Earned interest and dividends

Then, Medical Assistance subtracts the following deductions from your Total Income:

\*A monthly allowance for personal expenses, such as toiletries, clothing, and reading materials. If you receive SSI, your personal needs allowance is \$30. If you have other income, the personal needs allowance varies by year, but is generally approximately 10% of what the Social Security Administration has calculated as the maximum SSI payment for the year.

- The monthly cost of health insurance premiums you pay.
- An allowance to help support your spouse in the community if applicable. The allowable Spousal Minimum Monthly Maintenance Needs Allowance can change annually.
- An allowance to maintain your home for up to six (6) months if you live alone. To get the allowance, a doctor must certify that you have the ability to return home within six (6) months.
- Part of other health-related items, such as eyeglasses, dentures, and hearing aids, may sometimes be deducted, but there generally is no deduction to allow you to continue to pay your car insurance or a car loan.

After Medical Assistance determines your available income, it will notify you of how much you must pay the nursing home. This is called your “cost of care.” You are required to pay this amount each month to the nursing home.

### **Should I wait until Medical Assistance is approved before I make any payments to the nursing home?**

No. The Medical Assistance application process can take several months. During this time, you still owe your available income to the nursing home.

If you fail to pay the nursing home, you can be discharged for not paying. If you are not sure how much you need to pay the nursing home each month, you should contact your Medical Assistance caseworker, the designated Medical Assistance representative at the nursing home, Maryland Legal Aid, or a private attorney for help estimating how much you need to pay.

### **Will Medical Assistance cover all the months that I have been in the nursing home?**

Not necessarily. Medical Assistance will cover up to 3 months before the Medical Assistance application was submitted (if you were eligible during the 3 months) and during any month between the month of application and the month when Medical Assistance coverage begins. If you don’t qualify for Medical Assistance for certain months, you will be responsible for paying the nursing home bill for those months.

## **What if my only income is Supplemental Security Income (SSI)?**

If your only income is SSI, the Social Security Administration reduces your SSI payment to \$30 per month as a personal needs allowance while you are in a nursing home. If you receive SSI, you must tell Social Security right away that you are in a nursing home. If you keep your full SSI amount while you are in a nursing home, you will incur an overpayment and will have to pay the money back to Social Security.

## **If the nursing home tries to discharge me for nonpayment, what are my rights?**

The nursing home cannot discharge you for nonpayment if you have a completed pending Long-Term Care Medical Assistance application. However, during the application process, you must provide all the required financial documents and respond to any requests for additional information from the Maryland Department of Human Services' Bureau of Long-Term Care.

The nursing home must give you a notice of involuntary discharge in writing. You must get the notice 30 days in advance of the planned discharge date, unless there is an emergency. You have a right to mediation and a hearing before you are discharged. You must file an appeal requesting a mediation and hearing within 30 days of the date you receive the notice of discharge.

The nursing home must discharge you to a safe and secure place. If you have questions about being discharged, contact the Long-Term Care Ombudsman, Maryland Legal Aid, or a private attorney.

## **How can I avoid being discharged for not paying the nursing home?**

### **Contact the Long-Term Care Ombudsman**

The Long-Term Care Ombudsman is a free advocate for nursing home residents who tries to help residents resolve their concerns. The Ombudsman assists with voicing complaints to nursing home staff and to the Maryland Office of Health Care Quality and can help find an attorney or other resources. The Ombudsman keeps information confidential and will not act without an individual's permission. The Ombudsman makes regular visits to nursing homes. To find your local Ombudsman, call the statewide office at 1-800-243-3425.

### **Contact an Attorney**

Maryland Legal Aid may be able to assist you, or you can contact a private attorney. Contact the Maryland Legal Aid office serving your county. A list of those offices and the counties they serve is provided on the back of this brochure. The Lawyer Referral Service in your county can help you find a private attorney.

### **Maryland Legal Aid's Statewide Long-Term Care Assistance Project**

Maryland Legal Aid's Long-Term Care Assistance Project provides free legal help for low-income persons to get the long-term health care they need in the setting of their choice, whether that is at home, in the community through assisted living, or in a nursing home. You can contact the Long-Term Care Assistance project by calling 1-888-465-2468 or go to [www.mdlab.org](http://www.mdlab.org).

### **Lawyer Referral Service**

Contact the Maryland State Bar Association at 1-800-492-1964.

# Maryland Legal Aid Offices

**Centralized Intake:** 1-888-465-2468  
is now serving all jurisdictions:

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## Offices

### **Allegheny/Garrett**

138 Baltimore Street  
Suite 204  
Cumberland, MD 21502

### **Anne Arundel/Howard**

2024 West Street  
Suite 204  
Annapolis, MD 21401  
3451 Court House Drive  
2nd Floor  
Ellicott City, MD 21043

### **Baltimore City**

500 E. Lexington Street  
Baltimore, MD 21202

### **Baltimore County**

215 Washington Avenue  
Suite 305  
Towson, MD 21204

### **Cecil/Harford**

103 S. Hickory Avenue  
Bel Air, MD 21014

### **Lower Eastern Shore Dorchester, Somerset, Wicomico, Worcester**

201 E. Main Street  
Salisbury, MD 21801

### **Midwestern Maryland Carroll, Frederick, Washington**

22 S. Market Street  
Suite 11  
Frederick, MD 21701

### **Montgomery County**

600 Jefferson Plaza  
Suite 430  
Rockville, MD 20852

### **Prince George's County**

8401 Corporate Drive  
Suite 200  
Landover, MD 20785

### **Southern Maryland Calvert, Charles, St. Mary's**

15045 Burnt Store Road  
Hughesville, MD 20637

### **Upper Eastern Shore Caroline, Kent, Queen Anne's, Talbot**

106 N. Washington Street  
Suite 101  
Easton, MD 21601

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**TTY Users:** Call Maryland Relay, Dial 7-1-1

[www.mdlab.org](http://www.mdlab.org)

For more information

[www.peoples-law.org](http://www.peoples-law.org)

For self-help legal information and  
community resources

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