

Paying for
the Nursing
Home

Long-Term Care Medical Assistance:

Paying for the
Nursing Home

Advancing Human Rights and Justice for All in Maryland since 1911



MARYLAND
LEGAL AID

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 the full cost of your nursing home care **IF** you have no income or if your only source of income is Supplemental Security Income (SSI). Social Security retirement and other government benefits, such as Social Security Disability Insurance (SSDI), are considered income. If you have income, you must pay for part of your nursing home care. The part of your income that you have to pay is called your “available income.” Medical Assistance pays the difference between your available income and the cost of the nursing home services. If you don’t pay your share of the cost, the nursing home can discharge you.

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 of \$77 (\$30 for SSI recipients) for personal expenses such as toiletries, clothing, and reading materials. This allowable personal needs allowance can change annually.
- The monthly cost of health insurance premiums you pay.
- An allowance to help support your spouse in the community (up to \$2,030 per month) if applicable. The allowable Spousal Minimum Monthly Maintenance Needs Allowance can change annually.
- An allowance to help support any dependent family members living with your spouse, if applicable.
- An allowance to maintain your home if you live alone (up to \$350 per month for the first 6 months you are at the nursing home). The allowable monthly home maintenance allowance may change annually. To get the home maintenance allowance, your doctor must certify

you have the ability to return home within 6 months.

- Part of the cost of other health-related items, such as eyeglasses, dentures, and hearing aids, may sometimes also be deducted. Any other expenses you have will not be considered as deductions. For example, there 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.

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

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.

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, or go to www.aging.maryland.gov/Pages/Ombudsman.aspx.

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 1-866-635-2948 or go to www.mdlab.org.

Lawyer Referral Service

Contact the Maryland State Bar Association at 1-800-492-1964 or go to www.msba.org/public/lawyer-referral.aspx

Resources for more information about Nursing Home residents' rights and Nursing Homes, generally:

- National Consumer Voice for Quality Long-Term Care: www.theconsumervoice.org
- AARP: <https://www.aarp.org/>
- <http://www.medicareadvocacy.org/>

Maryland Legal Aid Offices

Anne Arundel County

229 Hanover Street
Annapolis, MD 21401
(410) 972-2700
(800) 666-8330

Baltimore City

500 E. Lexington Street
Baltimore, MD 21202

Telephone Intake Lines:

(410) 951-7750
(866) MD LAW 4U
(or 866-635-2948)

Business Line:

(410) 951-7777
(800) 999-8904

Baltimore County

29 W. Susquehanna Avenue
Suite 305
Towson, MD 21204
(410) 427-1800
(877) 878-5920

Lower Eastern Shore

Dorchester, Somerset,
Wicomico, Worcester
111 High Street
Salisbury, MD 21801
(410) 546-5511
(800) 444-4099

Metropolitan Maryland

Howard, Prince George's
8401 Corporate Drive
Suite 200
Landover, MD 20785
(301) 560-2100
(888) 215-5316

Howard County

3451 Court House Drive
2nd Floor
Ellicott City, MD 21043
(410) 480-1057

Midwestern Maryland

Carroll, Frederick, Washington
22 S. Market Street
Suite 11
Frederick, MD 21701
(301) 694-7414
(800) 679-8813

Montgomery County

600 Jefferson Plaza
Suite 430
Rockville, MD 20852
(240) 314-0373
(855) 880-9487

Northeastern Maryland

Cecil, Harford
103 S. Hickory Avenue
Bel Air, MD 21014
(410) 836-8202
(800) 444-9529

Southern Maryland

Calvert, Charles, St. Mary's
15364 Prince Frederick Road
P.O. Box 249
Hughesville, MD 20637
(301) 932-6661
(877) 310-1810

Upper Eastern Shore

Caroline, Kent,
Queen Anne's, Talbot
106 N. Washington Street
Suite 101
Easton, MD 21601
(410) 763-9676
(800) 477-2543

Western Maryland

Allegany, Garrett
110 Greene Street
Cumberland, MD 21502
(301) 777-7474
(866) 389-5243

Statewide

Farmworker Program

(800) 444-4099

Foreclosure Legal Assistance Project

(888) 213-3320

Long-Term Care Assistance Project

(866) 635-2948

Maryland Senior Legal Helpline

(866) 635-2948

Veterans' Hotline

(443) 863-4040

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

Visit www.peoples-law.org for self-help legal information and community resources.

For more information visit www.mdlab.org.