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## **August 2020 Notice CHANGE IN COMMUNITY MEDICAID LAW 30-MONTH LOOK-BACK PERIOD IS BEING IMPOSED**

Governor Cuomo and the New York State Legislature have passed a new law that imposes a 30-month look-back period to be applied to all new applications for Community-based Medicaid for Long Term Health Care Services (including home care and personal care aides, assisted living, and day care). Transfers of assets made after September 30, 2020, will result in a period of Medicaid ineligibility during which time an individual will not qualify for Medicaid-paid services.

A complete explanation of the process is complicated, and the details are beyond the scope of this notice. In fact, New York State has not yet published procedures and regulations for this new law. There is, however, one very clear fact, and that is why we are sending this urgent alert: Assets transferred prior to October 1, 2020, will not affect an individual's ability to qualify for Community-based Medicaid Long Term Health Care Services. In other words, there will be no look-back or penalties for transfers that are completed by September 30, 2020. (The 60-month look-back for nursing home Medicaid remains unchanged.)

If you have considered engaging in Medicaid Asset Protection Planning for the first time or if you have done some planning in the past and have other assets that need to be protected in the face of future long term care services, the time to act is now.

Although Covid-19 has affected the way we physically work with our clients, we are nonetheless able to use various safe-distancing methods, including electronic communication, to assist you to set up or fine tune your estate plan and take the necessary steps to protect your assets against the cost of future long term care needs.

We strongly recommend that you call to make an appointment as soon as possible (ideally prior to August 20, 2020.) Time will be required to review your situation and to actually implement an asset protection plan (along with making necessary transfers) prior to the September 30th deadline.

Appointments for consultations and subsequent follow up will be given on a first-come first-served basis. With less than two months left to begin and complete an asset-protection plan, we strongly recommend that you contact us now to begin the process.

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