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# AMY MCGARRY LAW OFFICE, PL

PLAN FOR THE FUTURE

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*Admitted in FL & OH  
Board Certified in Elder Law by the FL Bar*

## **EXPLAINING AND HOW TO OBTAIN Home and Community Based / Medicaid Managed Care Long Term Care Program (aka Medicaid Long Term Care Waiver Program)**

### **How to Get On Waitlist**

- Contact Area Agency on Aging for Southwest Florida at 239-652-6900 / 866-413-5337
- You will then schedule a time for a phone 45-minute screening
- Items you will need for screening
  - Name of person in need of care
  - Date of birth
  - Current home address
  - SSN of person in need to care
  - Gross Monthly income of person in need of care
  - Is there a durable power of attorney and who is the Agent/Attorney in Fact?
  - Physical and mental status of the elderly person
  - (Please note: person does not need to be financially eligible for Medicaid at the time of screening, only at the time of the Medicaid application. Please let the screener know you are working with Amy McGarry Law Office for Medicaid planning.)

### **Explaining the Waitlist / Priority Scoring**

- Waitlist is not first-come first-served. Waitlist is based upon the level of need or risk of nursing home placement.
- Screening Tool (701s form)
  - Do you need medical care and how often?
  - Do you need transportation and how often?
  - Do you suffer from memory or cognitive loss?
  - Do you need assistance and how much assistance with activities of daily living?
    - Bathing
    - Dressing
    - Eating
    - Using bathroom
    - Transferring
    - Walking/mobility
  - Health issues

- Caregiver information
  - Mental and physical strain on caregiver
- Nutritional issues
- Priority Rankings
  - 1 (low risk) – 8 (Adult Protective Service high risk referral)
  - Rank of 5 – 46 points or more
  - Rank of 7 – imminent risk
    - Unable to perform self-care because of deteriorating mental or physical conditions
    - No capable caregiver
    - Placement in nursing home is likely within a month, or very likely within three months
- Request a copy of your screening responses and score
- Can ask for a rescreening if circumstances or situation change significantly
- Exemptions from waitlist
  - Someone in a nursing home for at least 60 days
  - Individuals considered “high risk” by Adult Protective Services and placed in an assisted living temporarily with State funds.

### **Released from Waitlist**

- If waitlist priority number is high enough (usually at least 5), Area Agency will send you a letter that you are released from waitlist and you need to apply for Medicaid.
- Please call our office as soon as you receive the letter. You usually have 30 days to file for Medicaid
- The physician needs to complete a 3008 form to certify level of care – our office can provide you this form to take to physician
- CARES team will complete a face-to-face clinical assessment – usually scheduled through Area Agency
- Submit Medicaid application
  - Need proof of income
  - Need proof of assets (last 3 months of statements)
- Department of Children and Families will process the Medicaid application – this usually takes approximately 60 days

### **Medicaid Approval**

When Medicaid is approved, you will need to pick a managed care-contracted provider. It will depend on the services you need and agency / assisted living you wish to provide services. Contact the service provider to find out what managed care contract provider they prefer.

To select plan: call Choice Counseling 877-711-3662

### **Eligibility**

- Either age 65 or older; or over age 18 and disabled
- Need of nursing home level of care
- Financially eligible at the time of Medicaid application (not time of getting on waitlist)
  - Under \$2,000 of non-exempt assets for Medicaid applicant
  - Gross income less than \$2,742/mo., or applicant will need a Qualified Income Trust

### **Services**

- Array of home and community-based services that enables person to live at home or assisted living to avoid the need of nursing home. It is not 24/7 care. Approximately 20 hours a week of care (some of the services below)
  - Adult companion
  - Adult day care
  - Assisted living facility (approximately \$1,300 towards care a month)
  - Care management
  - Homemaker
  - Medical equipment and supplies
  - Medication management
  - Therapies
  - Respite Care
  - Nursing care
- Services usually delivered through managed care-contracted provider
  - Sunshine Health
  - Humana
  - Vivida Health
  - Staywell
  - Molina Healthcare

***If you have any questions, please do not hesitate to contact Madison, Florida  
Registered Paralegal, for Amy McGarry at 239-945-3883 or email her at  
madison@amymcgarrylaw.com***