

## CLIENT ALERT: Medicaid 2021 Update

### FEATURED ATTORNEY



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Associate

### Medicaid 2021 Update – Post Eligibility Treatment of Income for Nursing Home Residents

Medicaid's COVID-19 emergency rules have been extended through July 2021, and now the Centers for Medicare and Medicaid (CMS) has clarified how a nursing home resident's income is to be budgeted for the duration of the COVID-19 emergency.

CMS has made clear that the Families First Coronavirus Response Act (FFCRA) protects nursing home residents who started receiving Medicaid coverage on or after March 18, 2020 from any increase in their NAMI until the COVID-19 emergency period ends.

The guidance now in effect changes instructions previously provided to local departments of social services. Now, local departments of social of services are instructed against making any increases to the NAMI liability of institutionalized Medicaid recipients, even if the recipient's income increases or has increased during the COVID-19 emergency period. Since increasing a recipient's NAMI liability reduces the size of that recipient's Medicaid award, any recipient in a nursing home whose NAMI was increased is entitled to have that increase retroactively reversed to the prior lower NAMI amount. Any income retained by the recipient as a result of this policy will be treated as an available resource for Medicaid eligibility purposes.

Any reported decreases in income will continue to effectively reduce the recipient's NAMI liability.

For more information on this this directive or any other reimbursement issue, please call our Medicaid associate [Gregory S. Choi, Esq.](#), or any of our attorneys in the Nursing Home Reimbursement Department at 516-328-2300 or visit [our site](#).