

Medicaid Update

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The Department of Children and Family Services recently adopted a rule to update the Florida average monthly private pay nursing facility rate from \$3,300.00 to \$5,000.00. This rate is used to calculate periods of ineligibility for Medicaid due to transferred resources or income (also known as the "divisor".) The new rule also requires the department to update the divisor at least every two years.

This change was made because of ongoing advocacy by the Public Policy Task Force appointed by the Academy of Florida Elder Law Attorneys and The Elder Law Section of The Florida Bar. I have served on the task force since its formation in late 2003.

Medicaid changes under the Deficit Reduction Act of 2005 (DRA) have not been implemented at this time. It is very important that individuals who transferred assets either before or after the enactment of the DRA seek advice from their elder law attorneys as to planning opportunities and pitfalls as a result of these changes.