



— ELDER LAW NEWS —

CHANGES TO MEDICAID RIGHT OF RECOVERY RULES REPEALED

In the fall of 2011, we issued a very important Elder Law News bulletin describing regulations that had been released by New York State that would have expanded the definition of “estate” for Medicaid lien recovery purposes. These regulations sought to expand the list of assets that New York State may recover from upon a Medicaid recipient’s death, to include assets such as jointly owned property, trust interests and life estates. The result would have had a significant and damaging impact on our clients’ estate planning and asset preservation.

We are pleased to inform you that New York State recently *repealed* those regulations. The right to recover a Medicaid lien is once again limited to assets included in the Medicaid recipient’s estate and passing under a valid will or by intestacy. The definition of estate will **not** include assets such as jointly owned assets, trust interests and life estates.

This is a major victory for our clients and for all New Yorkers who have taken the appropriate steps to plan for long term care.

We recommend that you continuously revisit your estate plan to ensure it carries out your wishes. Any change in your circumstances or a change in the law can affect your plan. If we can be of assistance to you, please contact us.

Visit www.hancocklaw.com/publications/ to read the original communication on this topic.

Should you require legal advice or additional information about these changes and your estate plan, please contact Cora A. Alsante, Esq., Chair of our Trusts and Estates Practice, or any of the attorneys in the Practice: Michael L. Corp, Esq., Marion Hancock Fish, Esq., Karin Sloan DeLaney, Esq., Martin L. Fried, Esq., Mary C. King, Esq., Timothy P. Crisafulli, Esq. and Jaime J. Hunsicker, Esq.