

# New Medicaid Regulation Attacks Joint Property

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On April 1, 2011 the Michigan Medicaid agency changed its regulations to state that a client's possession of a joint interest in nonhomestead land will be countable for Medicaid—even if the interest was made joint more than 60 months earlier.

Example: A camp owned “Mother and Child as joint owners” is valued at \$150,000. Mother enters a nursing home. Her half share is worth \$75,000 which will disqualify her for Medicaid. This is the rule even if the property was joint for more than 60 months and the son refuses to join in the sale.

Solutions are: (1) owning the camp as “99% by son and 1% by mother,” or (2) placing



the home in an irrevocable Medicaid Legacy Trust. However, such a Trust will uncap the taxable assessment in Michigan.

Please assess how your Michigan nonhomestead land is held. Call (905)228-6212 if you have a concern. This Michigan regulation violates federal regulations and will certainly be challenged.

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