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PRACTICING EXCLUSIVELY IN:

ELDER LAW
ASSET PROTECTION
MEDICAID & NURSING HOME PLANNING
ESTATE PLANNING
DISABILITY PLANNING
MEDICAID APPLICATIONS
GUARDIANSHIP
WILLS & TRUSTS
ESTATE ADMINISTRATION
ELDER LAW LITIGATION

ELA Alert

November 4, 2008

Please deliver to the:

Admissions Director, Administrator, Social Work Department, and Medicaid Coordinator

Key Elder Law Numbers for 2009

Medicaid Spousal Impoverishment Figures for 2009

The new minimum community spouse resource allowances (CSRA) is **\$21,912** and the new maximum is **\$109,560**. The new maximum monthly maintenance needs allowance is **\$2,739**. The minimum monthly maintenance needs allowance remains \$1,750 until July 1, 2009.

The new figures are effective January 1, 2009, and reflect an increase in the Consumer Price Index (CPI) of 4.9 percent from September 2007 to September 2008.

Income cap: Although there has been no official CMS announcement, based on the new SSI federal benefit rate (see below), the income cap for 2009 applicable in "income cap" states should be \$2,022 a month.

Annual Gift Tax Exclusion Rises to \$13,000

The annual gift tax exclusion will increase from \$12,000 to \$13,000 effective January 1, 2009, the Internal Revenue Service (IRS) has announced.

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Long-Term Care Premium Deductibility Limits for 2009

The IRS has announced the 2009 limitations on the deductibility of long-term care insurance premiums from taxes. Any premium amounts above these limits are not considered to be a medical expense.

Attained Age Before the Close of the Taxable Year	Maximum Deduction
40 or less	\$320
More than 40 but not more than 50	\$600
More than 50 but not more than 60	\$1,190
More than 60 but not more than 70	\$3,180
More than 70	\$3,980

Benefits from per diem or indemnity policies, which pay a predetermined amount each day, are not included in income except amounts that exceed the beneficiary's total qualified long-term care expenses or \$280 per day (for 2009), whichever is greater.

About Elder Law Associates PA

Elder Law Associates PA is a boutique elder law firm that practices exclusively in elder law, wills and trusts, Medicaid and nursing home planning, Medicaid applications, disability planning, special needs trusts, guardianship, asset preservation, and trust and estate administration litigation. AV-rated by Martindale-Hubbell, ELA assists clients in planning for the possibility of disability, incapacity, home health care, assisted living and/or nursing home placement. The firm enables clients to avoid impoverishment caused by the escalating cost of long term care, to maintain their right to make health care decisions and to avoid unnecessary medical treatment. The partners' combined legal experience enables the firm to provide a high degree of service and to interpret and translate complex legal issues for the benefit of its clients. For more information, please visit www.ElderLawAssociates.com.

If you are interested in having an attorney from Elder Law Associates PA speak at your facility please contact Leslie Lautin Davis at (561) 750-3850 or 800-ELDERLAW.

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