

## In This Issue

- Updates due to SECURE Act
- Community Medicaid Look-Back Period
- Virtual Legal Services

## Contact Us

Crisafulli Gorman, P.C.  
Seven Pines Office Park  
Bldg. 3  
8104 Cazenovia Road  
Manlius, NY 13104

### Telephone:

(315) 309-8211

### E-mail:

info@cg-lawyers.com

### Website:

www.cg-lawyers.com

### Facebook:



@crisafulligorman

## Updating Your Estate Plan to Accommodate SECURE Act Changes

Our most recent newsletter alerted readers to the enactment of the Secure Act, which took effect on January 1, 2020. It affects everyone who owns a qualified plan, such as an IRA, 401(k), 403(b), or other such tax-deferred retirement account.

A significant impact on estate planning is the curtailment of the amount of time that an individual who inherits a qualified plan may continue to enjoy tax-deferred growth. Whereas tax-deferred growth was once allowed over an inheriting beneficiary's entire lifetime, it is now generally limited to ten years. Exceptions exist for qualified plans left to a surviving spouse, a beneficiary fewer than ten years younger than the owner, a beneficiary who is disabled or chronically ill, or a minor.

We are pleased to offer a one hour, virtual presentation on December 15, 2020 at 11:00 am which will address how the SECURE Act affects individuals during their lifetimes, as well as updates that may be appropriate for their estate plans. Grab a cup of coffee and watch on your computer, tablet, or smart phone. **Contact us at 315-309-8211 to register.** If you need any help with the technology, just let us know.

## New York Adopts Look-Back Period for Community Medicaid

Long-term care is expensive, often requiring individuals and married couples to spend down significant assets in order to qualify for Medicaid benefits to cover the cost of such care. Faced with a medical crisis, people often consider gifting assets to loved ones in order to reduce their resources to an amount that will render them Medicaid eligible.

New York State has long hindered this strategy for people applying for Chronic Medicaid (the benefit needed for skilled care, such as a nursing home). It does so by applying a five year look-back period. If an individual gives away assets during the five year period before seeking Chronic Medicaid coverage, then he or she will not receive benefits as soon as would have otherwise been the case, thereby requiring private payment or a recovery of the gifted assets.

By contrast, an individual seeking Community Medicaid (the benefit needed for in-home care or care in an assisted living facility that accepts Medicaid), has traditionally had no look-back period. This means that an individual could give away assets presently and be eligible for Community Medicaid the following month. The lack of a look-back period for Community Medicaid has enabled many families to access the care they need while preserving family assets.

Effective April 1, 2021, New York plans to apply a thirty-month look-back period for Community Medicaid applicants. The change was originally scheduled to take effect on October 1, 2020, but its implementation has been postponed. Though strategies will still be available to put families in the best possible position, fewer assets will be able to be preserved.

If you are considering applying for Community Medicaid for yourself or a loved one, you have much to gain by doing so before the new rules take effect. Please contact us with any questions.

---

## "Change is the Only Constant in Life" -- Heraclitus

In the span of a few short months, everything changed. Though we eagerly await the day when we can regularly be in one another's physical presence, there is no telling how long it will be or whether we will have relapses requiring further office closures.

Since mid-March, we have provided a continuity of legal services by offering all estate planning and administration services remotely. We have helped countless clients learn how to use videoconferencing technology (you can do it!), participate in virtual meetings, sign estate planning documents remotely, and, above all else, to stay safe.

Now, as much as ever, it is vital for individuals and family members to ensure their estate planning is up-to-date. If it is time to review your plan or if you wish to refer a family member, friend, or acquaintance, we are fully-capable of serving clients' needs at this unprecedented time of social distancing.

---

## VIRTUAL Workshop: Essentials of Estate Planning

Know someone who would benefit from learning about estate planning? Know someone concerned about financing the costs of long-term care? It is easier than ever to participate in one of our workshops from the convenience of your computer, tablet, or smart phone. Call (315) 309-8211 to register for a real-time, free, virtual workshop. We'll help you every step of the way.

Wednesday, November 25, 2020 @ 2:00 pm

Monday, December 21, 2020 @ 4:00 pm

Thursday, January 21, 2021 @ 9:30 am