



Your Financial Rights **in a Medicaid-Certified Nursing Home**

Regardless of how you pay, you have rights as a resident.





For more information:

State Long-term Care Ombudsman

www.dads.state.tx.us/news_info/ombudsman

lrc.ombudsman@dads.state.tx.us

800-252-2412

To file a complaint of abuse, neglect or
exploitation at a facility:

DADS Consumer Rights and Services

800-458-9858

*The Office of the State Long-term Care
Ombudsman is independent within the
Texas Health and Human Services system.*

Your Financial Rights

A nursing home must:



- Allow you to manage your own money or choose someone to manage your money.



- Allow you access to your cash, bank accounts and other financial records.



- Allow you to spend your Personal Needs Allowance (PNA) any way you want.



- Not make you leave them anything in your will, assign a life insurance policy to them, transfer property to them or make extra payments to them.



- Not restrict you from leaving the nursing home.

If you choose to have the nursing home manage your money in a trust fund, the nursing home must:



- Keep records of your funds.



- Protect your funds from theft.



- Return the full balance of your trust fund within five days of a discharge.



- Return funds with a final statement to the person or court handling your estate within 30 days after your death.



- Not combine your personal funds with the nursing home funds.

Personal Needs Allowance (PNA)

If you get Medicaid, you get a PNA of \$60 a month. Your PNA is part of your monthly income kept for personal use. The rest of your income is paid to the nursing home for your care.

You can spend your PNA on things you choose, such as:



- Telephone and internet



- Smoking items



- Entertainment and outside food



- Cosmetics and hair appointments



- Clothing



- Books and gifts

PNA is not for items Medicaid covers, such as:



- Rent or upkeep of your room



- Nursing services



- Meals at the facility



- Medically related social services



- Activities at your nursing home



- Hygiene supplies like toothpaste, brushes, soap, shampoo and lotion (*unless you want a special brand*)

Social Security Administration (SSA) Representative Payee Program



A representative payee can manage payments if you cannot manage your income. The representative payee can be chosen by you, apply on their own or be assigned by SSA. If you disagree with an SSA-appointed payee, you have 60 days to ask SSA for a reconsideration.

Serving as a representative payee is a legal responsibility that should be carefully considered. Removing someone as your representative payee may be challenging, so choose carefully.

Some homes include representative payee paperwork in the admission packet. *You are not required to choose a nursing home as your representative payee.* Read carefully before signing, and ask someone you trust to read the paperwork with you.

It is a felony to misuse the benefits of another person. Contact your ombudsman or SSA if you believe your funds are being misused.

Power of Attorney

There are three types of powers of attorney: a power of attorney, a durable power of attorney and a medical power of attorney. If you want someone to make financial decisions for you, you would give that person a power of attorney or a durable power of attorney. A durable power of attorney can stay in effect or go into effect after you can no longer make decisions for yourself.



Be specific and careful as you decide which power of attorney you want. Make sure your wishes are clear in the power of attorney document. Give the nursing home a copy of these documents for your medical and business file.

A person with a power of attorney or durable power of attorney must work for the best interest of the resident. Check the power of attorney document to see what the power of attorney can or cannot do.

The resident's wishes always win over the power of attorney's wishes. You may cancel a power of attorney or durable power of attorney at any time.



