

A Roundup of Key Elder Law Numbers for 2009

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Below is compilation of Medicaid, Medicare, Social Security and other figures for 2009 that are of interest to the elderly and their families.

Medicaid Spousal Impoverishment Figures for 2009

In 2009, the spouse of a Medicaid recipient living in a nursing home (called the "community spouse") may keep as much as **\$109,560** without jeopardizing the Medicaid eligibility of the spouse who is receiving long-term care. Called the "community spouse resource allowance," this is the most that a state may allow a community spouse to retain without a hearing or a court order. While some states set a lower maximum, the least that a state may allow a community spouse to retain in 2009 will be **\$21,912**.

Meanwhile, the maximum monthly maintenance needs allowance for 2009 will be **\$2,739**. This is the most in monthly income that a community spouse is allowed to have if her own income is not enough to live on and she must take some or all of the institutionalized spouse's income. The minimum monthly maintenance needs allowance of \$1,750 took effect July 1, 2008 and will not rise until July 1, 2009.

The new figures are effective January 1, 2009. For details, [click here](#).

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. The gift tax exclusion is the amount the IRS allows a taxpayer to gift to another individual without reporting the gift. For details, [click here](#).

Long-Term Care Premium Deductibility Limits for 2009

The Internal Revenue Service 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. (For details, [click here](#).)

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.

For details from the American Association for Long-Term Care Insurance, [click here](#).

Medicare Premiums, Deductibles and Copayments for 2009

- Basic Part B premium: \$96.40/month (unchanged)
- Part B deductible: \$135 (unchanged)
- Part A deductible: \$1,068 (was \$1,024)
- Co-payment for hospital stay days 61-90: \$267/day (was \$256)
- Co-payment for hospital stay days 91 and beyond: \$534/day (was \$512)
- Skilled nursing facility co-payment, days 21-100: \$133.50/day (was \$128)

Premiums for higher-income beneficiaries:

- Individuals with annual incomes between \$85,000 and \$107,000 and married couples with annual incomes between \$170,000 and \$214,000 in 2009 will pay a monthly premium of \$134.90.
- Individuals with annual incomes between \$107,000 and \$160,000 and married couples with annual incomes between \$214,000 and \$320,000 in 2009 will pay a monthly premium of \$192.70.
- Individuals with annual incomes between \$160,000 and \$213,000 and married couples with annual incomes between \$320,000 and \$426,000 in 2009 will pay a monthly premium of \$250.50.
- Individuals with annual incomes of \$213,000 or more and married couples with annual incomes of \$426,000 or more in

2009 will pay a monthly premium of \$308.30.

Rates differ for beneficiaries who are married but file a separate tax return from their spouse:

- Those with incomes between \$85,000 and \$128,000 will pay a monthly premium of \$250.50.
- Those with incomes greater than \$128,000 will pay a monthly premium of \$308.30.

For more information, [click here](#).

Social Security Benefit Changes for 2009

- Cost of Living Increase: 5.8 percent
- Estimated Average Monthly Social Security Benefit Payable in January 2009: \$1,153
- Maximum Taxable Earnings: \$106,800
- Maximum Social Security Benefit: \$2,323/mo.

Retirement Earnings Test Exempt Amounts:

- Under full retirement age: \$14,160/yr.
- The year an individual reaches full retirement age: \$37,680/yr.

SSI Federal Payment Standard:

- Individual: \$674/mo.
- Couple: \$1,011/mo.

For a complete list of the 2009 Social Security changes, go to: <http://ssa.gov/pressoffice/factsheets/colafacts2009.htm>

For details, [click here](#).