

MEDICAID ALERT

July 26, 2017

Power of Attorney Form *and*
Statutory Gifts Rider

This Alert is to inform Providers, Client Representatives, Community Based Organizations and all organizations assisting clients with their Medicaid applications that a Power of Attorney signed in New York State after September 1, 2009, must comply with the detailed requirements of Title 15 of General Obligations Law to be valid. In particular, **to be valid**, the agreement must fully comply with all requirements of General Obligations Law § 5-1501B.

Furthermore, the New York Statutory Short Form Power of Attorney (NYSPOA) may only be used to establish a trust, if section (h) of the NYSPOA is initialed **and** if a Statutory Gifts Rider (SGR) is also signed and witnessed by two persons, who are not named in the SGR as permissible recipients of gifts, at the same time as the referencing NYSPOA. The SGR must meet the requirements of General Obligations Law § 5-1514.

All trusts signed by an agent with authority under an NYSPOA must also be accompanied by a properly executed SGR to be considered valid for Medicaid eligibility purposes.

PLEASE SHARE THIS ALERT WITH ALL APPROPRIATE STAFF