

ELDER LAW TODAY

Adrian & Pankratz, P.A.

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Medicaid Home-Based Services and the Alzheimer's Patient

Robert, age 79, has Alzheimer's. He and his wife, Mildred, age 81, are Kansas residents and have struggled with his disease for years.

At first, the memory loss was subtle. He would forget where he put his keys. Later, he began having trouble with the checkbook. The family doctor said it was dementia. And it was moving slowly. But as it progressed, his condition worsened to the point where he not only forgot where he put his keys...but now when he sees his keys, he is not sure what they are used for.

Mildred has been making a valiant struggle to keep him at home. And she is exhausted. In order to get some relief, her children have finally convinced her to take Robert to adult day services...sometimes known as adult day care. And while taking Robert five days a week to adult day care has been a blessing, she is worried about the cost. She asks if there are any steps she should be taking.

Of course, the first thing she should look at (in fact, she should have looked at long ago) are the Powers of Attorney. She already has both Financial and Healthcare Powers of Attorney along with a Living Will. But beyond that...are there any steps she should consider?

It's apparent that without her incredible dedication, along with that of her family and the folks at the day care, Robert would already be in a nursing home. Unfortunately, none of the costs of his care count against a Medicaid spend-down. That's because there is no snapshot in place, since he is not currently in a nursing home.

Robert and Mildred have a house valued at about \$80,000 along with a 1996 Buick. Both of those are exempt. They also have prepaid funeral plans which are exempt. Somehow, Robert and Mildred have managed to save about \$80,000. Now as she sees that erode (last year at this time, it was nearly \$90,000), she worries.

She should apply for Medicaid immediately and try to get benefits under the Home and Community Based Services (HCBS) waiver.

When she does this, she will designate Robert as the

"institutional spouse" and therefore any of the assets which are spent from that point forward will come off Robert's side as part of a Medicaid spend-down. If she spends her assets down to the point where he qualifies for home based services (in this case they would have a spend-down of nearly \$40,000 after the division of assets), and then if Robert later needs nursing home care, he will already be Medicaid qualified!

The bottom line is that he will have applied for home based services...and the monies spent on his care after that, including the adult day care plus any other expenses (in fact, whatever else they spend) will all count as part of his Medicaid spend-down simply because she's established the snapshot at this point in time.

Mildred feels better knowing that the money she's spending will count as part of a Medicaid spend down. She also understands that by taking these steps now, she may be saving her family tens of thousands of dollars while qualifying him for additional care giving services in her home.

Medicaid rules are tricky. But with the proper advice, the savings and benefits to Robert and Mildred and their family will be enormous.

Services Available

Adrian & Pankratz, P.A. offers the following Elder Law services:

Division of Assets	Long Term Care Planning
Guardianship	Powers of Attorney
Estate Planning	Wills
Living Trusts	Special Needs Trusts



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