

ELDER LAW TODAY

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Medicaid Myths, Part 1

Medicaid was considered a complicated Program when President Lyndon B. Johnson first signed it into law at Truman Library in Independence, Missouri, and it has grown even more complex during each of the thirty years since.

Although it is a national program, it is administered by each state. The rules and regulations are constantly changing and can vary widely from state to state. So, it's no wonder there are many myths and inaccuracies surrounding the program.

This month, we are taking a look at the common misconceptions we hear frequently about Medicaid.

“My mother heard about someone who...”

All too often we meet people who have heard horror stories about Medicaid from well-meaning friends or family members. These stories are often filled with inaccuracies and half-truths that frighten people into spending every last dime on nursing home care for themselves or a loved one before turning to Medicaid for help.

Similar stories have also prompted people to assume that what worked for a friend will work for them as well. SO, they may give their house or all of their assets to a child in hopes that impoverishing themselves will immediately qualify them for benefits. Unfortunately, they soon find out that these transfers mean they are unable to receive benefits for several months or even years after the money is gone.

That's why it is important to contact an attorney who concentrates his or her practice to elder law. With a clear picture of your specific situation, an elder law attorney can explain those laws that should allow an individual or married couple to preserve their house and enough of their assets to live comfortably for the rest of their lives.

“My father is already in the nursing home so there's nothing we can do now”

It's true that a family can wait longer than they should to contact an elder law attorney, but it's rarely ever too late to establish a good plan. A good rule of thumb is that the earlier a plan is put in place, the more assets can be preserved.

So, when is the right time to call an elder law attorney? You should pick up the phone right now if you or a loved one does not have a Power of Attorney in place for financial and health care decisions. It's important these documents are put in place before a gradual or sudden decline in mental competency occurs. It's also important to make sure the financial

Power of Attorney contains the right language so Medicaid planning is possible.

You should call right now if you think that nursing home care will be needed by a loved one. This may be due to a diagnosis of a terminal or debilitating illness, such as Alzheimer's, Parkinson's or ALS. It may also be that your loved one is being discharged from the hospital and told he or she will be unable to care for themselves at home. All these situations should be reviewed by an elder law attorney to determine what time of planning can be done.

“The Medicaid office can just give me the paperwork”

Those who work in the Medicaid office cannot offer you legal advice. You may not learn about laws that may allow you to receive Medicaid and still keep part or all of your spouse's income as well as your own. Nor can they represent you or give you advice on the laws, that depending on your specific situation, may allow you to keep all of your assets without spending down a single penny. Medicaid has rules and regulations in place to ensure families don't lose everything to nursing home costs. An elder law attorney can explain how those laws may benefit you and your family.

Services Available

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

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



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