

ELDER LAW TODAY

Adrian & Pankratz, P.A.

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Successful Planning

Elder law attorneys assist individuals and families in developing estate plans to avoid depleting their assets should they become ill and need long term care. For those individuals who are already in a nursing home, elder law attorneys help them qualify for Medicaid benefits while maximizing the amount of money they are able to keep.

Here are just a few examples:

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John met with his Elder Law attorney regarding his father, Dan. John had been living with his father for several years, as his father was unable to live on his own. Unfortunately, Dan was at a point where it was no longer safe for him to live at home, even with John's assistance. John had just placed dad in a Kansas nursing home and, because his father had no money, John was concerned that he would have to sell his father's house to pay for his care and John would have no place to live. It was very important to Dan that he give his home to his son as a way of saying thank you for the care John had provided. But, both John and Dan had heard that gifting the home would cause him to be ineligible for Medicaid.

Through some planning, the Elder Law attorney was able to transfer the home to John, without causing any Medicaid penalties for his father. The month John moved into the nursing home he applied for Medicaid, included the transfer of the home on his application, and Dan was approved for benefits!

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Mr. and Mrs. Brown owned their own home, worth about \$200,000, and had assets (not including their home) totaling approximately \$150,000. Mr. Brown had social security income and a pension totaling \$1,800 a month and Mrs. Brown had social security income of \$400 a month. Mr. Brown entered a nursing home in March. Mrs. Brown went immediately to the Social and Rehabilitation Services office to see what benefits they would be eligible to receive. She was told her husband would qualify for Medicaid once they spent down \$75,000 (one-half of their assets). Her financial advisor recommended she contact an Elder Law attorney, who was able to qualify Mr. Brown for benefits.

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Howard went to his Elder Law attorney in June. Six months ago, his wife, Betty, had entered a nursing home which was costing the couple approximately \$6,500 each month. Their assets totaled \$110,000 at the time Doris entered the nursing home and Howard was told once they spent down to \$55,000, Doris would qualify for Medicaid.

Howard was advised that he could stop spending down immediately and he could purchase a "Medicaid friendly annuity" with a portion of his assets. Within two weeks, a Medicaid application was put on file. Two months later, Doris was approved for benefits retroactive to the date of application. Not only did Howard save over \$55,000, but his co-pay to the nursing home is now zero!

This type of planning was possible through a specific type of annuity.

Please keep in mind that Medicaid planning is very fact-specific and not all of the above planning techniques work in every situation. Before spending down all of your assets, we recommend contacting an Elder Law attorney knowledgeable in the area of Medicaid laws.

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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