



# Leave It To The Professionals: Why You Should Use an Elder Law Attorney for your Medicaid Application

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Medicaid (“MA”) is a vital benefits program that helps thousands of people pay for crucial long term care. Without access to Medicaid, families across the state would be forced to fend for themselves to pay for a care setting that can cost anywhere between \$7,000.00 and \$11,000.00 per month. While Medicaid helps numerous people, it is a very difficult process for a lay person to navigate. Confusing rules, lengthy documentation and potential litigation represent some of the pitfalls an applicant can face while traversing the Medicaid Application Process. This article will show how utilizing the services of an Elder Law Attorney can help avoid these issues and save a family significant time, money and stress.

## **Familiarity With The Process:**

One of the first questions I ask my clients when discussing the utility of hiring a professional to complete a Medicaid Application is, “How many Medicaid Applications do you think the average individual completes in his or her lifetime?” The answer is generally one at most. Elder Law Attorneys complete and file Medicaid Applications regularly which removes any of the guess-work from completing the process.

An experienced Elder Law Attorney is going to understand precisely which documentation to compile in an application. This will avoid back and forth communication with the County Assistance Office (“CAO”, local offices that administer Medicaid Applications) as well as a potential denial based on lack of proper documentation and evidence. He or she will also be able to effectively communicate with The Department of Human Services (“DHS” formerly the Department of Public Welfare or “DPW”) to ascertain the status of an application and what actions are necessary to achieve a positive result. This ability to interface with government agencies comes from mutual experience between Elder Law Attorneys and CAOs in working together jointly on dozens of applications. CAO turnover notwithstanding, your Elder Law Attorney has probably worked with whichever CAO caseworker is handling your family’s MA Application on numerous occasions. This familiarity with the process as well as acquaintance with CAO caseworkers makes the use of an Elder Law Attorney invaluable to procuring MA benefits.

## **Knowledge Of Techniques To Expedite Eligibility:**

Medicaid is a means-based program which means that, in order to qualify, one must have limited resources. This can be troubling to families who are trying to afford medical costs while applying, looking after a healthy spouse’s financial well-being or trying to set aside resources for the next generation. A Long Term Care Facility or DHS may tell a potential applicant to simply spend his or her resources down on care and related expenses to achieve eligibility.

While this is certainly one method of achieving resource-eligibility, it is not in an applicant’s best interests to simply spend down without looking into alternative methods. Elder Law Attorneys employ Protective Trusts,

Exempt Transfers and Unique Financial Products to help families achieve asset eligibility while maintaining as much of their life savings as possible. Employing the services of an Elder Law Attorney allows for access to a multitude of planning options.

Utilizing these methods through an Elder Law Attorney can prevent costly mistakes which can lead to liability to the children of MA Applicants. Recent case law in Pennsylvania assigns responsibility for payment to Long Term Care Facilities to the applicant's children in the event of non-payment of the applicant. An Elder Care Attorney will help ensure that your family's MA Application is filed properly, thus avoiding mistakes that could cost the applicant's children money.

**Most Importantly, We Are Your Advocate:**

A Medicaid applicant's family will work with numerous people on the road to achieving benefits. These professionals include: the facility's social worker, the facility's business office professionals, doctors and CAO caseworkers. While all of these people are likely to be consummate professionals and more than competent, none of them directly represent the applicant's interests.

Your Elder Law Attorney will directly represent your interests. Having legal counsel for a Medicaid proceeding ensures that a professional will seek the best way for your family to achieve asset eligibility, the best treatment from the long term care facility and the dignity and respect an applicant deserves.

In summation, employing the services of an Elder Law Attorney is crucial to a successful MA Application. An Elder Law Attorney will guard your interests, employ state of the art planning techniques and navigate the complexities of a Medicaid Application with the experience of a trained professional. These skill sets render the services of an Elder Law Attorney matchless in helping a family afford costly medical expenses through Medicaid.