

MEDICAID PLANNING TECHNIQUES

Medicaid planning is becoming an increasingly vital tool in our representation of clients. Medicaid planning is not only a skill to be used for our aging clientele, but also of importance for their parents and even for those clients who have children with disabilities. There are many planning opportunities which may be beneficial to you and your clients. To that end, did you know:

1. That the cost of nursing care can run upwards of \$80,000 per year?
2. That many clients errantly believe that Medicare will pay for their long term care?
3. That in the absence of long term care insurance, the costs of nursing care must be privately paid until the disabled individual is impoverished?
4. That, in order to qualify for Medicaid, an individual may only have \$2,000 of countable assets?
5. That if that individual is married, then, in addition to the \$2,000, the non-nursing home spouse may protect half of the remaining countable assets up to \$99,600 (and a minimum of \$19,920)?
6. That the all of the countable assets of a married couple are considered for Medicaid planning regardless of which spouse owns the assets?
7. That with proper planning, at least some of the individual's assets may be protected?
8. That there are additional planning techniques available to married individuals?
9. That it is important to review a client's durable power of attorney and trust to ensure that they provide a successor Trustee or agent the power to Medicaid plan?
10. That after qualifying for Medicaid, it is important to revise the non-nursing home spouse's estate plan to protect both the nursing home spouse and their children?
11. That it is not necessary to disinherit a child with special needs in order for that child to qualify for government assistance?
12. That it is possible, after a client's death, to petition the court to reform a trust to protect assets for a special needs child and maintain eligibility for government assistance?
13. That life insurance is a great tool to provide funds to care for a special needs individual?
14. That it is possible to protect lawsuit proceeds payable to a disabled individual and still qualify for government assistance?
15. That the Deficit Recovery Act of 2005 ("DRA"), which was passed into law this February, drastically affects the Medicaid Rules?

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