

Q & A: Top 5 FAQs about Medicaid

AS AN ELDER LAW ATTORNEY APPROACHING MY 20TH YEAR PRACTICING IN THE FIELD, I HAVE SPENT MANY YEARS HELPING CLIENTS BECOME ELIGIBLE FOR MEDICAID. THE FOLLOWING ARE ANSWERS TO THE QUESTIONS I RECEIVE MOST OFTEN:

1. Can I get Medicaid with more than \$2,000.00 of assets?

Yes. There can only be \$2,000 of countable assets. However, a person can be eligible for Medicaid with a far greater number of exempt assets. Exempt assets are assets not considered for Medicaid eligibility purposes. With the proper legal planning, we are regularly able to save between 50-100% of our client's previously countable assets by transferring those assets to exempt categories.

2. Will I be forced to sell the house or farm?

No, if you have proper legal planning. There are many ways to protect a house or farm from being considered a countable asset for Medicaid eligibility purposes. However, seeking the advice of a qualified Elder Law Attorney is essential for

such planning to ensure that it is not only exempt during the Medicaid application, but also exempt from potential Medicaid Estate Recovery.

3. Do I need a Trust?

Not necessarily. There are many ways to protect assets without a trust. Since trusts are often confusing to non-attorneys, our firm only uses them in specific situations in which no other exemption is as efficient.

4. Are there other options than nursing homes?

There may be opportunities for those needing care to have a caregiver at their home or an assisted living facility. War time veterans and their surviving spouses can qualify for the Veteran's Aid and Attendance Pension (up to \$2,295.00 per month) to help with this expense.

Additionally, the Department for Medicaid Services has a home and community based waiver program to help keep individuals at home instead of a nursing home.

Mr. Brawner is the founder of Western Kentucky Elder Law, PLC, an accredited attorney with the Department of Veterans Affairs, and a member of the National Academy of Elder Law Attorneys.



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5. What is the cost for Medicaid Planning?

The cost of Medicaid Planning varies depending on a variety of factors including the level of assets, amount of legal work necessary to make a client eligible, the amount of pre-planning previously done by the client, or if it is an emergency planning situation. Generally, the most expensive legal costs would be approximately the same as two months of nursing home expenses, which the individual would already have to pay, and keep paying, without proper Medicaid Planning.

While these answers should help lessen your worries, there are many other factors that can shape the answers an Elder Law Attorney might give to best suit the needs of your specific situations. For instance, some factors such as marital status, disability status of children, veteran status, guardianship status, and income level may play a role in the amount of assets that can be preserved.

If you have further questions, Western Kentucky Elder Law, PLC is always available to answer your questions and gives a free consultation to tailor those answers to your specific needs.

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