

Attorney Timothy P. Crawford, CPA, CELA*, CAP**
wanted to share this information with you.

APPROACH MEDICAID NURSING HOME COVERAGE WITH CARE

GREATER MILWAUKEE AREA OFFICES IN BROOKFIELD, GLENDALE, MILWAUKEE, OAK CREEK & RACINE

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Medicaid is a comprehensive health care program that covers a wide variety of people who need nursing facility medical care and meet certain financial eligibility guidelines.

For seniors, Medicaid is a very important resource covering more than 65% of all nursing home care. As you have read in many of our previous articles, nursing care currently costs approximately \$100,000 a year. Therefore, most people who require long-term skilled nursing care eventually must deal with this program. The stakes are high and it is important to know what common mistakes to avoid.

First: Know when you need help. Most people don't plan to go to a nursing home. It's typically the default care setting for those who have chronic long-term illnesses that cannot be treated at home or in a personal care facility. Medicare covers only up to a maximum of 100 days and many times less, so at roughly \$8,000 a month, the arrears add up quickly once insurance coverage ends. Get advice immediately on your options before Medicare coverage ends.

Second: Recognize potential problems. Medicaid is a taxpayer-funded program and before the government is going to foot the bill for your expensive care, there will be an exhaustive financial review process. This process, called "verification," will involve a detailed review of five years of all of your investments, bank accounts, real estate transactions and transfers (i.e. "gifts"). If you are aware of problems providing this information or, worse yet, gifts that may have occurred during this "look back" period, plan to deal with them immediately by seeking the advice of experience elder law attorney. These problems will eventually be discovered by the County Human Service Office (trust us, they will) and could lead to delays or denial of coverage.

Third: Communicate. The Medicaid application process can take several months to produce a decision of eligibility (or denial). During this time period, the nursing home is waiting to be reimbursed. Generally, the resident is only paying a small portion of the actual costs monthly (called the "monthly cost share") and the nursing home is bearing the risk of a denial of the application. Therefore, it is important to keep the lines of communication open between the resident (or her representative) and the nursing home and the County Human Service Office. These parties should be made aware periodically of the progress and status of the application.

Fourth: Don't delay appeals. For one reason or another, many applications are denied at first. This could be a result of incomplete verification or gifts that are not exempt from penalty. Regardless of the reason for the denial, it is crucial to appeal in a timely manner to maintain the retroactive coverage requested in the initial application. Applicants have a 45-day right to appeal. At this point, the applicant may simply need to provide additional information. However, in more complex cases, there may be a legal issue that needs to be submitted for a "fair hearing" in front of an Administrative Law Judge to resolve the matter. Either way, if you do not timely file the appeal, you will not even have the chance to fix things.

Finally: Consider seeking experienced legal advice. As stated previously, the stakes are high and applications and appeals can take several months to resolve. For example, if the unpaid nursing home balance is \$8,000 a month and an appeal is denied after six months, the nursing home will expect to be paid the arrears of \$48,000 from the applicant. While all parties involved desire a smooth transition to Medicaid covered care, nursing facilities are a business and must be paid for their services. (So, if things don't go right with the application, the nursing home resident's children may be seeking legal counsel anyway -- and not under the best circumstances.)

Medicaid coverage for long-term care services is an extremely complex blend of federal, state and local laws, rules and customs. While our hope is that all seniors plan ahead for the contingency of needing long-term facility care, when faced with an immediate need for such care, families should not gamble with not only the health and safety of a loved one, but with the financial consequences as well.

The whole process of applying for benefits can be extremely difficult. It is both time consuming and exhausting. With proper planning and the assistance of our office in the application and verification process, you can simply gather information while our staff works with the County Human Service Office to get your loved one onto benefits.

**“Those Who Plan Ahead Win.
Those Who Don't Plan Ahead Lose.”**

This article is for informational purpose only and is not intended as legal advice. It is recommended that you call Timothy P. Crawford for a free conference to discuss your situation in more detail. Attorney Crawford can be reached at 1-262-634-6659. Please refer to this article when you call.

*Attorney Timothy P. Crawford is a Nationally Board Certified Elder Law Attorney (CELA). He has been Board Certified by the National Elder Law Foundation which has been approved as the Sole Certifying Organization for Elder Law Attorneys by the American Bar Association.

Timothy P. Crawford was invited to join the Council of Advanced Practitioners (CAP**) of the National Academy of Elder Law Attorneys (**NAELA**) in August of 2005. **CAP** is a small group of premier elder law attorneys, all of whom have been members of NAELA for at least 10 years, are certified as elder law attorneys by the National Elder Law Foundation, and are AV rated by Martindale Hubbell, a service that provides an independent rating of the quality of attorneys, as one of the top attorneys in the nation.

Attorney Timothy P. Crawford has been selected as a **Fellow** of NAELA. **Fellow** is the highest honor bestowed by the Academy. Selection as a **Fellow** signifies that his peers recognize the lawyer as a model for others and as an exceptional lawyer and leader.

Attorney Timothy P. Crawford has a superb rating of 10 out of 10 with A V V O.

A V V O has awarded to Attorney Timothy P. Crawford the A V V O Client's Choice Award.

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**"Helping Families in Wisconsin for Over 40 Years
to Protect Their Assets from Nursing Home Care Costs"**

"A majority of text has come from an article printed in the *Pittsburgh Post Gazette*."