

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

BABY BOOMER'S GUIDE TO NURSING HOME CARE

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Many Baby Boomers are confronted with helping their elderly parents arrange and pay for nursing home care; however few Boomers know much about nursing homes. Where can they turn to quickly obtain unbiased and plain English information? The National Senior Citizens Law Center, (www.nsclc.org) recently published *The Baby Boomer's Guide to Nursing Home Care* (the "Guide"). The authors, Eric M. Carlson and Katherine Bau Hsiao, are nationally recognized experts on nursing homes.

- The Guide contains nine chapters covering the following subjects:
- Eldercare options including in home care, assisted living facilities, continuing care retirement communities and nursing homes;
- Choosing a nursing home;
- Paying for nursing home care including Medicare and Medicaid;
- Admission process and agreements;
- Moving In: transition and safeguarding resident property;
- Quality of care including care plans and no discrimination against Medicaid eligible residents;
- Health care decision making including health care directives;
- Eviction rules and bed hold policies; and
- Resolving problems.

The Guide was put to three tests. The first test was the frequently asked question about whether a nursing home can discriminate against Medicaid eligible applicants or residents. The Guide correctly states that nursing homes have the discretion to admit or reject applicants. Medicaid reimbursements account for about 60% of total nursing home revenue and 94% of nursing homes are certified to accept Medicaid applicants. The Medicaid rate is the lowest reimbursement rate, and, as the Guide points out, nursing homes may admit private payment residents before Medicaid residents. The Guide also correctly states that, once admitted, all residents are entitled to the same quality of care and the same staff attention regardless of how their bills are paid.

The second test was to research a client question concerning the right of a son to visit his mother in a nursing home outside of normal visiting hours. The Guide correctly states that a resident's family member must generally be allowed to visit the resident at any time, assuming that the resident wishes to be visited by the family member at that time.

The third test is a question posed at a recent elder law conference. May a nursing home discharge for non-payment a resident who has spent down the resident's funds and has a pending Medicaid application? The Guide does not have the answer, but the author, Eric Carlson, had the answer. The federal government's State Medicaid Manual, in appendix PP, states: "A resident cannot be transferred for non-payment if he or she has submitted to a third party payor all the paperwork necessary for the bill to be paid. Non-payment would occur if a third party payor, including Medicare or Medicaid, denies the claim and the resident refused to pay for his or her stay."

The Guide correctly answered two of the three test questions, and the Guide's author supplied the answer to the third question. Attorney Timothy P. Crawford recommends the Guide to anyone with family members requiring nursing home care; however, the Guide can also be a useful reference for elder law attorneys, social workers, nursing home staff, and discharge planners.

At 191 pages, the Guide is relatively short, and it is written in plain English question-and-answer format with practical advice concerning frequently asked questions and problem areas. The Guide can be ordered at www.nslc.org/publications/manuals.

“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 prepared by Attorney Andy Hook of the law firm of Oast & Hook, P.C., friend of Attorney Timothy P. Crawford, is used here with permission."