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ELDER LAW MINUTE

My good friend and colleague, John Spears, recently asked me, when is it appropriate to make an Elder Law referral?

As an Elder Law Attorney, I help families who are confronting the need for long-term care but who do not have either adequate insurance or ample resources and income to afford that care. I help them select appropriate facilities, negotiate agreements with these facilities, advocate on their behalf with regard to their rights at these facilities and position their assets to facilitate the qualification for Medicaid and Veteran's assistance.

I help them prepare V.A. and Medicaid application forms and I walk them through the process all the way to approval. Should it become necessary to appeal an agency decision, I also represent them at hearings before the Office of State Administrative Hearings. Once they are receiving the benefits they applied for, I counsel them with regard to subsequent transactions which might adversely affect their benefits, like selling their home or receiving an inheritance, and how to structure these transactions so as to minimize the negative consequences. I help them report changes to the agencies and I help them prepare and file annual reports and returns.

While I am no longer a practicing tax attorney, I do have an undergraduate degree in accounting and a Master of Laws in Taxation, so I am able to identify tax issues and help clients determine whether they need to consult their tax advisor before completing certain transactions.

I prepare Powers of Attorney, Advance Health Care Directives, Qualified Income Trusts, and Last Wills and Testaments whenever necessary for my clients. After my clients lives come to an end, I help the family through the Medicaid Estate Recovery process until it has been completed.

I hope this information is helpful to you in making appropriate referrals.

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