



Protecting Seniors Applying for Long Term Care Benefits

Dear Friends,

One of the greatest expenses facing seniors today is long term care. Presuming you need significant care, what do you do if your income or assets exceed VA or Medicaid eligibility levels and you would like to preserve as much of them as you can? If you are in this position, there may be some steps you can take to facilitate eligibility. However, some of these steps could cost you from a tax standpoint. Further, if not handled carefully, taking steps to obtain one benefit could considerably harm your chances at obtaining the other. Retaining competent counsel to guide you through the process is essential.

By competent counsel, I mean an elder law attorney. In recent years, Florida has become a fertile breeding ground for companies claiming a specialization in obtaining Medicaid and VA benefits. By and large, these companies are not subject to any licensing, education, or advertising requirements, unlike lawyers who are subject to such regulation. Given what could be at stake financially, I think it makes good sense for seniors and their loved ones to avoid the pennywise pound foolish trap of hiring unregulated Medicaid and VA benefit specialists.

Some of these companies also claim that their fee includes legal fees, without having the client meet the attorney or with only a very brief exchange between attorney and client. An attorney friend of mine tells me that the company claiming specialization is practicing law without a license if three things are lacking: an independent attorney-client relationship, the client paying the attorney directly, and an initial determination that a particular document or asset or income planning strategy for the client's circumstances is needed. When that happens, you are clearly not getting your money's worth. Please make no mistake, these unregulated companies can cause harm to individuals.

My attorney friend also explained to me that not only can seniors be ill advised by those claiming specialization, but some of the fees these companies charge is well in excess of what an

attorney would. Many seniors have a preconceived notion that hiring an attorney will be too expensive and use these companies because they think it will save them money. Additionally, more and more long term care facilities and providers are outsourcing cases to these companies (in some cases, actually pressuring families to use the specialists) with no regard whatsoever for the complexities of the particular case.

If you have a long term care facility, hospital or some other corporate service provider recommending a company claiming a specialization in obtaining Medicaid or VA benefits, beware of where loyalties lie. My fear is that loyalties rest squarely with the corporate office and not with the best interests of the senior in need. As a result, when it comes to pursuing Medicaid and VA benefits, a reputable elder law attorney will likely be a more qualified, forceful advocate than would the unregulated specialists that have some affiliation with the business office of the long term care facility, hospital, or other corporate service provider. Choose wisely because failing to do so could be needlessly costly.

Joe Steckler is the President of Helping Seniors of Brevard, a nonprofit organization designed to advocate, educate, and fundraise on behalf of Brevard's senior citizens. Feel free to contact us at: info@helpingseniorsofbrevard.org or calling (321) 473-7770. **SS**

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