

WHAT QUESTIONS SHOULD I ASK A CALIFORNIA ELDER CARE ATTORNEY?

“Elder law attorneys counsel people who are making preparations for their senior years. There are various different elder law issues on the table at the present time, and long-term care costs are at the top of the list.”



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If you consult with an elder care attorney, you will learn about the Medi-Cal program. This is a government health insurance program that will pay for long-term care.



When you start to get older, you invariably begin to think about things that never crossed your mind previously. Retirement can seem like a world away, but eventually, it starts to peek its head over the horizon.

If you are starting to get concerned about the eventualities that you may face during your senior years, you may want to discuss things with an elder care attorney. These legal professionals focus on matters that are of interest to elders and their loved ones, and they can provide you with insight and answers.

There are certain basic questions that you may want to ask your elder care attorney so that you can gain an understanding of the current dynamic within the community. We will look at some of them in this paper.

Will Medicare cover all of my medical expenses?

You will qualify for Medicare if you earn at least 40 retirement credits throughout your working career. In 2015, you get one credit for every \$1,220 that you earn, and you can accumulate up to four credits in a year.

Under currently existing laws, the age of eligibility is 65.

Medicare will not pay for everything in full, though it will be of great assistance. There are out-of-pocket expenses for things that are covered, including co-payments, deductibles, and premiums.

Plus, Medicare does not pay for long-term care at all.



Do a lot of people need living assistance eventually?

Many people are surprised when they hear the facts about living assistance. According to the United States Department of Health and Human Services, 70 percent of people reaching the age of 65 will someday need long-term care.



Is long-term care expensive?

Assistance with your activities of daily living is extremely expensive. The median annual charge for a private room in a nursing home in California is over \$104,000 (according to Genworth Financial).



A survey was conducted by the government a few years ago, and they reported that the average length of stay was right around two years and three months. Around 10 percent of nursing home residents remain in the facilities for at least five years.



Are there any solutions?

The Medicaid program pays for most of the nursing home care that is received by seniors in the United States. We practice law in California, and in our state, this program is called Medi-Cal.



Every senior who requires long-term care does not automatically qualify for Medi-Cal. This is a need-based program, so there are income and asset limits that you must stay within if you want to qualify for coverage.

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Medicaid (Medi-Cal in California) is a government funded program that provide financial assistance for seniors that need help paying for healthcare services such as a nursing home. People must meet certain criteria in order to receive Medicaid. In some cases, trying to meet eligibility for Medicaid can leave a person with nothing, often having to deplete their net worth, or give assets away in order to qualify for Medicaid. But with a little Medicaid Planning, you can use this government benefit and still retain your estate.

Is there any way that someone with resources can qualify?

You could not qualify immediately, but you could engage in a Medi-Cal spend down. This is a measured divestiture of assets. Many people will simply give their loved ones inheritances in advance before they apply for Medi-Cal coverage.

Can I just hold on to my assets and give them away if I find out that I need long-term care?

The answer to this question is no, because there is currently a 30 month look-back in California. You have to complete your gift giving at least 30 months before you apply. If you don't, you will be penalized, and your eligibility will be delayed.

Summary

Elder law attorneys counsel people who are making preparations for their senior years. There are various different elder law issues on the table at the present time, and long-term care costs are at the top of the list.

Most people will need living assistance eventually, and it is quite expensive. Medicare does not pay for custodial care, so this is a matter of great concern.

If you consult with an elder care attorney, you will learn about the Medi-Cal program. This is a government health insurance program that will pay for long-term care.

ABOUT THE AUTHOR

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Roy Litherland has been providing legal services in Santa Clara and Santa Cruz Counties continuously since 1975.

Roy has an undergraduate degree in accounting from Indiana State University, and a Juris Doctor degree from Indiana University, where he graduated cum laude. In law school, he was a recipient of the Dean Faust Award and received awards and honors in income taxation and estate and gift taxation.

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Because Medi-Cal is a need-based program, it takes careful planning to qualify without losing everything in the process. People often give assets to their loved ones to gain eligibility, but you have to act in advance, because there is a look-back period.

Action is required if you are unprepared for the future. Many elder care attorneys offer free consultations, and you can contact an attorney in your area to get answers to all of your questions.

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