



# BRUMBAUGH ELDERLAW REPORT

News and Helpful Information for Seniors and Those Who Love Them

April 9, 2018

Volume 13

**REGISTER TODAY!**

## Do you have Your Ducks in a Row?

You're invited to one of our FREE Seminars. Come learn about Estate Planning, Asset Protection, Medicaid and VA.

**April 10, 2018**

2PM & 6PM

Quality Inn & Suites  
1935 Cleveland Rd.  
Sandusky

**May 15, 2018**

2PM & 6PM

Ida Rupp Library  
Port Clinton

**June 19, 2018**

2PM & 6:PM

Quality Inn & Suites  
1935 Cleveland



To RSVP for a seminar, or to schedule a consultation, you can contact us at: 419.626.0684 or Email team@brumbaughelder-law.com

For more helpful information, visit our website

BrumbaughElderlaw.com or follow us on Facebook at www.facebook.com/BrumbaughElderLaw/

## The dangers of letting nursing home staff help you apply for Medicaid.

*The following is a true story with the identifying information of the people involved modified so as to protect them. This is a call that Pam, our Director of Client Services, had with a family member:*

Last fall, Susie called our office because her dad was going into the nursing home. Other than a trailer, she said her dad had no other assets. Susie wondered if her dad had to sell the trailer. If he did not sell it, how would her dad pay the maintenance (utilities, mowing, snow removal, taxes) if all of dad's income had to be paid to the nursing home? If Susie and her siblings paid these expenses, if and when the trailer sold, could they be reimbursed? What was the time frame and rules for selling? I encouraged Susie to schedule a consultation with our office so we could further discuss and share with the family strategies to assist them in navigating Medicaid's confusing and tough rules as she was very overwhelmed. Susie spoke with her family, and instead of scheduling a free consultation, Susie decided that they would not hire us (even though the costs to do so would be treated by Medicaid as a proper spend down expense) and would pursue filing for Medicaid on their own without anyone on her dad's side as the Business Manager at the nursing home offered to assist them with Medicaid.

Four months later, Susie called me with some worries. She explained that she and her family were instructed the billing person to sell her dad's trailer, and then "spend down" the money until her dad had less than \$2000. The sale took two months. After paying the nursing home, dad had less than \$2000 in his account. Dad's children were not able to reimburse themselves for the expenses that

they incurred with the trailer as no one had shown them how they could legally do so (we could have shown them). The Business Manager filed for Medicaid. At the time of the second call, it had been two months from when the application was filed and they have not heard anything from Medicaid.

It was explained by the billing person to Susie that while they were waiting to hear from Medicaid, they only had to pay her dad's social security to the nursing home. Thus, each month that goes by while waiting on Medicaid to make a decision, the nursing home bill grows with the expectation by the nursing home and family that Medicaid will ultimately approve the application and pay off the growing bill.

Since the Medicaid application was filed, Susie found that dad had a life insurance policy with a cash surrender value of \$3300. She did not know what to do as the money was to be used to "bury dad." She went ahead and cashed in the policy, received the check, but had not cashed the check when she called.

In that second call to us, Susie explained that she asked the Business Manager what to do with the check and if it would be a problem. She had not yet received an answer. She has tried to call Medicaid, but was not told the name of the caseworker and no one has called her back. The Business Manager explained if dad is denied Medicaid because of the life insurance, then Susie would be responsible for the bill.

*Continued Page 2*

*Brumbaugh Elderlaw Report* is written to inform and entertain our clients, referral sources and friends. This is not legal advice. If you need help for your specific situation you should call The Law Office of Michael Brumbaugh at 419.626.0684.



## The dangers of letting nursing home staff help you apply for Medicaid. Cont'd

Susie expressed to me that that she is very concerned and is extremely stressed. She nor her siblings have any money to pay the nursing home bill if Medicaid does not approve the application. Additionally, dad's condition is such that Susie and her siblings cannot care for dad at home if he is denied Medicaid.

She wanted to know what to do and whether she had messed up her dad's Medicaid application. Susie told me that she now regrets not coming in to see us. She thought Medicaid would be easy if the nursing home was helping.

We handle Medicaid planning cases regularly. It's what we do. We could have helped Susie and her dad so that the monies could have been used towards dad's funeral as well as made sure the children were paid back for their out-of-pocket expenses concerning the trailer. The thing is, there was no financial reason for the family not to hire us. Medicaid made dad spend all of his money until he was below \$2000. The family chose to spend it all at the nursing home when they could have chosen to hire us with some of it so we could have been their guide through the Medicaid system. If that had been done, Susie wouldn't now be wondering whether Medicaid would refuse to pay her dad's nursing home bill and whether the nursing home will be coming after her to pay it. Don't let this happen to you or anyone you know. Please call us for a consultation or come to one of our free public programs.

## What our clients are saying:



*"You were very thorough and explained everything in an easy to understand way. You told me what my options were and the pros and cons of each. You were patient with me and were never pushy. You let me make all the decisions"*  
**Cheryl B. who came to us for Estate Planning**

*"Navigating the system is very stressful, and without the experience help of an attorney that is specifically qualified in the field of elder care and Medicaid it is nearly impossible. I want to recommend Michael Brumbaugh Co. to you. Michael and Pam and their staff are specialist in this field and I wholeheartedly recommend them to you. Without their help and kindness, I am sure that I would have lost my home and my finances. They have been a blessing to me and my family and will be to you as well. "*  
**John M. who came to us for assistance in getting his wife on Medicaid.**

Find out more on our updated website! Check out our new video!

[BrumbaughElderLaw.com](http://BrumbaughElderLaw.com)



## Brumbaugh Law Office Event Calendar

- April 4th—Staff attends Alzheimers Assoc. Annual Conference
- April 12th—14th Staff attends Elder Law MDC Super Conference
- May 2nd—Senior Day at Camp Perry (Ottawa County)
- May 17th—Huron County Senior Celebration Event
- May 28th—Office Closed—Happy Memorial Day



## Spring Cleaning a Senior's Home 5 Tips

Back in the olden days, spring cleaning meant scrubbing every surface of the house to remove the sooty grime that built up from using candles, kerosene lamps and woodstoves throughout the winter. It also meant opening all the doors and windows of the house to get the stale winter air out and let in the fresh fragrance of spring.

Today, electricity has spared us the sooty grime, but the tradition of spring cleaning remains. It's an especially important routine in homes where seniors may no longer be able to keep up with regular housekeeping chores. If your senior loved one's home could use a good cleaning, here are 5 steps to get it done.

**Make a checklist.** Write down everything you and your senior loved one would like to get done. Tasks may include washing windows and curtains, wiping out the refrigerator, scrubbing the floor, etc.

**Schedule it.** Just like a doctor's appointment, block off time in your schedule that you can devote to spring cleaning. You may want to knock everything out in one weekend, or you may want to take it one chore at a time over several weeks, fitting it in when you have time. Either way, consider it time well spent with your loved one.

**Enlist help.** Make it a family affair. The more the merrier. If you can't convince family members to lend a hand, consider hiring help. A professional caregiver can assist with laundry, dusting, vacuuming and other light housekeeping tasks.

**Involve your senior loved one.** It's important to keep your loved one engaged and feeling useful, no matter what his or her limitations. If it's not easy for Mom to get around, hand her the silver polish and silverware. Or give Dad a stack of papers to go through while you take care of the rest of the home.

**De-clutter, then clean.** Seniors who have accumulated a lifetime of belongings often have so much stuff that it clutters the house and makes it difficult to clean, much less live safely in. Don't just clean around the piles—tackle them first. But, be careful not to get trash-happy.

*Excerpt from Caregiverstress.com.*

Are you going to be changing your address? Make sure you stay on our newsletter for the latest elder law news, updates & events. Please email your new address to [Team@Brumbaughelderlaw.com](mailto:Team@Brumbaughelderlaw.com) stay informed for a stress free second half of life. Or call the office at

## We Appreciate Your Referrals

*For our happy clients and family members, please consider telling your friends and other family members about us. If you know anyone in the nursing home and they are still private pay, please let them know we can still help them protect their assets.*

*Many thanks to our valued clients & friends who refer their own family, friends, patients and associates to us. We work hard to justify your confidence!*

Cathy Wobser

Kathi Flew

### Spring Cleaning

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|----------|------------|----------|
| BROOM    | BUCKET     | COBWEBS  |
| DUSTING  | DUSTPAN    | GLOVES   |
| MOPPING  | ORGANIZING | POLISH   |
| RAGS     | SCRUBBING  | SQUEEGEE |
| SWEEPING |            | VACUUM   |



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YOUR QUESTIONS ANSWERED BY MICHAEL BRUMBAUGH

**We received a question** *Recently we were asked by Steve a question in regards to advanced directives. Keep those questions coming to us at [team@brumbaughelderlaw.com](mailto:team@brumbaughelderlaw.com)*

## What is the difference between an advance directive and a living will?

An advance healthcare directive is a legal document in which a person specifies what actions should be taken for their health if they are no longer able to make decisions for themselves because of illness or incapacity. A living will is one form of advance directive, leaving instructions for treatment. People are often encouraged to complete both documents to provide comprehensive guidance regarding their care,

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