



Legal advice

I'm Not an Attorney...

But I Did Stay at a Holiday Inn Express Last Night

Would you let the administrative assistant in your doctor's office perform your next medical exam? Of course you wouldn't. Then why would you take legal advice from someone who isn't an attorney? Far too often I hear clients who are looking to obtain Medicaid benefits say:

"I was told that we're not financially eligible for Medicaid and that we have to spend-down our money on the nursing home first."

Every time a client tells me this, I think of the old Holiday Inn Express commercials where ordinary people do unexpected things they obviously aren't qualified to do. When a non-attorney tells you that you aren't eligible for Medicaid, he/she might as well follow with: "I'm not an attorney... but I did stay at a Holiday Inn Express last night." Unfortunately, staying at a Holiday Inn won't protect you from the pitfalls of relying on a non-attorney's legal advice.

When someone tells you that you can spend-down your assets on a nursing home, that person is offering you legal advice on a Medicaid planning strategy. But Medicaid is a complex, nuanced area of law, and spending your entire life savings on nursing home care to obtain Medicaid eligibility is rarely, if ever, a sound planning strategy.

The complexities of Medicaid are often muddled by non-attorneys' half-truths and misunderstandings of the system. The types of statements above mislead many people to believe that they have no other options and create the false impression that seeking the help of a licensed elder law attorney is an unnecessary waste of money. Only an experienced elder law attorney licensed to practice in your state is qualified to advise you on your options with regard to achieving Medicaid eligibility.

In fact, what the non-attorney has failed to tell you is that if you do have excess financial resources for Medicaid eligibility, the fees associated with getting a qualified legal opinion and representation are permissible expenditures toward attaining Medicaid eligibility. In other words, it won't cost you any more to have an attorney represent you throughout the Medicaid process. **You can hire a lawyer to review your case, develop a plan to protect your assets, and obtain Medicaid benefits instead of paying the nursing home.**

Often, clients rely on a non-attorney's legal advice because that person is in a position of knowledge and trust—most commonly a nursing home social worker. In addition to not being qualified to offer legal advice, a nursing home social worker also has an inherent conflict of interest in advising you on the best approach for achieving Medicaid eligibility. The social worker is an employee of the nursing home, which would like nothing more than for you to spend your life savings at the facility before becoming Medicaid eligible. It is in the nursing home's best interest, not yours, when a social worker advises you to spend-down on nursing home services.

Bad legal advice by non-attorneys has become so problematic that the Florida Supreme Court recently published an advisory opinion regarding what constitutes Medicaid planning by non-lawyers in Florida. It did so partly in response to the tremendous financial loss that can arise when non-lawyers advise people on Medicaid planning strategies. Non-attorneys who provide even basic advice on Medicaid may be engaged in the unauthorized practice of law, and most people don't recognize that they are receiving legal advice, let alone from an unqualified individual.

With the average cost of nursing home care exceeding \$100,000 per year in Pennsylvania, bad advice, no matter how small, can cost you your life savings. If you or a loved one is in a nursing home, or may need skilled nursing care in the near future, you can't afford **not** to consult with a licensed elder law attorney.

Nursing Home Worries?

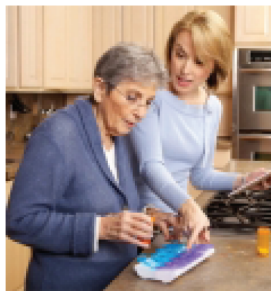
Are You Worried about Losing Your Home or Life Savings to the Cost of a Nursing Home?

Are You Concerned About How to Pay for Your Loved One's Expensive Nursing Home Care Without Going Broke?

Do You Want to Avoid Placing Your Loved One in a Nursing Home?

Are you a Veteran and Interested in Possibly Receiving an extra \$2100 a Month?

Are you the Spouse of a Veteran and Interested in Possibly Receiving an Extra \$1100 a Month?



In Pennsylvania, the Average cost of a Nursing Home is over \$97,000 per year.

How Much Can You Afford? Are You Prepared? Call Zacharia & Brown

View The Life Care Video On Our Website Under Resources



www.PittsburghElderLaw.com

McMurray Office

111 West McMurray Rd.
McMurray, PA 15317
(724) 942-6200

McKeesport Office

4500 Walnut Street
McKeesport, PA 15132
(412) 751-5670



Justin Ellis is an associate attorney at Zacharia & Brown and provides assistance and counsel to individuals and families regarding Estate and Elder Care planning issues. Zacharia & Brown is one of the oldest, most established elder law firms in Western Pennsylvania. Its practice includes life care planning for seniors, elder law, Medicaid & veterans benefits eligibility, nursing home asset protection, care review and advocacy, and estate planning and administration. Contact information: justin@pittsburghelderlaw.com, 724.942.6200 www.pittsburghelderlaw.com, 111 West McMurray Rd., McMurray, PA 15317.