

WHAT IS AN ELDER CARE ATTORNEY?

*Your Elder Care Attorney Will Help You
Prepare for Contingencies that You May Face So that You
Can Go Forward with Peace of Mind*



ROY W. LITHERLAND

SAN JOSE, CALIFORNIA ESTATE PLANNING ATTORNEY



Elder care attorneys react to the needs of senior citizens. Many people are concerned about long-term care costs, and elder care attorneys provide solutions.



Everyone should prepare for the eventualities of aging. Elder care attorneys assist people who are addressing contingencies that they may face during the latter stages of their lives.

The matter of long-term care is the most pressing issue that elder care attorneys are dealing with during our current era. Elder care attorneys help clients address long-term care costs. Let's look at the facts.

Long-Term Care Costs

When you are evaluating your future financial responsibilities, you should certainly consider long-term care costs. According to the United States Department of Health and Human Services, 70 percent of people who are reaching the age of 65 will need long-term care eventually.

Long-term care is extremely expensive. Genworth Financial tells us that the median annual cost for a private room in a nursing home in the state of California was \$97,820 in 2013. The median cost for a year in a one-bedroom unit in an assisted living community in 2013 was \$44,520.

Some people can receive living assistance in their homes. If you engage the services of a home health aide, you are still looking at some significant expenses. The Genworth Financial report states that the median annual cost for a home health aide in California in 2013 was over \$52,000.

Medicare

Most working people are going to qualify for Medicare. You earn retirement credits as you are paying taxes on your income. You can earn as many as four credits per year. Once you have accumulated 40 credits, you will be qualified for Medicare coverage when you reach the age of 65.



Unfortunately, Medicare does not pay for long-term care. If you need help with your activities of daily living, this is considered to be custodial care. Medicare will cover up to 100 days of convalescent care, but it won't pay for custodial care.

Medi-Cal

Medicaid is a health insurance program that is jointly administered by the federal government along with each respective state government. In the state of California, the program is called Medi-Cal.

Medi-Cal will assist with long-term care costs if you can qualify. However, because it is a need-based program there are certain financial parameters that are used to determine eligibility.

Though most people qualify for Medicare when they first retire, Medicaid actually pays for most of the long-term care that is received by seniors in the United States. Elder care attorneys help people position their assets with future Medicaid or Medi-Cal eligibility in mind.

You should discuss Medi-Cal planning in detail with a licensed elder care attorney. However, generally speaking, Medi-Cal planning involves the measured divestitures of personally held assets in advance of applying for the program.

Your eligibility is delayed if you give away assets within 30 months of applying for the Medi-Cal program. You may hear that this look-back period is actually 60 months. It is 60 months elsewhere around the country, but in California it is 30 months.

It is possible to purchase long-term care insurance to fill this 30 month gap. This is another strategic issue that you would want to discuss with your elder care attorney.



FREE ELDER LAW REPORT

**Set the
Stage for
Medicaid
Eligibility**



Protect Your Assets and Preserve Your
Legacy With a Medicaid Plan

Learn How to Plan for Medicaid
Eligibility

Download Your Free Report Today

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.

Incapacity Planning

When you develop a plan for aging with the assistance of an elder care attorney, you will learn about incapacity planning. A high percentage of elders become unable to handle their own affairs late in their lives.

Incapacity planning will typically involve the execution of documents called durable powers of attorney. With these legally binding devices, you empower agents of your own choosing to act on your behalf in the event of your incapacity.

An incapacity plan will also include a living will. With this type of will you record your preferences regarding the utilization of life-sustaining measures like artificial nutrition and hydration and mechanical respiration.

Integrative Approach

When you are planning ahead for the contingencies that you may face as an elder, you should take an integrative approach. You want to position yourself comfortably as you enter your active retirement years. This is the first stage of life that you enter into after you put your working years behind you.

Later in your life you will enter the twilight years. During this period of time you may incur long-term care costs.

All of the planning that you do will culminate in the eventual transfer of your estate to your heirs.

ABOUT THE AUTHOR

ROY W. LITHERLAND



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.

Roy is certified as a Legal Specialist in Estate Planning, Trust and Probate Law by the California State Bar Board of Legal Specialization.

3425 S. Bascom Ave, Suite 240
Campbell, CA 95008
Phone: (408) 356-9200
www.attornevoffice.com



When you create an integrated, holistic plan for aging, you carefully prepare for each of these distinctly individual but inherently connected phases.

Conclusion

Elder care attorneys are there to help address the needs of senior citizens. Many people are concerned about long-term care costs, and elder care attorneys provide solutions.

Everyone should have a cogent long-term plan for aging. Your elder care attorney will help you prepare for contingencies that you may face so that you can go forward with peace of mind.

References

CANHR

http://www.canhr.org/factsheets/medical/fs/html/fs_medical_overview.htm

U.S. Department of Health & Human Services