

Should You Prepare a Medicaid Application Yourself?

Whether you should prepare and file a Medicaid application by yourself or should hire an attorney to do it for you sounds like it should have a simple answer. Medicaid is the government insurance program for persons of all ages whose income and resources are insufficient to pay for health care or whose insurance does not cover what they need, such as long-term care. Many people rely on Medicaid for assistance in paying for care at home or in nursing homes. One would think that applying for such a program would be clear-cut and simple, to avoid complications for this group of individuals who are already at risk. However, this could not be further from the truth. Medicaid applications are detailed, complex documents, on which the smallest error can cost thousands of dollars in benefits.

There are many rules and regulations involved with almost every facet of qualification, and matters get especially complicated for applicants age 65 and above or for those of any age who need nursing home or other long-term care coverage. In these cases, availing yourself of the services of an attorney is practically essential.

In Indiana, unmarried Medicaid applicants over age 65 are currently limited to \$1,500.00 in countable assets and a married couple to \$2250.00. It is possible to transfer assets over this amount in order to become eligible, but seniors need to be careful in doing so because they may need the funds in the future and if they move to a nursing home, the transfer could make them ineligible for benefits for five years. Professional advice is also crucial because there is a confusing array of different Medicaid programs that may be of assistance in providing home care, each with its own rules.

Although it may be tempting to try to file Medicaid paperwork on your own to keep costs down, submitting an application for nursing home benefits without an attorney's help is not a good idea. This is because Medicaid officials subject applications to enhanced scrutiny, requiring up to five years of financial records and documentation of every fact. Any unexplained expense may be treated as a disqualifying transfer of assets, and many planning steps -- such as trusts, transfers to family members, and family care agreements -- are viewed as suspect unless properly explained. Finally, the process generally takes several months as Medicaid keeps asking questions and demanding further documentation for the answers provided.

Here at Severns Associates, we have found that even when we are filing the applications for our clients, just getting the basic paperwork together can be a difficult process and 3 out of every 5 applications that arrive at our office from clients are incorrect. With our assistance, these applications are completed correctly and completely, and the client receives the benefits to which they are entitled. But if sent in by the client directly to Medicaid, the claim would have been denied.

We offer assistance with Medicaid applications as part of our services. This has several advantages, including expert advice on how best to qualify for benefits as early as possible, experience in dealing with the more difficult eligibility questions that often arise, and a high level of service through a long, grueling process. We also seek to educate our clients who are

doing advance estate planning about the requirements, and help guide them to solutions which help maintain their future eligibility.

Given the high cost of nursing homes, if a law firm's assistance can accelerate eligibility by even one month, that will generally cover the legal fees. In addition, the payments to the attorney are generally made with funds that would otherwise be paid to the nursing home -- in other words, the money will have to be spent in any event, whether for nursing home or for legal fees.

If you would like more information about Medicaid, or would like assistance in beginning the application process for yourself or a loved one, please contact our office for an appointment.