

Community Medicaid

by Attorney Michael Hooker

When the time comes, all of us would like to die peacefully in our sleep or perhaps lying next to the ocean shore on a warm summer day. It doesn't always happen that way. In fact, many elders live long past the point where they can lead meaningful, productive and quality lives. None of us wants to live to become so frail that we can no longer manage independently. As you know, however, the reality is that this often happens.

Medical technology and better health care and nutrition have all increased the life expectancy of an American. At the same time, our world has become more global. Hence, children often live hundreds, if not thousands of miles from their aging parents. These parents often are reluctant to move to be near their children/grandchildren and instead remain alone.

What happens when the elder can no longer manage him or herself in the community? If you have enough money you can go to an assisted living facility such as the Arbors in Amherst or Applewood. These facilities generally only accept private funds. So-called "Medicaid" beds (where the government pays) in assisted living facilities are rare. Assisted Living Facilities can be expensive and can consume an elder's life savings. Rest homes are a possibility but they are a vanishing breed. Also, you must be ambulatory, and must be continent of your bowels. Nursing homes are a possibility, but of course no one wants to go to a nursing home.

So how does a frail elderly person remain in their home? By bringing in support/help. Meals on wheels is an example. All of the local elder care agencies (Highland Valley, Franklin County Home Care etc) provide or arrange for some modest services in the home. They do not, however, provide round the clock care, nor does Hospice.

The way to remain home is to a) have long term care insurance that pays for care at home b) pay out of pocket or c) try to get yourself eligible for Community Medicaid and/or one of its many community-based programs. The eligibility rules are different from those of nursing homes. Hence trying to protect your assets, while making you eligible for community Medicaid, can be quite complicated and far beyond the ability of a general practitioner attorney.

I concentrate solely in elder law and I advise clients in the later stages of life on how to protect their assets, while not jeopardizing either Community Medicaid coverage or long-term (nursing home) coverage. My solutions are neither perfect nor uniform. Each family is different and each situation is different. I can, however, often help people have a little bit of their cake.... and eat it too.