



Senior Law

**Legal News and Views
For Professionals
Who Serve Seniors
and the Disabled**

WISHING FOR A SHOUT OF “APRIL FOOLS!”

The Pole's were a very close family. They had always been extremely close, and that is why it was such a terribly difficult decision for them when they came to the point of having to put Grandma in a nursing home. Lou Pole, the son, struggled for months with feelings of guilt and shame over the fact that he was even considering the option. But his mother's physical and mental condition was going downhill quickly, and Lou simply could not handle the responsibility of his wife, May Pole, being the 24-hour-a-day caregiver for his mother, as well as for their own family of five.

Once the Poles finally came to terms with putting Grandma in the nursing home, now they were faced with the incredible dilemma, “How will we ever pay for the \$3,500 of monthly nursing home and prescription costs, month after month, perhaps year after year?” Lou then remembered Marty Graw, who was a friend of his from college, whom he had somewhat kept up with over the years. He remembered that Marty had gone through a similar thing with his mother several years before. Lou and his father, (whose nickname was “Gallop” for his love of horses) went to get some advice from Mr. Graw because he was experienced with this sort of thing. They knew that this would be simple because all that they owned were some life insurance policies, a house and a few minerals here and there.

Mr. Graw, whose business was in real estate transactions, helped the Poles out as best as he could. He drafted deeds to transfer the house and minerals to Gallop Pole, and with his further assistance with the Application, the Pole family was able to get Grandma on Medicaid. Well, as you can imagine, he was the family hero!Until Gallop, who was in excellent health all this time, had a heart attack and died - SUDDENLY!

Naturally, the family was devastated. They had an incredibly emotional funeral for him. It was a sad time, yet it was a time of rejoicing over the loving relationships he had shared with each of the family members and over the long and happy life he had lived.

After the initial shock and effects of Gallop's death wore off and the Poles were trying to adjust to a “normal” life once again, they were hit by yet another blow! Grandma, who was still in the nursing home, was kicked off Medicaid because she inherited all of the assets which were put into her husband's name in order to get her qualified for Medicaid. The family received the notice in the mail on April 1st (hoping for it to be a cruel April Fools joke - much to their dismay, it was not).

Gallop died with a “Sweetheart Will”, with everything going to his “sweetheart” as the beneficiary. Mr. Graw, not being an attorney, had not considered that Gallop needed a new Will that would protect the Poles if this sort of thing happened. The family was devastated to learn that their worries about how to pay for Grandma's nursing home were once again a reality.

Medicaid planning is complex, and decisions can be extremely far-reaching. It is dangerous to have a little bit of knowledge concerning Medicaid. A little knowledge makes you have tunnel vision, which does not take into consideration ALL factors which may result in bad planning for the future. The Poles had good intentions, and even Mr. Graw had good intentions. He had the family's best interest in mind, even though the incomplete advice he gave them turned out to be devastating for the Poles.

Words of Wisdom:

You're getting old when you stoop to tie your shoes and wonder what else you can do while you're down there.

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