



WALT SHURDEN LAW

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A Couple's Dilemma

By Walt Shurden

Jerome and Louise chose to live in Florida for their retirement. After many good years, their physical health declined. Unfortunately, both were hospitalized at about the same time, then discharged to a rehabilitation facility. After concluding physical therapy, Louise still required high cost nursing care while Jerome was able to move to assisted living. Both Jerome and Louise were mentally competent, but neither could return home safely.

Their situation was complicated by the fact that they had no children or surviving family. Jerome and Louise requested our office to help manage their new and difficult situation. As you can imagine, they were anxious and confused about their future. They were incurring over \$10,000 a month in uncovered health care expenses. A neighbor, trying to help, threw their financial papers in a Publix shopping bag and brought the chaos to us.

First, we found both Jerome and Louise a suitable person to serve as their Agent under a Durable Power of Attorney. Now we had someone with financial authority to deal with the banks. After that, we set out to protect their life savings. We transferred ownership from Jerome's and Louise's various but limited assets into **two** separate Medicaid exempt "pooled trusts." Pooled trusts can only have one beneficiary, so two trusts were needed.

Pooled trusts are wonderful creatures of federal law! They allow disabled Floridians of any age to put money in trust for their own future needs. The great thing about pooled trusts is that Medicaid will not count the



pooled trust money against Medicaid's modest \$2,000 asset limit. So after we transferred Jerome's and Louise's assets to their separate pooled trusts, we applied for and received Medicaid benefits to pay a good bit of their long term care expenses.

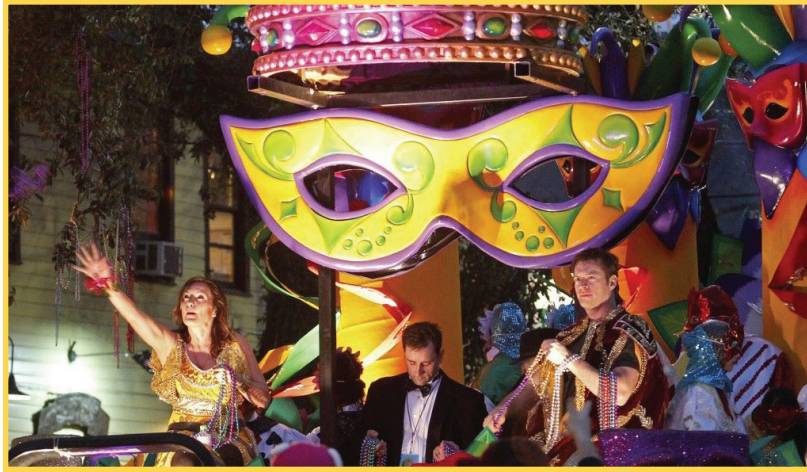
Sound too good to be true? Well, the disadvantage of a pooled trust is that the State Medicaid Program has a lien. That usually means that when the pooled trust beneficiary dies, Medicaid gets what is left. But not in this case. Louise did die a few months after her pooled trust was established, but her pooled trust

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Our Goal

*To provide exceptional
legal service to our clients.*

Dunedin's Mardi Gras, a Local Success



According to the Pinellas county sheriff's department, attendance at the Dunedin Mardi Gras parade has included thousands of people both local and outside of Tampa Bay. This local event is reportedly the largest Mardi Gras celebration in Florida. The parade starts at 4:00 on the Tuesday before Ash Wednesday. Besides the professional performers at the event, past Miss Mardi Gras Queens perform after the parade.

According to historians, Mardi Gras started as 'Lupercalia', a pagan celebration of spring and fertility. When Christianity arrived the frivolity became a prelude to Lent, the 40 days of penance between Ash Wednesday and Easter. While Mardi Gras is the French name for the Tuesday pre-Lenten festivities, other parts of the world call it Carnival. The idea was to "party-hardy" in preparation for the next 40 days of sacrifice.

Interesting facts:

- Mardi Gras colors – Purple (symbolic of justice); green (symbolic of faith); and gold (symbolic of power)
- Mardi Gras means "Fat Tuesday"
- Carnival is from the Latin for "farewell to the flesh"
- Mistick Krewe of Comus – a secret society of business men that developed the New Orleans Mardi Gras into what it is today.

Sauteed Tilapia Tacos

Yield: 4 (serving size:
2 tacos)

Ingredients:

2 (1/2 inch thick)
slices white onion
1 (8 oz) pkg mini
sweet bell peppers
3/4 tsp salt, divided
1/2 tsp black pepper
4 (5 oz) tilapia fillets
8 (6 inch) corn tortillas
1 small jalapeno pepper, thinly sliced
Lime wedges optional



Preparation:

- 1) Preheat grill to high heat
- 2) Arrange onion slices and bell peppers on a grill rack coated with cooking spray. Grill onions for 12 minutes, turning after 6 minutes. Grill bell peppers 12 minutes, turning occasionally. Remove onions and bell peppers from grill, and let stand for 5 minutes. Slice onion rings in half. Thinly slice bell peppers; discard stems and seeds. Combine onion, bell peppers, 1/4 tsp salt, and 1/8 tsp black pepper.
- 3) Sprinkle fish evenly with remaining 1/2 tsp salt and remaining 3/8 tsp black pepper. Heat a large non-stick skillet over medium-high heat. Coat pan with cooking spray. Add fish to pan and cook for 3 minutes on each side or until fish flakes easily when tested with a fork. Warm tortillas according to package directions. Divide fish, onion mixture, and jalapeno slices evenly among tortillas. Serve with lime wedges if desired.



A Couple's Dilemma... (Continued from page 1)

balance was added to Jerome's trust without paying the lien. Why? Because Florida does not enforce a Medicaid Lien against a decedent who is survived by a spouse, child under the age of 21, or disabled child of any age.

Today Jerome resides in assisted living with Medicaid benefits paying about \$1,100 a month towards his care. He pays the balance of his care with his monthly income, and he or his power of attorney requests distributions from his pooled trust for personal

needs. At Jerome's death Medicaid will have a lien on his pooled trust balance.

Pooled trusts protect your assets and allow you to get help paying for your care. These trusts work well for anyone who needs Medicaid benefits. Medicaid is reimbursed after the disabled person lives with dignity.

(Names, places, and amounts have been changed to maintain confidentiality.)



IN OUR EAR

**I need help so I can stay in my home.
What help is available?**

(1) Medicaid – provides a case manager and caregivers in the home. There is a long waiting list. As of December 2015 there were 58,818 people on the list. Call the Area Agency on Aging at 800-963-5337 and tell them you need help. Remember this is needs-based. Tips: (1) Don't minimize the gravity of your situation, and (2) Realize that if you have a short term rehabilitation stay you can get around the waiting list by qualifying for Medicaid at the nursing home and transitioning back home with services in the home.

(2) PACE – (Program of All-inclusive Care for the Elderly) Pinellas is lucky to be one of only seven Florida Counties that have this program. It targets medically needy individuals and provides them with community-based services. PACE recipients receive all their primary care at the PACE center located behind Hospice Woodside in Pinellas Park. Call them at 727-289-0062.

(3) VA Homemaker Program – provides caregivers to help aged medically needy Veterans manage their activities of daily living. Call Bay Pines at 727-398-6661 Extension 15391 between 8:00 and 4:00. You will have to enroll in the VA Medical Care Program.

(4) Private Pay – If you have the ability to pay for care then please call our office and we will be happy to recommend two or three companies for you to contact. I recommend using agencies rather than individuals. Due to the nature of personal home care and the reliance of the senior on the caregiver, the risk of exploitation is minimized when an agency is engaged.

For more information about getting help at home, check out the video on the homepage of our website: www.waltshurdenlaw.com



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Legal Term of the Month

Motion – An application made to a court or judge for the purpose of obtaining a rule or order directing some act to be done in favor of the applicant.

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