



If We Had Only Known

Contributed by Thad W. Rauhauser, Elder Law Assistant

My mother worked a variety of jobs when I was growing up and my father worked in the shipping department of a manufacturer. They both worked very hard, always with an eye toward the future. They took advantage of an IRA that paid 10% interest (unimaginable today) which produced great earnings. My father passed away in 1988.

As my mother grew older, she progressed as most aging people do: sold the house, moved to an apartment, moved from the apartment to assisted living, and eventually moved to a skilled nursing facility. Since I lived 150 miles away, my sister became the point person for keeping track of my mother's

**MY MOTHER DIDN'T HAVE TO GO
"BANKRUPT" PAYING FOR HER CARE.**

medical and financial affairs. In 2009, as my mother's physical and mental condition deteriorated, my sister continued with the medical side of things, but I took over managing her finances. After having new estate planning documents drawn up, pre-planning and paying for her funeral, she had about \$220,000.00. While not a lot of money to some, my mother was always in disbelief that she and my father could have saved so much. I calculated that even with increases in her expenses and earning nothing on her investments, she had enough money to last until 2015 between assets and Social Security income.

Sometimes things don't go according to the plan. Her physical and mental condition worsened to the point where moving into a skilled nursing facility was unavoidable. A step we didn't want to take because she always said, "Please don't put me in one of those places." We were lucky to get her into a facility that

was clean, had lots of activities, and compassionate staff that fell in love with her. She called everyone on the staff "Chickie" (a way for her to cover that she couldn't remember their name) and they'd call her "Chickie" right back. The down side was that an assisted living bill at \$3,250.00 per month became an almost \$10,000.00 monthly skilled nursing bill overnight. Instantly the 2015 projection became 2013. What were we to do? I guess the same thing everyone else does...pay for her care until there is no more money and then apply for Medicaid.

Medicaid is a federal program that is administered by each state, and because of that, the rules vary from state to state. There are two types of Medicaid, one being medical benefits for those with low incomes and the other being assistance to cover most of the cost of long term care. Some states allow for in-home care or assisted living before skilled nursing care becomes necessary. Delaware is fortunate that our Medicaid program will provide benefits at all three levels of long term care and that it includes the medical and prescriptions benefits of the other program. For veterans that meet certain criteria, or their surviving spouses, there are also benefits available through the VA.

If we had only known that we could have pre-planned back when she moved from the house and been able to protect the majority of her assets to later pay for the few things that Medicaid does not cover. If we had only known that even if we didn't act until later (within

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the 5 year look back period when financial transactions have to be disclosed) that we could have still preserved part of her assets. If we had only known that the allowed “spend down” strategies could have benefited her and her family. If we had only known that depleting our mother’s assets paying for her care wasn’t necessary.

How could we have known? While taking care of her finances, I learned a lot...Medicare’s Part A vs. Part B vs. Part D, 100 days of rehab Medicare benefit after 3 midnight stays in the hospital, tax implications of depleting an IRA, open enrollment, supplemental insurance plans (that have different levels too), co-pays, deductibles, “donut holes” (not the good kind) and on and on. But even with all that, I didn’t know anything about Medicaid and the benefit it could have provided so that my mother didn’t have to go “bankrupt” paying for her care. My mother would ask, “Is everything set up for you kids to get my money?” She continued to ask that after all of her money was gone and I continued to tell her “yes”; which is something you do with an Alzheimer’s patient...just agree. To think, for the cost of a month or two of skilled nursing care, if I had only hired an Elder Law

attorney, I would have been telling the truth. If I had only known there were Elder Law attorneys like Procino-Wells and Woodland, who specialize in Asset Protection Planning and are there to provide guidance in becoming eligible and applying for benefits.

My mother passed away in 2014. I miss her.

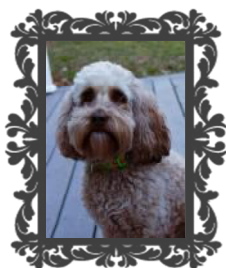
A CHRISTMAS RIDDLE



Throughout the first twelve days of December, the PWW team received clues that led them to a nativity building competition at the Christmas party. Gayle Weber and Ingrid Wilcox were the winning duo!

BELLA’S BRIEF

The Office from a Dog’s Prospective



After three months of Christmas tunes we can finally listen to some normal jams. Jams... strawberry cranberry jam is the best. Eating jam on hot biscuits in my j a m m i e s i s e v e n better. Squirrel! That’s what happens to me. I begin with one thought and suddenly I can’t focus. What I really want to talk about is the injustice that happened to me over the holidays. I was intentionally left out of the 12 Days of Christmas

Riddle! The staff got clues every day for 12 days to figure out a riddle and then gifts for 12 more. And what did I get? Notta, nothing, zero, zip, zilch! And did you notice that I wasn’t in our Christmas picture or on the website? Look for yourself at www.pwwlaw.com. I have scheduled a meeting with the partners to immediately address these issues with the full value of my position and authority. Stay tuned for a billboard of yours truly coming soon to an area near you.

xoxo Bella 

TIME OUT — STAFF PROFILE

Erika S. Harper

Deed Preparation Assistant/ Receptionist

ON THE CLOCK:

Erika Harper joined Procino-Wells & Woodland, LLC in March of 2015. Prior to becoming a part of our team, she waitressed at a local restaurant. Although serving may seem quite different from an office job, it helped prepare her to juggle tasks in our bustling environment. When you enter our Seaford office, Erika's friendly face is the first you're greeted by. Since she also holds her real estate license, Erika's background makes her a great fit for assisting the estate planning department with the preparation of deeds.



OFF THE CLOCK: Erika is originally from Laurel and graduated from Sussex Technical High School in 2006. She currently lives in Seaford with her husband, Josh, and her two children, Aria and Brecken. Coming from a large family, Erika values the importance of time spent with those you love. When she has spare time, she helps her mother photograph weddings, spends time with her family and simply enjoys life!

A note from the attorneys...

As we reflect on last year and look forward to the future we feel truly blessed to have an opportunity to help families in Delaware. This year we will continue our commitment to physical, mental and financial wellness, and community education. Be on the lookout for more information as we launch a new program for our Trust clients. We have exciting things planned for 2016, and hope to see you at one of our workshops soon to learn more.

Michele & Bob Owen

UPCOMING EVENTS

What is on our Calendar?

January 18 — Elder Law Workshop

6:00 - 7:30 pm

Milton CHEER Center

February 3 — Guest Speakers at Key Advisors

“State of the Market”

Baywood Greens, Time TBA

March 23 — Elder Law Workshop

6:00 - 7:30 pm

Lewes Library

March 25 — Office Closed - Good Friday

For more information, visit www.pwvllaw.com.

LEGAL MUMBO JUMBO

Legal Language in Layman's Terms

LIVING WILL

This document gives individuals advance control over their final medical situation. Through a living will, a person may direct the termination of life support in the event of terminal illness, permanent unconsciousness, or brain death.



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Planning today to protect your family's tomorrow.

OFF THE CLOCK

We would like to thank our featured referrer of the month:



NANTICOKE HEALTH SERVICES

Locations in Seaford, Bridgeville,
Laurel & Georgetown

Procino-Wells & Woodland, LLC is a proud member of:



This newsletter is intended for informational purposes only and does not constitute legal advice. For legal advice, consult a licensed attorney. The examples used are simplified for ease of understanding and illustration of general concepts.