

**Attorney Timothy P. Crawford, CPA, CELA\*, CAP\*\***  
wanted to share this information with you.

## **HOW TO PROTECT THE HOME**

Greater Milwaukee Area Offices In Brookfield, Glendale, Milwaukee & Racine

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So many times clients come to my office under the mistaken impression that there is nothing that can be done to protect assets from nursing home costs. Much of the popular literature gives readers the idea that unless assets are given away five years prior to a nursing home placement, it just about all goes to the nursing home. It is still possible to take steps to shelter at least 50% of your assets from nursing home costs if you follow the applicable rules and regulations.

Fortunately there is still much that can be done, legally, to minimize the potentially devastating cost of nursing home care. Specific rules govern the consequences of gifting, and they need to be followed carefully. Attorney Timothy P. Crawford advises families as to what can be transferred, and when. Exceptions to the transfer penalties exist which allow for gifting of assets under certain circumstances.

Another concern clients have is that the care being provided to a loved one will suffer when the bill shifts from "private pay" status to "Medicaid." Fortunately federal law bars such discrimination. It is illegal for a Medicaid approved nursing home to change the level of care provided based on the source of payment.

Some families mistakenly believe that transferring all assets to the healthy spouse can protect them from the potential nursing home care costs of the sick spouse. This is another Medicaid myth. Medicaid law generally deems the assets of one spouse to another. Although titling the assets in this way can be advantageous in some cases for other reasons, it generally does nothing to protect resources from nursing home costs.

Another Medicaid myth involves "jointly owned accounts." Some parents add a son or daughter to a bank account believing that doing so will protect at least half of the account being forced to be used to pay for nursing home care costs. Not true. Under Wisconsin Medicaid law, a joint deposit account is considered owned in proportion to the contributions to the account. Unless the son or daughter can prove to the Medicaid authorities that the funds in the account are their own, the resources are attributed to the parent and considered "available, non-excluded resources" that very well may need to be spent on nursing home care costs.

Call board certified elder law attorney, Timothy P. Crawford, today to make an appointment to answer your specific questions and dispel any Medicaid myths that may be on your mind

**“Those Who Plan Ahead Win.  
Those Who Don’t Plan Ahead Lose.”**

This article is not intended as legal advice. It is basic information. I would recommend that you call Attorney Timothy P. Crawford for a free conference to discuss your situation in more detail. Attorney Timothy P. Crawford can be reached toll-free at 1-888-634-6675. When you call in, please mention the fact that you have read this article.

\*Attorney Timothy P. Crawford is a Nationally Board \*Certified Elder Law Attorney. He has been Board Certified by the National Elder Law Foundation which has been approved as the Sole Certifying Organization for Elder Law Attorneys by the American Bar Association.

\*\*Timothy P. Crawford was invited to join the Council of Advanced Practitioners of the National Academy of Elder Law Attorneys (NAELA) in August of 2005. The \*\*Council of Advanced Practitioners (CAP) is a small group of premier elder law attorneys, all of whom have been members of NAELA for at least 10 years, are certified as elder law attorneys by the National Elder Law Foundation, and are AV rated the top in the nation by Martindale Hubbell. A Service that provides an independent rating of the quality of attorneys.

**OFFICES NEAR MILWAUKEE IN BROOKFIELD, GLENDALE & RACINE**

**“Helping Families in Wisconsin for Over 40 Years to Protect Their Assets from Nursing Home Care Costs”**

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