



**ANGIULI & GENTILE, LLP**  
ATTORNEYS AT LAW

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**347-218-9524**

# **ELDER LAW SOLUTIONS**

## **To Meet Future Goals**





## ■ A GUIDE TO A BETTER LIFE

Later in life, your children have grown and have their own families. You may be retired or getting close and thinking about updating your estate plan. Did you create a trust to protect assets like your primary residence and other valuable property you've earned over a lifetime? If not, you may be thinking about what will happen to those assets if you become incapacitated and need long-term health services at home or in a facility. This e-book discusses a variety of options.



## The Difference Between Estate Law and Elder Law

Later in life, your children have grown and have their own families. You may be retired. Making the right decisions for the people you love requires education and information about what your family would experience if you faced extended long-term care needs. Preparing for these costs in advance can help preserve your real estate, financial assets, and income that would otherwise have to be spent on potential long-term care services while you are alive.

An experienced elder law attorney can make you aware of complex laws that may have unintended legal consequences and can help you navigate long-term care costs without jeopardizing assets or eligibility for Medicaid or Veterans benefits, if available to you.

You may feel it's too soon to discuss long-term care and the need to qualify for Medicaid or Veterans' benefits, but waiting could leave you or your loved ones making critical decisions in a medical crisis.

If you live in New York, you'll need an experienced elder law attorney familiar with New York's laws. People are living longer, and families are finding that long-term care expenses can jeopardize and often destroy ongoing financial stability. Fortunately, you can prepare for costs by assessing your estate and reorganizing assets. Your viable options may be much more limited if you don't address your estate planning before a crisis situation occurs.

A consultation with one of our elder law attorneys will enable us to create a strategy for you based on the resources you currently have, with the goal of creating eligibility for various public benefits programs that may help cover the costs of care. We can also help prepare caretakers of elderly family members in their roles as agents under a Health Care Proxy or Power of Attorney.



# Making Long-Term Care Affordable

Long-term care planning is a legal strategy to plan for the high cost of different health care services such as in-home and nursing home care. Rising prices for health care may greatly impact your savings, retirement funds, and assets you plan to pass down to your family, including your home. You or a loved one may require care for an extended time and may want to live independently and safely.

**Different levels of care include:**

## Nursing Home Facilities

with residential accommodations and health care for the elderly and disabled (full-time care)

## Assisted Living Facilities

for help with activities of daily living

## In-Home Health Care

for services given at home

## Adult Daycare

to provide support and companionship for assistance or supervision during the day



## Estimated New York Annual Median Cost of Care (2023) \*

In-Home Care	Community/Assisted Living	Nursing Home Facility
Homemaker Services \$70,393	Adult Day Care \$24,825	Semi-Private \$158,764
Home Health Aide \$72,820	Assisted Living Facility \$73,202	Private Room \$168,444

Resource: [Genworth](#)

*\*It is important to note that these are average nursing home rates, and nursing home rates can be higher or lower depending on the type of facility you would prefer and the services you will require.*

If these numbers seem overwhelming, Angiuli & Gentile, LLP, Attorneys at Law, can help you ease or often eliminate the financial burdens of these costs of care utilizing several methods. Qualifying for Medicaid may be one way to minimize the long-term care cost burden, but it optimally requires advanced planning. Despite the lack of planning, certain proactive steps to benefit you may be taken at the time of need, but the benefits available through advanced planning will greatly surpass those possible as a result of crisis management. Our elder law attorneys can help develop the best options for you to live comfortably without negatively impacting a spouse or other family members while you age.



## Uncertainty About Your Family's Future

Each individual and family has a unique set of financial circumstances, medical preferences, and ideas about their family legacy. People have different priorities depending on the size of their family and the dynamics among family members.

If you are financially able, you may expect to devote existing resources to ensure your needs are met for medical emergencies and long-term care expenses. You may already have a long-term care policy that can cover the majority of medical costs for you. But you will still want to protect your estate to be able to pass as much as possible to your loved ones.

And no matter what level of assets you've accumulated, you won't want to lose what you've accrued over the years to the cost of long-term care. While qualifying for Medicaid to pay for your costs of long-term care may seem impossible to you, you can prepare to protect assets to meet requirements for Medicaid eligibility. The impact on your estate and family can be minimized dramatically by taking these steps.

Customized estate planning and elder law services start with a broad look at long-term goals and then narrowing down your options so they can be optimized. The key is preparing as far in advance as possible to maximize the benefits you may be entitled to.

# Using Proactive Medicaid Planning to Offset Long-Term Care

Medicaid is a federal and state program with rules that vary from state to state. If you reside in New York and need Medicaid, you'll want an elder law attorney who knows New York's Medicaid rules. Angiuli & Gentile, LLP, Attorneys at Law, will guide you through the Medicaid qualification, application, and approval processes.

Medicaid planning can be complicated and confusing. Trying to qualify on your own can waste valuable time and money if you don't understand how the lookback periods work. Medicaid for skilled nursing home care has a five-year lookback period to evaluate asset transfers and assess potential penalties if assets are moved incorrectly. New York Community Medicaid for in-home care services has a lookback period of 30 months.

You might also worry that you don't meet the household income or asset level to qualify for care. Legal strategies may make it possible. Angiuli & Gentile, LLP, Attorneys at Law, can develop a Medicaid Asset Protection Trust that will insulate your assets from the reach of Medicaid. By transferring assets into the trust before you potentially need long-term care and Medicaid benefits, you can reduce countable assets used to determine eligibility **within the lookback period** and lay the groundwork for Medicaid eligibility if long-term care is ever needed.

## What is Medicaid Crisis Planning

Even if advanced Medicaid planning did not occur, all is not lost. Should you or a loved one already be in a nursing home facility or require immediate in-home care, elder law attorneys offer Medicaid crisis planning. You may not have as many options for care, but professional advice lets you navigate the qualification process for the best possible outcome while allowing you to focus on helping your loved ones through a challenging time.





## Veteran's Planning

If you served in the military during a period of active conflict and did not receive a dishonorable discharge, you may be eligible for Veteran's benefits to assist with the costs of long-term care. At Angiuli & Gentile, LLP, Attorneys at Law, we have V.A. certified attorneys who can assist you in the process of obtaining Veteran's Aid and Attendance benefits.

Meeting the service requirements and medical eligibility may not be enough to qualify for benefits if you have excess assets. There is a three-year lookback period, similar to that application to Medicaid, so as we are creating your estate plan with an eye toward Medicaid eligibility, we will also be looking toward preparing for eligibility for Veteran's benefits, if applicable.



## Deciding on Adult Guardianship

If an adult becomes incapable of handling his or her own affairs and does not have a Power of Attorney and/or Health Care Proxy, a legal process may be utilized to appoint a guardian for the person and/or his or her property. Guardians are court-appointed and given specific duties and responsibilities with regard to the adult in need. At Angiuli & Gentile, LLP, Attorneys at Law, we support you as you navigate the guardianship process through the Court.

Since it is possible, however, to essentially choose a "guardian" you trust by using a Health Care Proxy and Power of Attorney before becoming incapacitated, we urge you to take the time to choose someone you trust to make critical decisions about financial and medical matters on your behalf.



## Developing a Special Needs Plan

If you are a parent or relative of a family member with a disability, special needs planning can ensure that crucial government benefits are not jeopardized when the individual receives monetary gifts or an inheritance. Disabilities can be diagnosed at birth, in adulthood, or caused by illness or injury. Special needs planning can be considered at any time; the earlier, the better. Strategies include:

- Establishing a supplemental needs trust;
- Appointing a guardian.

A Supplemental Needs Trust is an irrevocable trust that will protect assets and preserve eligibility for Supplemental Security Income (SSI) and Medicaid. These benefits are necessary to maintain a proper quality of life for the supplemental needs person. Appointing a guardian can ensure financial and health care decisions are always made for a disabled person's benefit.

## Building a Relationship with an Elder Law Attorney

If you've read our previous e-books on estate planning and aging and long-term care, we've progressed from a very broad topic to issues that specifically concern seniors and custom solutions for unique individual and family situations. Angiuli & Gentile, LLP, Attorneys at Law, helps answer your questions and advise you on your rights. If you find yourself facing a life-changing event, we will help you make informed decisions. With more time to plan, we can take the steps necessary to provide long-term care, protect loved ones with special needs, and apply for Medicaid or Veterans' benefits.



# WALK WITH CONFIDENCE

At Angiuli & Gentile, LLP, Attorneys at Law, we know how hard it is to take the first step with estate planning and long-term care. We will answer your questions, advise you on your rights, and can also help you with elder law issues in estate planning, as well as probate, family law, social security disability, personal injury, business law, and commercial and residential real estate. If you're facing a life-changing event, we will help you make informed decisions every step of the way.

**Contact us today to  
schedule an appointment.  
We're in this together.**

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## LEGAL ADVERTISING

This book does not constitute legal advice, and you are not a client of Angiuli & Gentile, LLP until you have retained the firm's counsel in writing. This e-book is designed for clients with matters that require the application of New York law. Other jurisdictions may have different rules and/or other state-specific laws that apply.