



Senior Law

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

PHILLIN' THE PAYNE

Some of life's pains CAN be avoided . . .

Ophelia Payne had been in Meadowood Nursing Home for about a year now, and it was finally starting to feel like home. Her husband had been gone for about four years, and she had come to the point physically that she could no longer take care of herself. In order to pay for her nursing home care, three of her four children had done some research (as far as the Medicaid law is concerned) and they had arranged and rearranged her assets in such a way so that she would be qualified for Medicaid. Therefore, for the past year, all of her nursing home expenses had been covered by Medicaid.

Well, as time went by, her big, empty house just sat vacant. Her son, Phil Payne, (who happened to be the only son not involved in the Medicaid planning process) decided that it was time to sell Mom's house. Two weeks later, it was sold. The house sold for \$50,000, and when the other three kids found out about this, they panicked that Mom would be kicked off of Medicaid, and she was.

Consequently, they spent the \$50,000 as fast as they possibly could. Since Mom was off Medicaid now, they paid for Mom's nursing home care, which was about \$3,200 a month. They also had to pay for her expensive prescriptions for dementia, high blood pressure and arthritis, which came to almost \$700 a month. Desiring to make Mom's nursing home stay as pleasant as possible, they bought Mom a new (fairly expensive) adjustable bed - so that she could watch TV more comfortably. They also bought her a new TV, VCR, DVD player, and even a new leather massaging recliner! It was only a matter of a few months and all the money from the sale of the house was gone. Not a penny was saved.

Well, a few more months went by, Mom's health continued to deteriorate, and in the middle of a blustery November night, Mom passed away. This was somewhat of a shock to the four children, expecting Mom to live quite a bit longer. And on top of the grief they were experiencing, now they had to deal with a funeral cost of \$7,500. At the funeral, they ran into one of their long-time friends who had recently dealt with a similar situation with his mother. From the very start of the ordeal, he immediately visited with an Elder Law Attorney who knew the Medicaid law extensively and helped the family preserve assets that would have been otherwise depleted, as well as saving the nursing home cost of \$3,200 a month for the family.

Had the Payne family sought out the advice of a knowledgeable Medicaid attorney, they could have, more than likely, saved a significant amount of the money from the house and used HER money to pay for the funeral instead of their own. Some of life's pains cannot be avoided, but how we deal with them is our choice!

WORDS OF WISDOM:

*A conclusion is simply the place
where you got tired of thinking.*

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HOLMES, HOLMES & NEISENT, P.L.L.C.

LEE M. HOLMES, MARK L. HOLMES & TRACY SPECK NEISENT, ATTORNEYS

501 N.W. 13TH STREET, OKLAHOMA CITY, OKLAHOMA 73103

phone: (405) 235-8455 fax: (405) 235-8454

www.medicaidoklahoma.com

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