



# Senior Law

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

## **BUT I WANT TO STAY HOME WITH SNOOKUMS**

Mary Walker developed memory problems at a young age. Mary and her husband, Jay, whom she lovingly referred to as “Snookums”, had reared three children who were all grown and married.

Jay Walker had been the bread-winner of their home, while Mary stayed home with the children. They had a good life, not rich in the money sense, but blessed with wonderful children who grew up in a loving home.

Although Jay did not make a lot of money employed by the City as a parking meter reader, with their frugal lifestyle, they were able to pay off their home mortgage over the years and save a little for retirement.

A few years ago Jay Walker started noticing that Mary was forgetting recent events. On two occasions she left food cooking on the stove and it caught fire. Fortunately the smoke detectors helped avoid major damage. When she could not remember her new grand-baby had been born, Jay Walker knew something was horribly wrong.

A visit with the neurologist and testing revealed that Mary had Alzheimer-type dementia. Jay and the children were devastated. Mary just smiled and seemed unconcerned.

The doctor told Jay not to leave Mary alone at home. She needed 24 hour per day supervision at home, or she would need to go to a nursing home. Although Mary appeared unphased by the diagnosis of dementia, when the word “nursing home” was mentioned, Mary adamantly declared, “But, I want to stay home with Snookums.”

Years before, Jay had watched his mother live in a nursing home for years after his father’s death, and he had vowed that he never wanted to live in a nursing home. He had seen his mother’s suffering and experienced the heart-felt burden of a child watching the mother who had cared for him lose all dignity and quality of life.

Jay promised Mary that he would go to the ends of the world for her to keep her at home. The doctor handed Jay a stack of prescriptions for Mary to start taking for her dementia, depression, and occasional agitation. Jay and Mary stopped by the pharmacy to fill the prescriptions, and the total came to \$315. Aghast, Jay knew that on his social security and meager pension income, that they would not be able to afford to maintain Mary’s new prescriptions, on top of the medications they both already took for high blood pressure, his diabetes and her thyroid condition.

Bewildered, Jay called the Department of Human Services to see if they had a program to pay for prescriptions. A caseworker screened his situation over the phone and informed him that he had too much income and too many assets to qualify.

Jay was wearing thin from the caretaking requirements placed on him and the financial burden of the medical and pharmaceutical bills. He had been watching all the campaign ads

and hoped that the candidates really would change Medicare to include relief for his outrageous monthly prescription bills. He knew that there would be no relief anytime soon. Jay called his daughter and broke down in tears explaining that the DHS caseworker had turned him down and he didn’t know where to turn.

Frustrated and angered by DHS’s lack of sympathy for her parents, Jay’s daughter called Will Wynn, an Elder Law Attorney, whom she had heard at a seminar several years before. Wynn informed Jay’s daughter that Jay had not asked the right questions when he called DHS. Wrong questions = wrong answers. (Beware, sometimes even the right questions may get you wrong answers!)

Jay should have asked several questions - one in particular about obtaining in-home assistance for Mary. DHS has a program called ADvantage Waiver which provides some in-home assistance if a nursing-home level of care is actually warranted but the individual is able to safely stay at home with some help. This program also provides prescription drug coverage for the individual needing the nursing-home level of care.

Will Wynn met with Jay to get ALL of the information. The fact was that they just had too many assets to qualify for Medicaid. However, Wynn helped Jay to rearrange their assets and go through the DHS process, and he did this without causing long-term disqualification. Also - Wynn was able to exempt for Jay much more of the assets than the caseworker said could be exempt.

After some additional phone calls, the advice and counsel from Will Wynn and a visit from a DHS nurse who performed a full evaluation of Mary’s needs, Jay and Mary were able to obtain assistance with light housekeeping, Mary’s bathing needs, and respite care for Jay to be able to get out of the house for running errands for groceries. The respite care also allowed Jay the opportunity to simply “get away.” He loved Mary, but sometimes the 24 hour a day caregiving burden seemed overwhelming to Jay, especially with Mary starting to awaken and wander during the night. Jay knew that he would probably not be able to keep Mary at home forever, but for now, with the assistance of the ADvantage Waiver program, Mary could stay home with her “Snookums” just a little longer.

### **WORDS OF WISDOM:**

The problem with following the herd  
is stepping in what it leaves behind.

If you would like to receive this newsletter via e-mail, please let us know by e-mailing us at [info@medicaidoklahoma.com](mailto:info@medicaidoklahoma.com).

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

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

501 N.W. 13<sup>TH</sup> STREET, OKLAHOMA CITY, OKLAHOMA 73103

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

[www.medicaidoklahoma.com](http://www.medicaidoklahoma.com)

*Providing Legal Services for Seniors, the Disabled and Medicaid Advocacy*

©L. Holmes 2002