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Save THE Date

PRACTICE WITH PURPOSE
Hershey, PA
June 4-7, 2018
The Hotel Hershey
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How to Approach the 3 Key Medicaid Qualifications Tests for Your Clients:
A Guide for Estate Planning and Elder Law Attorneys

Written by Amanda Smith, Esq.

Many clients come to elder law and estate planning attorneys with questions about Medicaid qualification.

Some may not meet the qualifications currently but will want to know how to plan for the future.

Regardless of the Medicaid Applicant's (MA) current situation, you should be prepared to explain the purpose behind these three tests and what the client can anticipate with them.

These are:

1. Needs Test (Activities of Daily Living "ADLs")
2. Residency Test
3. Financial Test (Income & Assets)

THE NEEDS TEST

Medicaid bases eligibility, first of all, on how much assistance the person requires.

This relates specifically to Activities of Daily Living, also referred to as ADLs.

ADLs include: Bathing, Dressing, Walking, Eating, Toileting, and Transferring from Bed or Chair.

Adult Care

If the MA needs assistance with 1 of the ADLs, that qualifies for Adult Care, which is the lowest level of support through Medicaid.

Assisted Living

If MA needs assistance with 2 of the ADLs, that qualifies for Assisted Living.

Chronic Care Nursing Home Medicaid

If the MA needs assistance with 3 or more ADLs (or if the MA has severe dementia), that qualifies someone for Chronic Care Nursing Home Medicaid. Most people who come in for help with Medicaid qualification want to know if they meet the guidelines for this type of care.

(Cont.)



How to Approach the 3 Key Medicaid Qualifications Tests for Your Clients: *A Guide for Estate Planning and Elder Law Attorneys* (Cont.)

The Residency Test

Once you've determined the type of care for which the applicant is eligible, it's time to complete the Residency Test.

This requires someone to be a US Citizen or Resident Alien and be a resident of the state in which they are applying for Medicaid.

Each state has different definitions of what may qualify as "residency" for purposes of Medicaid qualification. For example, some states allow you to be a resident immediately, while others may require someone to reside in the state for a certain time period.

Once you've verified that the MA meets the current residency requirements for Medicaid within that state, you'll need to run the financial test.

The Financial Test

There are 2 prongs to the Financial Test: Income and Assets. Some states are what we call "Income Cap States," which means the MA must have an income below a certain amount (\$2,250 currently).

Don't panic if your MA has over \$2,250 in monthly income. These Income States all allow the use of a Qualified Income Trust ("Miller Trust") in order to spend down income below the limit. A Miller Trust is simply a pass through trust that reduces the MA's income for Medicaid qualification purposes.

The second Financial Test looks at the MA's Resources. A MA can have an Individual Resource Allowance usually up to \$2,000.

The state with the highest Individual Resource Allowances is New York, which allows an individual to have up to \$14,850.

If a MA is married, the spouse can keep additional resources as part of the Community Spouse Resource Allowance ("CSRA").

A spouse can currently keep up to \$123,600 in 2018.

These three tests can tell you more about whether someone currently fits the criteria for Medicaid eligibility.

Having a standardized approach to screening these clients and keeping them informed about their qualification status can streamline things for your practice and ensure you've covered all the relevant details.

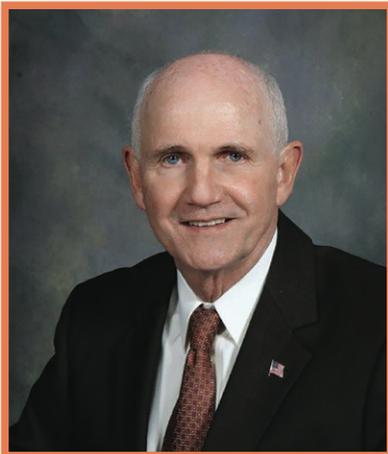
A Quick Note on Exemptions for Medicaid Applicants

Before jumping into each of these tests, an elder lawyer should be prepared to identify whether or not any exemptions apply. A MA may be able to exempt a home, automobile, personal belongings, prepaid funerals, and certain life insurance policies.

It's also helpful for clients looking down the road to Medicaid to understand how these tests may influence them. As part of a holistic Medicaid planning strategy, your client should feel confident about the steps taken in advance to inform and protect them.

Lawyers With Purpose would like to recognize **Gerald I.H. Street** *as*

JANUARY 2018 *Member of the Month*



“THE LWP PROGRAM HAS EXPANDED THE SERVICES WE CAN OFFER CLIENTS AND MY COMFORT IN PROVIDING THOSE SERVICES.”

What is the greatest success you’ve had since joining LWP?

Expanding my knowledge which has resulted in being a far more able counselor to our clients.

What is your favorite LWP tool?

The Listserv has been an invaluable tool for expanding my knowledge and finding good attorneys for clients who are moving from DE or own property in another state.

How has being part of LWP impacted your team and your practice?

In many different ways, from the Listserv to using Dale Krause. The LWP program has expanded the services we can offer clients and my comfort in providing those services.

Share something about yourself that most people don’t know about you.

I love the outdoors which many know, but especially backpacking and climbing Mt. Katadin in northern Maine with my grown children. Wonderful park if anyone wants an excellent outdoor and primitive experience.

What is your favorite book and how did it impact your life?

Many books about various true leaders in the history of our country but there is one book that stands head and shoulders far above the rest. The Bible has given me a far greater sense of how to reach out to the senior clients and their adult children who are struggling to help their parents.

Congratulations to you on your continued success!

Save THE *Date*

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THE CLIENT GOAL FOCUSER “THE HIDDEN GEM”

Written by Phil Miner,
Implementation Coach

The Client Goal Focuser is one of the most important tools used in client enrollment and the estate planning process. The problem is most members over look this tool as a checklist or formality.

There are three main functions that this tool offers. This month, we will look at what's in it for the client and how does it impact your ability to retain clients and your average fee, which results in additional profitability.

Get in the Right Perspective

Using the tool will make sure you start the meeting off in the right perspective, what we call Power in Partnership™. This means that you are getting behind their need and then you will enroll them into your need. Start out by thanking them and then asking them what they want to accomplish in the meeting. Keep it about them and not you, and write it down on the Client Goal Focuser.

Then follow up and ask if there is anything else that they want to be sure to discuss in the meeting, and write those down as well. Now you have captured their primary pain, concerns, and goals.

View Things From the Client's Point of View

What is the client's perspective when they see you have a process and tool to track and understand their goals? It's the start of peace of mind. Then you can continue with reviewing the process for the meeting, telling them a little about you, and going over the personal & financial information sheet to uncover other important counseling issues. Make sure you add these details to the client focuser.

Remember the counseling you provide is based on the non-legal aspects. This is what develops the personal relationship with the client and helps them sleep well at night.

After you have captured all their pain, concerns, and goals you can tie those into the planning options and vision clarifier to help understand the value of the options you offer without confusing them with too many details. Remember, it's all about what they want and need to accomplish to protect and provide for themselves and or their family.

Provide Next Steps

The previous stage is where some members tend to stop, but there is still more value to be given.

What if you could use the tool to demonstrate your process in a way that allows the client to be comfortable and confident moving forward?

Use the client goal focuser to show them the next step is to design their plan, letting them know that will cover a lot of options and as we go through them you will let them know when you are designing parts of the plan that pertain to their goals and concerns identified on the Client Goal Focuser.

Bring the tool to your design meeting let them see how important their goals are and help them see how you are addressing those issues in the design meeting. At this point, let them know that you will even send them home with some design meeting consideration to support them and guide them. Add value to your process and tools. Help them see what the process looks like moving forward and enroll them into moving forward.

Close with Confidence

The final element is to provide them confidence, if you want to stop sending out documents this is what you need to do. The bottom section of the Client Goal Focuser is all about the signing meeting, and peace of mind. Make sure you tell them after the design stage that they will come in to review and sign their documents.

Show them how you will review with them how you resolved their counseling issues and goals in their plan and where in the documents they will find them. Be sure to let them know you will provide them a copy of the Client Goal Focuser so they have a roadmap to their plan. Help them see how they can have peace of mind if they move forward that all the items they have identified as important will taken care of in their plan.

When you use the Client Goal Focuser to it's maximum capabilities you will find it will improve your relationship with the prospective client, and provide them more confidence in you, and see the benefits for them to proceed forward.

Remember why people buy from you- it doesn't have to be about price if you properly demonstrate the quality of your services, the value and benefits to them, and offer options you will increase your retention rates and profitability.

Next time, we'll look at how the Client Goal Focuser offers value to your RMS process.