



# BRUMBAUGH ELDERLAW REPORT

News and Helpful Information for Seniors and Those Who Love Them

January 25, 2018

Volume 12

**REGISTER TODAY!**

## The Hidden Cost of Doing Your Best

### Do you have Your Ducks in a Row?

You're invited to one of our FREE

Seminars

Come learn about Estate Planning, Asset Protection, Medicaid and VA

**February 6, 2018**

2PM & 6PM

Quality Inn & Suites  
1935 Cleveland Rd.  
Sandusky

**March 13, 2018**

2PM & 6:PM

Huron Public Library  
333 Williams St., Huron

**April 10, 2018**

2PM & 6PM

Quality Inn & Suites  
1935 Cleveland Rd.  
Sandusky



To RSVP for a seminar, or to schedule a consultation, you can contact us at:

419.626.0684 or

Email team@brumbaughelder-law.com

For more helpful information, visit our website

BrumbaughElderlaw.com or follow us on Facebook at www.facebook.com/BrumbaughElderLaw/

We are told growing up, just do your best. If you try your hardest, then you can feel proud even if you don't succeed. Pam and I tell the grandkids some version of this quite often. And as a general rule, this is a good philosophy. However, the government doesn't agree.

This past fall, an Ohio court decision came out where a nursing home sued a nursing home resident's son for her unpaid bill. Here's what happened:

*Faun, 83 years, fell and was injured. As a result, she moved from her home to a nursing home. Although the family thought she wouldn't be in the nursing home long, she ending up staying at the nursing home 4 years. Her son, David, was named in her power of attorney to pay her bills.*

*When Faun entered the nursing home, she had assets of about \$219,000.00. Faun's cost of nursing home care totaled about \$199,000.00. During the time she was at the nursing home, David paid some of the nursing home bill but not all of it. He also paid other bills Faun had including maintaining her property.*

*The nursing home sued David stating it was owed about \$100,000.00 for care provided to Faun. The nursing home argued David had a duty to use Faun's assets to pay for her care at the nursing home and he had failed to do so.*

Federal and Ohio law state that a nursing home cannot require a third-party to be personally responsible for paying someone else's nursing home bill. In other words, the nursing home could not make David sign anything stating he would have to use his money to pay his mom's nursing home bill. However, the nursing home did require

David to sign something stating he would use his mom's money to pay for her nursing home bill.

David was able to show the court how he spent his mom's money while he was in charge. The court found that David had used about \$13,000.00 in ways not related to Faun's welfare. Interestingly, some of the amount the court found improperly spent included anticipated funeral expenses. I do not know why the court found that to be improper and that may very well have been most of the \$13,000.00. The rest of the improper expenses were for dog grooming (I don't know whether it was Faun's dog or someone else's dog as the court didn't say) and payments where David reimbursed himself but didn't have a good paper trail showing what the reimbursement was for.

While his mom was at the nursing home, David applied for Medicaid multiple times but kept getting denied. The court found that David had failed to use his mom's assets properly to pay for her care. The court said the amount David would owe the nursing home would be calculated by looking at each month to see how much the nursing home bill was and how much Faun could have paid and if David didn't use the full amount she had that month on the nursing home bill, the amount he could have used but didn't would be owed by him.

The court didn't say that David was stealing or trying to harm his mom or the nursing home or anyone. In fact, it looks to me like David was trying his best. Trying to take care of his mom and pay her bills the best he could. He was likely nervous about spending all of his mom's money when he

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Brumbaugh Elderlaw Report is written to inform and entertain our clients, referral sources and friends. This is not legal advice. If you need help for your specific situation you should call The Law Office of Michael Brumbaugh at 419.626.0684.



## The Hidden Cost of Doing Your Best cont'd

hoped she would be coming home. We hear people say things like I can't spend everything at the nursing home as mom or dad will be broke if they get better and come home. There's also the dilemma of how to pay for a person's home expenses while she is in a nursing home.

We tell clients in our office as well as those who attend our public presentations, that the cost of trying to navigate the long term care system on your own can be severe. David wasn't even trying to shelter assets from the cost of long term care (although he legally could have if he had worked with an elder care attorney's office, like us) as near as I can tell from reading the court's decision and he is going to be severely penalized. Even though he was doing the best he could. Now he is going to have to cough up money from his own accounts to pay his mom's nursing home bills. This is a sad outcome and totally unnecessary.

If David had come to see us when his mom went into the nursing home, we could have helped him navigate the long term care benefits system. In fact, we could have guided him through the rules and shown him how to shelter some of his mom's assets from the cost of long term care even though she was already in the nursing home. Although Medicaid requires a single person spend down her assets until the assets are below \$2,000 (this doesn't take long to do with nursing home costs now running \$6,000.00 to \$8,000.00 or more each month), there are legal ways to shelter assets even if the person is already in the nursing home.

In this case, David tried his best and the system chewed him up and spit him out. Not only did his mom's assets get spent, he's going to have to dig into his own pocket now. All of this could have been avoided so easily if he'd known to call someone like us.

Don't let someone end up with a mess like David. If you know someone facing long term care costs such as nursing home costs who is trying to do it on her own, please recommend the family comes to one of our free seminars or calls for a free initial consultation. We can be their trusted guide through the long term care system.

## Welcome Josh!

We are excited to have Josh join our team!

Josh joined the office at the beginning of 2018 as our Client Concierge. Making the transition from long term care for Clyde Gardens Place (an assisted living facility), where he worked for five years in Facility Maintenance.

Josh has a Bachelors degree in Business Administration from Grand Canyon University.

Josh resides with his wife Jennifer in Bellevue Ohio, where Josh has lived his whole life. Josh and Jennifer are expecting their first child in May. When Josh is away from the office he is actively involved in his church and youth ministry. In any spare time he can find, Josh



enjoys wood working and cooking.

Josh is excited to be joining Brumbaugh Law Office and working with our great team.

Is your New Year's goal to get more organized or get your affairs in order? If so, we can help! The best way to prevent problems later is to get your estate planning in order NOW! Call us for a consultation to give us an opportunity to discuss your personal goals and concerns, so we can provide you with options to protect and plan for your family. **Get your ducks in a row**



**and call now! 419.626.0684**



## Safe Snow Removal for Seniors: Find Help, or Follow Best-Practices

When the snow falls and accumulates, ER professionals can be assured of one thing - it's likely they will see an increased incidence of injuries related to snow removal.

Many people, especially seniors, can underestimate the time, strength and stamina it takes to shovel snow. According to Gericarefinder.com, it is a homeowner's responsibility to clear snow from sidewalks on the property, so seniors often feel compelled to take steps to shovel the snow. Moreover, if an emergency vehicle needs to access a house and snow is not cleared, it could cause a significant delay in necessary treatment. Experts recommend that seniors find help removing snow from sidewalks, driveways and entryways. Here are ways to find a qualified individual or company to shovel snow:

- *Call the Better Business Bureau*
- *Ask neighbors if they can recommend a neighborhood teen who will shovel snow for a fee. The fee can range from \$10-20 depending on the area to be cleared.*
- *Call a local church. Some have volunteers who help with snow removal for shut-ins.*
- *Call the local city or town administration office as they may have special programs.*

Seniors, and others with physical challenges, should never remove snow manually without a doctor's approval. Even for those who exercise regularly, shoveling snow is rigorous, physical work. According to the American Academy of Orthopaedic Surgeons, shoveling is considered an intense activity that raises one's blood pressure and heart rate.

Excerpt from: [comfortkeepers.com/home/info-center/senior-care/safe-snow-removal-for-seniors-find-help-or-follow-](http://comfortkeepers.com/home/info-center/senior-care/safe-snow-removal-for-seniors-find-help-or-follow-)

➔ [Are you going to be changing your address? Make sure you stay on our newsletter for the latest elder law news, updates & events. Please email your new address to \[Team@Brumbaughelderlaw.com\]\(mailto:Team@Brumbaughelderlaw.com\) stay informed for a stress free second half of life. Or call the office at 419.626.0684.](#)

## We Appreciate Your Referrals

*For our happy clients and family members, please consider telling your friends and other family members about us. If you know anyone in the nursing home and they are still private pay, please let them know we can still help them protect their assets.*

*Many thanks to our valued clients & friends who refer their own family, friends, patients and associates to us. We work hard to justify your*



## Happy New Year!

Y U T R A C T Y D N D C F Y  
 R N U F I Z L A O W G O K P  
 A O C S I I N I H K O I S P  
 U B U A M C T P A T S Y C A  
 N M A A E U K L B S M R O H  
 A C F B L C H A M P A G N E  
 J G A O Y F L S T S R I F C  
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 P E R A E Y F J H N X Q T O  
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 J I H C G T P A R T Y R R G  
 V K E J R M N B R M P R E F  
 U C M J P P I V N E U B C B

Baby	Family	Kiss
Calendar	Fireworks	Midnight
Champagne	First	Music
Cheer	Football	Parade
Clock	Happy	Party
Confetti	Hat	Resolution
Dance	January	Year



# BRUMBAUGH ELDERLAW REPORT

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## YOUR QUESTIONS ANSWERED BY MICHAEL BRUMBAUGH

**We received a question** *Recently we were asked by Mary several questions in regards to organ donation Bill*  
Keep those questions coming to us at [team@brumbaughelderlaw.com](mailto:team@brumbaughelderlaw.com)

### Can I be a donor if I have a health condition?

Certain health conditions may not affect all of your organs. If you pass away, doctors will examine your tissues and make the decision as to which organs are safe for donation.

### Word Search Solution

Y	+	+	+	+	C	T	Y	D	N	+	+	F	Y
R	+	+	+	I	+	L	A	O	+	+	O	K	P
A	+	+	S	+	I	N	I	H	+	O	I	+	P
U	B	U	+	M	C	T	+	+	T	S	+	C	A
N	M	A	A	E	U	+	+	B	S	+	+	O	H
A	C	F	B	L	C	H	A	M	P	A	G	N	E
J	+	A	O	Y	+	L	S	T	S	R	I	F	C
+	+	S	L	+	L	+	C	D	+	+	+	E	L
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R	T	H	G	I	N	D	I	M	E	E	+	T	C
P	A	R	A	D	E	D	+	+	+	E	I	I	K
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### What does it mean to be on the donor registry?

When you register as an organ donor, you grant permission for your organs to be distributed to people in need once you pass away. Typically, those who die in the hospital after being on life support are the most successful donors.

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