



local: 727-343-8959 | info@HKHelderlaw.com  
fax: 833-453-0459 | www.HKHelderlaw.com

## Medicaid Planning - What to Expect When Working with HKH Elder Law Our “Six Step Medicaid Planning & Application Process”

1. **Initial Contact-** You and our staff will make an appointment with one of our attorneys for a consultation. The first 30 minutes will be free of charge. Once you have made an appointment, we will send you a short form to complete. The form will help you provide basic information so we can determine whether and how we can be of help to you.
2. **Initial consultation-** This is a time when we meet to determine whether there are asset protection options available for you. The first half hour is free of charge. With over 25 years of combined experience, we have found that most people have options. Asset protection for Medicaid purposes is quite technical with many inflexible rules and procedures. Whether we can clearly answer your questions is very much dependent upon how much information you are able to provide about your current situation.
  - Timing of benefits is a critical question. Do you need benefits immediately or within a few months? Or are you wanting to plan ahead for some time down the road? The answer to this question will determine how we proceed.
  - For **advance planning**, we follow our Estate Planning Six Step Process.
  - For **immediate planning** we will follow the steps below.
3. **Develop a Plan-** Once we know the timing we will be able to work together to develop a plan specific to your circumstances. One thing that separates us from others is that we work to find a plan that best suits you. Sometimes the options are limited and we can only offer one choice while other times, there are several ways to accomplish the goal. When there are several ways, our goal is to educate you so you can choose the most suitable course of action.
4. **Execute the Plan-** The process of executing your plan can be quick or time consuming, depending on your circumstances. We will provide instructions for the steps you or your agent needs to take. Of course, we will be available to help you carry out the plan.
5. **Collect Supporting Documentation-** While we set this as step four, this step actually takes place from the beginning to the end of our process. We begin with providing you a general “Documents Needed List.” Then, as we move forward, we will add specific items to your list. There have been times when clients became frustrated with the amount of documentation we asked for; but we can assure you, it is not us asking. Our goal is to obtain Medicaid approval. We only ask for what we believe they will require of us.

6. **File Application-** Once we are satisfied that you are eligible for Medicaid, we will file your application. We believe we are your best representatives for filing because we understand what we advised and what steps you took to legally protect your assets. We not only file the application but also provide supporting documentation that you provided to us in an organized way so that the Medicaid worker can make a fair decision.
7. **Medicaid Decision-** In Florida, as attorneys, we ethically cannot guarantee the outcome of a case. Of course, our goal is a positive outcome. If the outcome is not positive we will work with you and Medicaid to determine the reason and obtain approval. Once the Medicaid decision is rendered, our work for this process should be complete. However, maintaining Medicaid is an ongoing process with required annual reviews. Many clients do not wish to proceed without our help. After approval we usually offer our clients the opportunity to enter our Continuing Care Program. It is an annual fee-based program where we work with you to maintain eligibility, deal with unexpected surprises and provide responses to Medicaid as requested.

**Qualified Income Trust Fees:** There are times when a client is already eligible for Medicaid and needs only a Qualified Income Trust or Application. For those clients our fee ranges from \$1,200 to \$1,600 dependent upon the situation. This fee does not include filing the Medicaid application.

**Medicaid Planning and Application Fees:** One of the first questions people ask us is, "What will it cost to do a Medicaid Plan with HKH Elder Law?" The Medicaid Planning and Application process is quite different than estate planning as it requires that we work together. With the Medicaid process, we will guide our clients or their agents on steps they may need to take in order to protect assets. The time involved depends heavily on your cooperation. There are many moving parts with extensive documentation we will need from you. We assure that we will only ask for what we believe is necessary to defend your application before Medicaid. One of the best ways for our clients to limit additional fees is to act quickly and provide us with everything we ask for together and not in piecemeal.

We are normally able to set a flat fee for our Medicaid & VA Asset Protection work. After we've met for the first time and determined a course of action we should be able to give you a set fee ranging from \$6,500 to \$15,000 which is the equivalent of less than one month in a nursing home. For unusual circumstances we may need to create a combined fee, the flat fee for the defined work, with an additional allowance for an hourly fee for the unusual work.

**A Note about non-attorney Medicaid & VA planners.** Please don't be fooled by non-attorney planners who tell people to avoid attorneys because we charge high fees. They often insist people buy certain annuities or other tools with high hidden fees that turn out to cost much more in the end.

**A Final Note.** We can only protect what has not already been spent. After your first meeting with us, and as long as you proceed, you become part of our "Family of Clients" and we like to continue to contact you periodically by sending our monthly E-Newsletter, occasional cards or notices of events put on by our office. We want to keep up with you but if you do not wish to hear from us, please let us know and we will honor your wishes.

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