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Why You Need a Lawyer to Handle Your Medicaid Application



The Medicaid program is jointly funded by the federal government and the individual states. It is administered locally through state and county programs. Despite the Medicaid program's income and resource restrictions, when advised properly, many people are able to qualify for various Medicaid programs, allowing them to receive care at home or in a nursing facility without having to spend a lifetime of savings.

Although New York State does not require a Medicaid application to be prepared and submitted by an attorney, an experienced Elder Law attorney can advise on ways to maximize the benefits available to you, how to shelter your assets, and how to protect your family members.

There are different entities, hospitals, nursing homes, and other organizations that may offer to prepare and submit a Medicaid application for a reduced fee. It is important to note, however, that these agencies are likely not obligated to advise you of your legal rights and, in fact, they are typically not permitted to give legal advice regarding your application. An Elder Law attorney, on the other hand, has the ethical duty to advise you of and advocate for your rights. Not using an experienced Elder Law attorney could expose you to risks such as a denial of an application for failure to provide necessary information or the imposition of a penalty period, in which case you will not be eligible for Medicaid services.

As with many laws, the Medicaid rules and regulations are very nuanced. Often, a potential Medicaid applicant's finances and/or medical condition require the advocacy of an experienced and knowledgeable Elder Law attorney. While it may be tempting to entrust your loved one's Medicaid application to a person or organization that promises a reduced fee, if it sounds too good to be true, it probably is!

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For more helpful information and to keep up to date on all Elder Law and Trust and Estate matters, visit our website at www.makofsky.com.

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