

What to Expect at an Elder Care Consultation

By Andrew Byers, Attorney at Law

Our elder care consultations tend to be about Medicaid qualification for the nursing home, Medicaid qualification for the MI-Choice Waiver home care program, veteran's Aid and Attendance qualification, or long-term care planning for someone who has suffered a stroke, been diagnosed with dementia, or diagnosed with another condition that has a high likelihood of needing long-term care. Many people have never dealt with an elder care attorney before, so they may wonder what will happen at an initial consultation. Law firms have different procedures, so this article is only focused on what would happen at an elder care consultation in my office.

First, I will speak with you on the telephone to get some basic background information about the people involved. If you are the caller, I will need to know your complete name as well as the name of the older person you may be calling about. The reason for this is attorneys may not engage in a conflict of interest or advise people who have opposing positions on the same issue. As such, I need to know who you are and who you may be calling about in order to check if anyone involved is a former or current client of our firm.

Second, during this initial telephone call, I will need to get some general information about the nature of your inquiry so I can determine if your issue is within the scope of my practice and if I may be able to help.

During this initial telephone call, if I determine that you have an issue with which I may be able to help, we may schedule an initial consultation. I do not charge a consultation fee for many of my initial consultations, but from time-to-time, I do. I will let you know if there will be a consultation fee or not before the initial consultation is scheduled.

Most of my appointments are scheduled between the hours of 12:30 p.m. and 4:30 p.m., Monday through Friday. If your schedule requires it, I can meet earlier from 12:30 p.m., but I am often in court in the morning, so there are not as many of these appointment times available. I set aside 1 ½ hours for each initial consultation.

Since Medicaid planning, Aid and Attendance, and long-term care planning involves financial and family issues, I may send you a short questionnaire to complete and bring with you to the initial meeting. If we are going to be discussing planning an estate or qualifying for Medicaid or VA benefits, I will need to know the older person's income and asset situation, as well as who their immediate family members are, including the spouse of the elder and their children. I will also ask you to bring any existing trust, power of attorney, medical power of attorney, and other estate planning document so that I can review those items. It is also helpful if you bring a recent statement for the older person's savings and other asset accounts so that I can review how they are titled and how that particular asset would impact Medicaid, VA, or other long-term care planning.

At the time of our initial meeting, I typically like to start by getting some background information about what has been going on with the older person's health and care situation, including if there have been any recent hospitalizations. We will need to have a discussion about the people who are involved and it is especially important to know if

there are any conflicts or points of disagreement between children, spouses, or other people that are involved.

We will then turn to a discussion of the older person's income and assets, and we will review their savings, investments, and other accounts and assets. We will discuss their actual or probable long-term care costs to consider if they can pay for their own care or if any benefit planning should be pursued. We will review their estate and incapacity planning documents to determine if they are well-done, adequate, or if updates or additional planning may need to be done.

If relevant, we will review the rules regarding qualifying for Medicaid nursing home or home care benefits and Aid and Attendance.

Often, it is clear regarding the level of care that someone needs in that the elder may have been in a nursing home for several months, and that situation is meeting their needs, or the older person may have already moved to assisted living. In those cases, I may be able to identify the specific legal strategies that need to be implemented and will describe the scope and nature of my work as well as the legal fees that would be involved. At that point, you may decide to proceed and retain me or to think about it and decide later.

Sometimes, it is unknown about what level of care a senior may need or an elder may have many long-term care planning options. In those situations, you may choose to retain me to prepare a comprehensive estate and long-term care planning evaluation, which you can read more about by clicking [here](#). After this report is prepared and sent to you to review, we will have another meeting to review it, answer any questions you may have, and to decide upon which strategies to implement.

My goal is to help my clients maintain their dignity and independence in the event of incapacity, protect their assets from taxes, legal proceedings, and long-term care, and preserve a legacy for their beneficiaries.