

Don't Lien on me!

As shocking as it might be, if you want to obtain Medicaid benefits to which you are legally entitled to receive, the State of Arizona is authorized to seek recovery for any amount of money it pays for your care under certain circumstances.

What's a Medicaid Lien? In an Arizona case dealing with Medicaid called *Romo v. Kirschner*, the court stated that "The United States Congress fully intended to restrict eligibility for Medicaid to those who lacked the resources to pay for their own care and to prevent those who seek subsidized benefits from retaining assets which should be used to pay for their care while they are alive" or after they have died. To facilitate reimbursing the State of Arizona and the Medicaid coffer, the Federal government enacted a law entitled the Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982. Generally under this law and the Arizona equivalents, a TEFRA lien may be placed on your property after you are deemed eligible to receive Medicaid benefits (1) if you are 55 years or older; (2) have been admitted to a nursing facility, an intermediate care facility or other medical institution under federal law; and (3) Arizona Health Care Cost Containment System has determined that you are permanently institutionalized.

So, what happens if the government puts a lien on your property? Well, your family cannot sell the house until the lien amount is satisfied. Or, even better, try and re-finance the property with this existing lien on the property. How much success do you think you are going to have?

There is almost always an exception to the rule. But alas, all is not lost. You may recall from previous articles that certain types of home properties are going to be considered exempt or conditionally exempt as a resource in order to qualify for Medicaid. Similarly, in accordance with Arizona administrative law and federal Social Security law, the Arizona Health Care Cost Containment System (AHCCCS) cannot place a lien on your property if any of the following persons are lawfully residing in your home: (1) your spouse; (2) a child under the age of 21; a child who is blind or permanently disabled; or (3) sibling who has an equity interest in the home and who was residing in your home for at least one year immediately before the date you were admitted to a nursing facility or other medical institution.

As you might imagine, there are indeed other exceptions to Arizona's right to put a lien on your property too numerous to discuss now. But take heed and remember that if the government can't put a lien on your property while you are alive, then Arizona will likely file their claim as a creditor in court when you die and your estate is probated in court. For more information on Medicaid and Medicaid liens, you should consult with an experienced elder law attorney. If you are interested in scheduling an appointment with Robert Way, Esq. to discuss these issues, please call (928)783-4575.

Deason Law Firm
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Member of NAELA:
National Association of
Elder Law Attorneys



Most American's Wealth is Lost by the 3rd Generation

Traditional "bare bones" estate planning has focused primarily on what happens after death and usually passes on financial wealth outright with no conditions or safeguards. Today's American families are realizing that these outdated, traditional estate planning methods are failing them and their families, and they are wanting a different approach to deal with today's real life issues.

Those issues include divorce (especially their children's divorces), second marriages after the death of a spouse and creditor concerns that have been overlooked in traditional estate planning. Any one of these can wipe out an entire inheritance in one generation.

Here at the Deason Law Firm, we are responding to this need, and we are helping our clients change the way families now plan.

Our new Legacy Wealth Planning method addresses those same concerns and incorporates a more complete approach to help families build in incentives and conditions on the financial wealth and document their values, wisdom, family history, items with sentimental and emotional importance, and their desires for the future.

"This paradigm shift is a reaction to what families have been trying to safeguard for generations. Unfortunately there has been a lack of focus in the estate planning field that encourages and documents this type of non-financial planning," says Attorney Larry Deason.

Historically, wealth is squandered within three generations. With the planning options we make available, families are able to protect their heirs from future mistakes by being proactive... years and possibly generations, in advance.

Our new "Legacy" wealth planning model is broken into four distinct areas for families to consider about the legacy they will pass on: Core Values, Life Experiences, Contribution to the Community and lastly... Financial Assets.

If you are interested in scheduling an appointment with Attorney Larry Deason to discuss this planning in further detail, please call Mary at (928) 783-4575. Our firm has always focused on protecting families from these real life issues while they are alive, as well as protecting and passing on their financial and non-financial goals. Call us today!



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What do you value most in life? Is it family? What will happen when you are gone? The goals of traditional estate planning: 1. Protect material wealth from probate and taxes. 2. Transfer estate assets to beneficiaries. Attend our seminar and take a deeper look at the impacts of disability for either spouse and the life of the surviving spouse after death; protection for the beneficiaries from divorce, lawsuits, creditor problems, re-marriage and what about mama's pie plate? Estate planning no longer consists of just the 3Ds: DIVIDE, DISTRIBUTE, and DISSIPATE.

Attend our free educational seminar and learn more!

4 Main Reasons Estate Plans Fail:

1. Poorly drafted documents;
2. No protection against real life issues;
3. Lack of proper maintenance;
4. Not keeping up with law changes and new strategies.

The Deason Law Firm is here to help. Don't wait, reserve your seats with Mary today by calling (928) 783-4575. Take the first step toward providing financial security for you and your family. You can eliminate uncertainty and confusion surrounding your estate.

Estate Planning... it's what we do!

**Thursday, June 12th at
9:30am or 6:30pm**

Yuma Civic & Convention Center (East Wing)

Call 783-4575 to reserve your seats!

**Register Today:
783-4575**

**Or visit us online:
www.deasonlaw.com**