

Dear Night:

Bad news: Paying a family member for care services is near impossible.

Good news: You may still get the homestead. How To GET PAID

CARINg FoR MoM

Ray: I did it all. Not once did I ask “What’s in it for me?”

Shoeless Joe: What are you saying, Ray? Ray: I’m saying “What’s in it for me?”

Field of Dreams

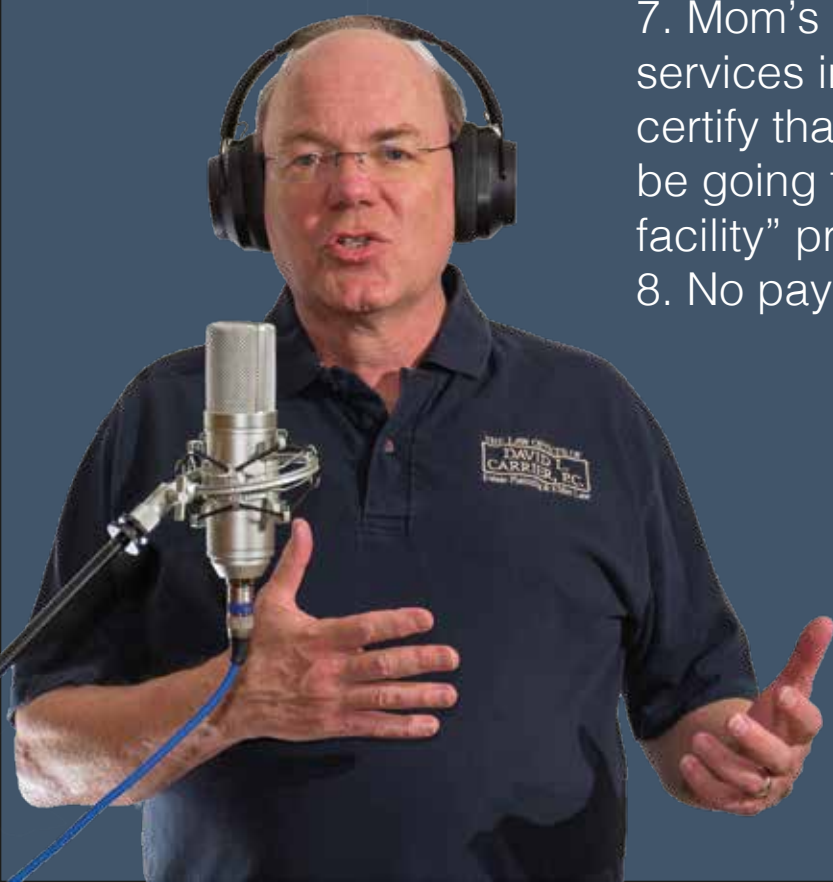
BAD NEwS RULES

- NO PAY FOR YOU

Getting paid for caring for your loved one without breaking the rules is complex, confusing, and convoluted. You might even think that the rules are unworkable on purpose.

Here’s what you need:

1. Legal contract. Written. Dated. Notarized.
2. Contract first. Services and Payment second.
3. No payment until services are performed.
4. No advance payment for future services or expenses.
5. Mom must live at home. Not in a “nursing facility, adult foster care home (licensed or unlicensed), institution for mental diseases, inpatient hospital, intermediate care facility.” Maybe your home.
6. Mom cannot “be eligible for home and community-based waiver, home health or home help.”
7. Mom’s doctor must prescribe the services in writing. With a care plan. And certify that without your help, mom would be going to a “residential care or nursing facility” pronto!
8. No pay for “companionship.”



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9. Mom must sign the contract. Except #10.

10. Mom's court-appointed guardian or conservator, or Patient Advocate or agent under mom's power of attorney, may sign the contract. But the caregiver cannot be the representative.

11. Mom's care plan must get Medicaid's OK.

12. All these arrangements go under the Medicaid Microscope.

Medicaid will "review the written instrument between the client and the provider which must show the type, frequency and duration of such services being provided to the client and the amount of consideration (money or property) being received by the provider, or in accordance with a service plan approved by [Medicaid]." Ouch!!

Good NEwS RULES

– HOUSE FOR YOU

Normally, mom cannot give you the house. (Unless you are blind or disabled.) without suffering severe penalties.

Here's how it works:

1. Mom transfers the homestead to a child (you).

2. You lived in mom's house for at least two (2) years.

3. Mom will now receive Medicaid long-term care services.

4. You provided care that would otherwise have required long-term care services.

5. Mom's physician (M.D. or D.O.) documented #4.

So, if you are caring for mom at home, and living there too, you can't get paid without penalty, but you can get the house. After 2 years of pretty intense care. While you are actually residing in mom's house. Not next door. Or down the street. Change your driver's license, etc.

STRANGER THAN FICTION LESSON:

MOM CANNOT PAY YOU \$10 PER HOUR, BUT MOM CAN GIVE YOU A MILLION-DOLLAR HOUSE