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The Most Beautiful Flowers

By Jerold E. Rothkoff

A few months ago, our office received a bouquet of flowers from a client’s family as a thank you for a job well done for elder care advocacy on behalf of their parents. It is not unusual for our firm to receive such thoughtful gifts. We regularly receive thank you gifts and notes of gratitude from clients and/or their families. We are always honored to receive such gifts. They are the ultimate thank you for a job well done and help to continue to propel us in our mission to advocate for seniors.

However, there was something different about this gift of flowers. Our client’s family sent our firm the flower bouquet one year after their mother died and two years after their father died (with a note attached which is depicted in the picture). What did our Elder Care Law Firm do for this family that they thought of us on their parents’ date of death anniversary? Let me explain.

I first met with Mildred and Eugene’s children in October 2018. At the time, Mildred and Eugene had been married for 68 years and living in a local South

Jersey assisted living community for over three years. The family’s goal was to keep their parents together in assisted living even though their level of care needs had increased, and the marital assets were no more than \$75,000.

Although there is Medicaid coverage for assisted living in New Jersey, it is very difficult to obtain Medicaid eligibility for both

spouses simultaneously. Therefore, we had to negotiate the private pay rate with the assisted living community while planning for and applying for Medicaid eligibility for the husband while his wife continued to pay privately. The spousal combined fixed monthly income of \$3,000 was able to be used for the wife while the remaining savings were used to pay for care. We needed to analyze five years of financial records

to determine potential gifting issues within the Medicaid five year look back. There were several life insurance policies which we needed to analyze to reduce current cash value for Medicaid eligibility while preserving the higher death benefit, as well as change beneficiaries of the life insurance



(Continued inside on page 2)

Rothkoff Law Elder Care Symposium Set to Explore Innovations in Elder Care

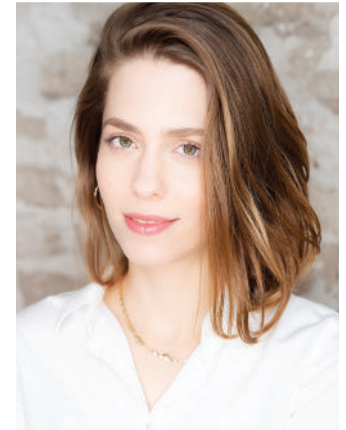
On Thursday, October 20, 2022, Rothkoff Law Group will host our 5th Annual Elder Care Symposium from 8:30 am to 4:30 pm. The topic for this year's virtual event is *Innovations in Elder Care*. The agenda includes a keynote address, breakout sessions, and a panel discussion. Professionals who work with older adults and family members of senior-aged loved ones will have valuable networking opportunities and unprecedented access to critical information regarding elder care issues.

This unique event will be easily accessible to attendees throughout the United States and around the world via a proprietary virtual event platform which utilizes intuitive software to recreate physical events through an immersive 3D experience. In addition to the live presentations, Symposium attendees can visit the interactive exhibit hall and engage with 60 vendors who work with seniors through real-time text, audio, or video chats in either a group or private one-on-one setting.

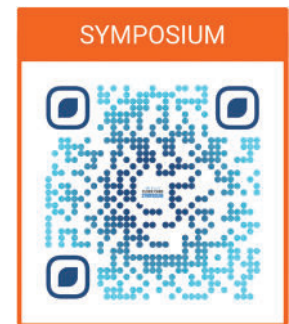
This year's keynote address will be presented by Keren Etkin, a gerontologist, and author of *The AgeTech Revolution*, a book about the intersection of tech and aging. Currently, Ms. Etkin is the founder/director of AgeLabIL – an interdisciplinary R&D center

at Shenkar College for Design, Engineering and Art in Israel.

Symposium attendees will be eligible for four Continuing Education (CE) credits per person. For further details and to register, go to www.rothkoffsymposium.com.



Keren Etkin



Scan QR code for more information

The Most Beautiful Flowers (Continued from front page)

policies from each spouse to the children. Ultimately, when the wife's assets were fully spent on her care, we also applied and received Medicaid eligibility on her behalf.

Additionally, we updated spousal last wills and testaments to limit the amount of assets one spouse may inherit from the other if the surviving spouse was receiving Medicaid benefits, along with updating financial and health care powers of attorney to appoint the children as the financial and health agents for the parents instead of each other.

Most importantly, we helped our clients and their family navigate the ever-changing care issues that arose during our three years working with Mildred and Eugene via our Elder Care Coordinators (ECCs). There were multiple hospitalizations and rehabilitation stays for both spouses. Our ECCs assisted with proper discharge planning from the hospital to rehabilitation, back to the assisted living community,

attending care conferences, as well as communicating with social workers and medical providers in all health care settings, plus reviewing health insurance coverage under Medicare to ensure there were no gaps in coverage and that each client could receive maximum Medicare coverage to receive physical and occupational therapy, so they were able to return to and live together in assisted living.

In the end, the goal was to keep mom and dad together. Through hard work and advocacy, we were able to help the family achieve their goal. We were also able to achieve what I promised the family at the initial meeting back in October 2018: we will provide you and your family with additional time to spend with your parents and provide peace of mind. Thank you to Mildred, Eugene and their family for your trust in us and allowing us to be a part of your family's care journey.

Ask the Benefits Team

by Kaitlin Dirkx, Rothkoff Director of Public Benefits



At Rothkoff Law Group, our long-term care planning clients are assigned their own Public Benefits Specialist to walk them through their Medicaid or Veterans Benefits application process step-by-step. Don't have your very own Public Benefits Specialist? Then submit your question to our team of experts!

Why do I have to pay my spouse's income to the nursing home? Doesn't Medicaid cover the entire cost?

Medicaid is a cost sharing program, meaning the Medicaid recipient shares in the cost of their care. Each nursing home has their own Medicaid reimbursement rate, or the daily rate Medicaid pays them for their nursing home residents. The resident contributes a portion of their monthly income, and Medicaid makes up the difference.

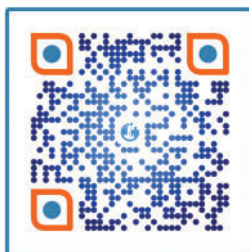
This can be difficult for some spouses, especially those who rely on the second spouse's income to continue to keep up with the household bills. For couples where the nursing home spouse's income is much higher than the spouse still at home (the community spouse), Medicaid does allow

some protections. These come in the form of annually adjusted standards, known as the Monthly Maintenance Needs Allowance (MMNA). If the community spouse's income does not meet at least the minimum MMNA standard, currently \$2,288.75, they can be determined eligible for a spousal allowance. If you qualify for a spousal allowance, this serves as another deduction from the monthly cost share owed to the nursing home and can be kept by the community spouse to maintain the household.

If you would like to submit your question to the public benefits team for the next newsletter, please email kaitlin@rothkofflaw.com

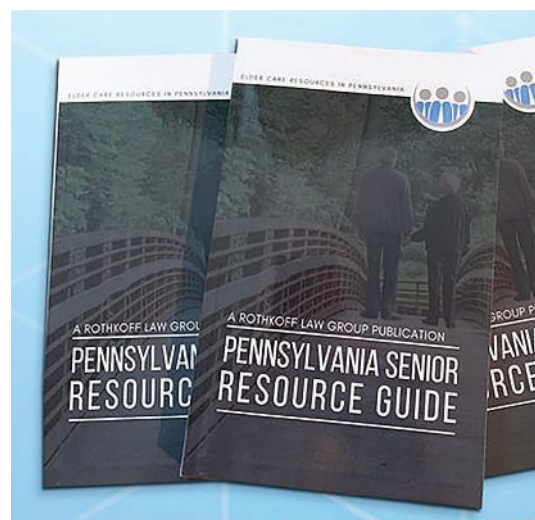
Updated Rothkoff Law 2022 PA Senior Resource Guide Now Available

Our 2022 Pennsylvania Senior Resource Guide has been updated to include important information on state and federal agencies, affordable housing, adult day programs, support groups, and more for residents in Bucks, Philadelphia, Montgomery, Delaware, and Chester counties. Request a copy today at www.rothkofflaw.com/resources or call (215) 546-5800.



Resources

Scan QR code for more information



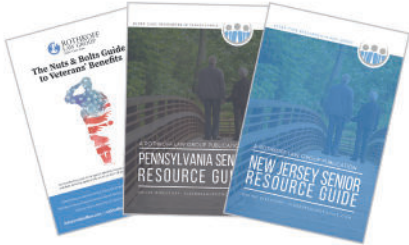
THE ROTHKOFF QUARTERLY – Published for clients and friends of ROTHKOFF LAW GROUP

The success of our firm is a direct reflection of our clients and the referral sources who have supported us. Therefore, we actively welcome your referrals as well as your input regarding the contents of this newsletter. We also welcome comments on the quality of legal services our offices provide.



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Rothkoff Team Gets Together for a Great Time in Philly



The Rothkoff team had a great time catching up at Evil Genius Beer Company on June 12, 2022 for a special staff appreciation happy hour. A wonderful time was had by all catching up with one another in a relaxed setting.

All information presented in the Rothkoff Quarterly newsletter is general and does not constitute legal advice. Please do not act upon this information without consulting an attorney. Anyone facing a legal issue discussed in this publication is advised to seek legal advice from a competent professional.