Estate & Elder Law SERVICES

UNDERSTANDING LONG-TERM CARE PLANNING

ESTATE & ELDER LAW SERVICES



“Understanding” is the keyword here.

Our attorneys and entire team understand what you are going through.

THAT’S WHY OUR FIRM EXISTS.



That’s why our founding attorney Bill Erhart underwent the grueling training and testing needed to become a Certified Elder Law Attorney (“CELA”), one of only about 500 CELAs in the country, and the only CELA in the State of Delaware.

Before that, that’s why Bill halted his lucrative litigation and transactional practice, changed gears completely, and learned estate planning and elder law from the ground up in the nascent days of Medicaid planning.

And that’s why attorney Catherine B. Read (Kylee) also changed gears completely, in her case from a successful Delaware corporate law transactional practice and years of teaching at the college level, to start over again from scratch. Kylee went through a life experience that showed her how much people need what we do.

You need a safe place where you trust the advice you are receiving.

Not the advice of a non-attorney who claims to have seen it all.

Instead, the legal counsel of accomplished, experienced, trained, respected practitioners in this highly specialized field.

We understand what you need, and we understand the law and the process.

OUR TEAM IS HERE TO HELP



William "Bill" Erhart is a Delaware native and Certified Elder Law Attorney ("CELA") who has demonstrated expertise through the National Law Foundation, the only organization accredited by the American Bar Association to certify elder law attorneys. His journey into practicing law was a unique one, starting with the United States Marines to a theological seminary to a consumer fraud prosecutor that all drove him toward a mission of helping others. It is Bill's firm belief that while a will or trust in and of themselves cannot change a person's life, the right elder law and estate planning legal services can and bring great value, peace of mind, and comfort to all families.

He has served the elder law and estate planning needs of Delaware seniors, their adult children, and others for more than 30 years. He is the former Chair of the Delaware Bar Association Elder Law Section. He has taught many lawyers and other professionals estate planning and Elder Law. He has earned an AV® Distinguished™ Peer Review Rating by Martindale-Hubbell® for his high ethical standards and professional ability and a 10.0 Avvo rating. His practice is welcoming, serves clients with compassion, and helps people make decisions for protecting their assets, families, and themselves.



Catherine B. "Kylee" Read changed her practice from corporate law to elder law after learning firsthand the importance of elder law to individuals and their families facing long-term care expenses.

With an accomplished academic background and significant experience in practicing Delaware corporate law, Kylee could have continued on that path, as well as teaching corporate law, which she enjoyed greatly.

But she learned through family involvement how important it is for an attorney not only to prepare a will or trust for an estate plan but also to educate families – at the time of that estate planning –how to pay for long-term care.

Kylee understands that many people do not know their options or even the questions to ask on how to protect life savings from the cost of assisted living or nursing home care or how to prepare for a loved one's incapacity before it happens. She believes in educating families about their options early on, allowing for informed choices, peace of mind, and financial security.

Kylee also learned first-hand the anguish of navigating the maze of health care and long-term care facilities and doing one's best to ensure a loved one is cared for wholly, completely.

In every client, Kylee sees behind them the maze they are going through. And does everything in her power to make it better.

Kylee serves the community. She is the current Chair of the Elder Law Section of the Delaware State Bar Association. She teaches seminars regularly in the community about long-term care planning and estate planning. She has earned an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell.®

Kylee takes time with every client to explain until they are comfortable. She cares to her core about what families are going through. It is her mission to make their lives better.

OUR SERVICES



Our expertise is matched only by our care, compassion, and concern for our clients. Whether you are exploring your long-term care options, need immediate assistance with long-term care planning, or currently in a nursing home facility and need help qualifying for Medicaid to pay for care.

Our services include:

- Prepare for the financial costs of long-term care
- Protect your money from being spent on nursing home care
- Protect your home from being spent down on long-term care
- Help submit a Medicaid application
- Navigate the nursing home admissions process
- Engage in Medicaid and Long-Term Care planning
- Create Powers of Attorney
- Create Health care directives
- Navigate the VA benefits application process
- Assist with understanding veterans planning
- Ensure your loved ones are protected in their golden years of life

START PLANNING TODAY FOR A SECURE TOMORROW.

Think about the next stage of your life. Maybe you're living in the home you raised your children in for decades. Perhaps you've moved to a retirement community where you make new friends and experience new activities in your senior years. Or maybe you've chosen to live near your family, so you can be near your children and watch your grandchildren grow.

Whatever you're doing in your golden years of life, you've taken steps to help you live comfortably as you get older. You know your options for getting support, and your family understands what you want.

When it comes to your home, health, and finances, you want to be in the driver's seat. That is why it is vital to plan for long-term care now. Planning for long-term care is one of the wisest decisions you can make for yourself and your family.

Avoiding the possibility of planning for nursing home care means that you miss out on a chance to plan for your later years of life. Not only does planning let you decide what you experience in a nursing home and your senior years, but it also allows you to understand how you will pay for long-term care.

Long-term care planning is a daunting task, and no one wants to think they may not be able to perform daily functions on their own one day. At Estate and Elder Law Services, we can advise you on the best long-term care planning options. We can give you and your family peace of mind when planning for nursing home care with our Elder Law expertise and the compassion we give to our clients when planning for their golden years of life.

WHAT IS LONG-TERM CARE PLANNING?

Life expectancy in the United States has continued on an upward trend over the last several decades. What has not trended upward, however, is the number of people engaging in long-term care planning.

Long-term care planning is a legal strategy that helps aging Americans plan for the high cost of different health care services as they age into their golden years of life. Proper long-term care planning can assist you, or a loved one avoid the worry and drain that the cost of health care will have on your savings and your hard-earned asset you may have planned to pass down to your family members.

Long-term care is designed to meet health needs for an extended time. These services help aging Americans live as independently and safely as possible when they can no longer perform everyday tasks and activities on their own.

Types of Long-Term Care Services Include:

- Home Health Care
- Homemaker and Personal Care Services
- Friendly Visitor and Senior Companion Services
- Emergency Medical Alert Systems
- Community Care Facility
- Nursing Home Facility
- Adult Day Care
- Hospice Care
- Respite Care
- Assisted Living Facility



WHAT IS THE COST OF LONG-TERM CARE?

The fact is, 63% of Americans age 65 or older will need either in-home nursing care or long-term care at a residential facility, such as a nursing home. In 2020, the average cost of long-term care in Delaware was $12,699 per month for a semi-private room.

The cost of long-term care often shocks retirees and can place an extreme burden on themselves or their families. Long-term care expenses are uncertain and can fluctuate from very little to over $1 million.

DELAWARE ANNUAL MEDIAN COST OF CARE (2020)

IN-HOME CARE	COMMUNITY/ASSISTED LIVING	NURSING HOME FACILITY
Homemaker Services $57,200	Adult Day Health Care $19,739	Semi-Private Room $148,190
Home Health Aide $57,200	Assisted Living Facility $80,280	Private Room $152,388

Resource: https://www.genworth.com/aging-and-you/finances/cost-of-care.html

HOW TO PAY FOR LONG-TERM CARE?

Many people falsely believe that if they need long-term care, they will finance it out of their retirement accounts. Attempting to plan for this yourself without a professional's help is dangerous, and even the most carefully thought retirement plans would not be able to handle this spending shock.

Understanding how to pay for long-term care can be overwhelming. Depending on an individual's need for care, there are some options to consider for paying for long-term care services. Some of these options include:

- Medicaid Coverage
- Medicare Coverage
- Long-term Care Insurance
- Veteran's Benefit

Each option holds its eligibility requirements and drawbacks depending on what type of services an individual needs.

At Estate and Elder Law Services, we can help you or your loved ones understand the options available to you for paying for long-term care.



WHAT IS MEDICAID COVERAGE?

Medicaid is a Federal and State program, and the rules vary from state to state. If you reside in Delaware and need Medicaid, then Delaware's Medicaid rules apply. If you or a loved one are concerned with the high cost of long-term care and qualifying for Medicaid, an elder law attorney can help. An elder law attorney who understands Delaware's specific Medicaid rules can legally navigate you in the application and approval process.

How to Qualify for Medicaid Coverage

Delaware Medicaid gives individuals and families access to health care resources that they may not have otherwise. If you or a loved one need Medicaid benefits, specific eligibility requirements need to be met.

To qualify for benefits, you must:

- Be over the age of 64; or
- Be blind or disabled; or
- Have a child, parent, or spouse in your household who is blind or disabled
- Include an annual household income below a determined amount.

The Medicaid application process can be complicated, and some families worry that they do not meet the household income level to qualify for care. Without the aid of Medicaid, the cost of a Delaware nursing home can wipe out your family's savings, retirement funds, and an inheritance for your loved ones or result in the loss of your home. Estate and Elder Law Services is here for you. With over 30 years of experience, we can help you navigate the complexities of Medicaid and create a plan that works best for your health care needs.

WHAT IS MEDICARE COVERAGE?

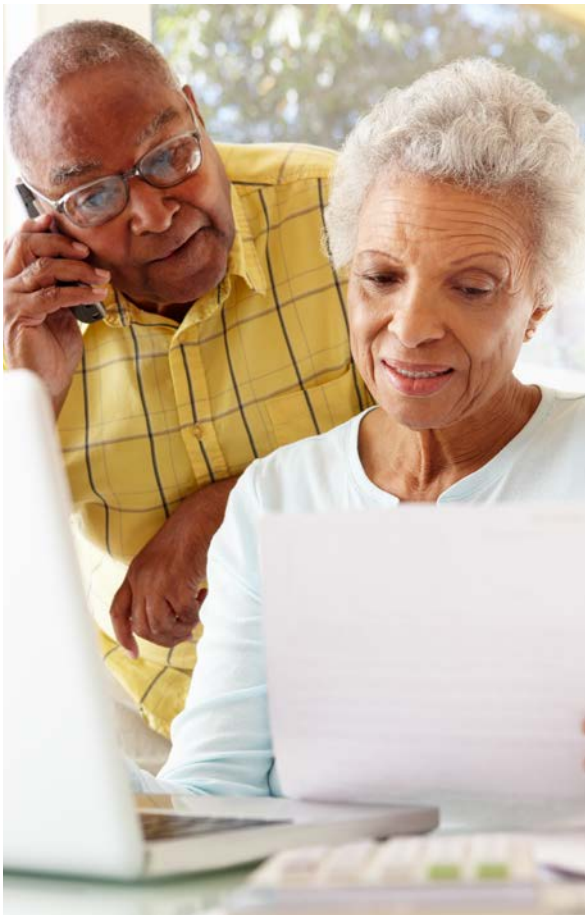
Medicare will pay for medically necessary acute care services and some long-term care services that meet specific criteria. Most long-term care non-medical services are not covered by Medicare, such as nursing home expenses or the home services for custodial-type care.



There are four specific types of long-term care services, listed below that Medicare will pay for, though certain conditions apply for most services to be covered:

- Care in a skilled nursing facility for up to 100 days per benefit period
- Services to treat medical conditions
- Services to prevent further decline due to medical conditions
- Hospice care

Medicare has its limitations and may or may not be the best option for your health care needs. Our firm can help you or your loved ones understand Medicare coverage or other options available to you for paying for long-term care.



WHAT IS LONG-TERM CARE INSURANCE?

Long-term care insurance can help avoid depleting your life savings to pay for nursing home care in Delaware.

Long-term care insurance can be a quick fix for paying for long-term care. This insurance will help cover the risk that you may at some point in your life be placed into a nursing home by paying for some or all the expenses associated with nursing home care. It also frequently covers assisted living care or care in your home. But you will have to pay for the insurance policy for many years. There may be other options to reallocate your assets that help avoid that expense.

At Estate and Elder Law Services, we can advise you on the best option for your situation and needs for long-term care payment assistance. Long-term care insurance can be an option, but there are other options to consider. Our experienced elder law attorneys can help you reallocate your savings and valued assets to avoid paying for medical expenses not covered by insurance.

WHAT ARE VETERAN BENEFITS?

As a veteran himself, William "Bill" Erhart is uniquely passionate about working with Delaware Veterans and their families to maximize the veterans' benefits available to improve their lives. Veterans laws and health care benefits can be challenging to navigate. Still, our law firm understands veteran laws and the importance of incorporating VA planning into an estate and long-term planning in Delaware.

If you are a veteran or have a loved one, it is crucial to understand all the available VA resources and aid. Beyond education programs, home loans, and job search and training resources, the VA also provides a host of other resources to assist you as you transition to your retirement years.

Some VA benefits include:

- Veteran Supplemental Income Program
- Survivors Pension Program
- Aid and Attendance Benefits
- Veterans Life Insurance
- Disability Compensation
- Geriatrics and Extended Care Services
- Veterans Burial Benefits



What are the Qualify for VA Benefits?

VA health care benefits are available if you served in the active military, naval, or air force services and did not receive a dishonorable discharge. The eligibility requirements include:

- **Veterans engaged in war-time services** are also eligible, and they are generally more expansive than most people would associate with the war's beginning and conclusion.
  These dates are as follows:
  o World War II: 12/7/1941-12/31/1946
  o Korean War: 6/27/1950-1/31/1955
  o Vietnam War: 2/28/1961-5/7/75, if served in the country of Vietnam, otherwise 8/5/1964 - 5/7/1975
  o Persian Gulf: 8/2/90- Date to be announced later

- **Suppose you enlisted after September 7, 1980, or entered active duty after October 16, 1981.** In that case, you must have served 24 continuous months or the full period for which you were called to active duty unless any of the described situations below are accurate.

- **The minimum duty requirement may not apply if any of these are true. You:**
  o Were discharged for a disability that was caused—or made worse—by your active-duty service, or
  o Were discharged for a hardship or "early out," or
  o Served before September 7, 1980

- **If you're a current or former member of the Reserve or National Guard,** you must have been called to active duty by a federal order and completed the full period for which you were called or ordered to active duty.

LONG-TERM CARE PLANNING QUESTIONNAIRE

You should consult with our elder law attorney if you answer YES to any of the following questions.

Do you or a loved one worry about paying for long-term care?	☐ YES	☐ NO
Do you want to know what options you have to receive medical care, like being able to stay in your home?	☐ YES	☐ NO
Do you want to ensure your desires regarding medical care are carried out if you cannot communicate them?	☐ YES	☐ NO
Do you want to ensure your money and legacy are preserved for your family or loved ones instead of being spent down on the high cost of nursing home care?	☐ YES	☐ NO
Do you want to ensure your family's inheritance is protected from creditors, divorce, and overspending?	☐ YES	☐ NO

If you answered YES to any of these questions, we can help!

HOW CAN ESTATE & ELDER LAW SERVICES HELP YOU WITH LONG-TERM CARE PLANNING?

Planning for the future needs of long-term care is vital for everybody. While you can't predict the need for care, you can take steps to prepare for an unexpected crisis to help reduce the stress on yourself and your family members. The cost of care continues to rise, and long-term care planning can protect your assets like your home, your hard-earned savings, your retirement fund, or anything you wish to pass to your loved ones in the future.

Estate and Elder Law Services can help you, or a loved one protect your home, life savings, retirement funds, or valuable assets from the cost of long-term care with specialized long-term care planning strategies. Our Delaware law firm can offer you and your family legal guidance through a wide range of services.

My siblings and I came to Bill for legal advice when our father was in declining health. Not only was he knowledgeable about the legal and regulatory aspects of our situation, but he also took time to get to know our family a bit and address our concerns. He brought clarity to a complicated process and guided us in planning for our dad's care and finances. I would recommend Bill to any family facing end-of-life planning for a loved one.

- Jerry G, Wilmington

OUR PROCESS:

1. **Fill Out a Client Intake Form.** The form can be found on our website. Complete as much of the form as possible, including information that might not seem relevant.

2. **Initial Consultation.** Our team meets with you to discuss your legal matters. During your consultations, bring as many applicable documents as possible. Learn more about what to bring to your consultation here.

3. **Understand You and Your Family.** Estate and Elder Law Services helps families work through difficult times to get their loved one or you the care needed and the quality of life without losing everything.

4. **Make a Plan.** We prepare specific recommendations for how to protect your home, income, life savings, and property. The earlier Estate and Elder Law Services can get involved in your long-term care process, the easier it is to give you peace of mind.

5. **Take Action.** With the right long-term care plans in place, we help you put those strategies to work in meeting your long-term goals.

We hope you found this information on long-term care planning helpful for you and your loved ones. Here at Estate & Elder Law Services, we believe that you and your family should have the same level of competence and expertise that large corporations have when they hire their lawyers.

If you or a loved one need help to navigate how to pay for long-term care, we can help. Contact us today to get started with your legal matters.

E&EL Estate & Elder Law SERVICES

Estate & Elder Law Services
2961 Centerville Road, Suite 350
Wilmington, DE 19808
302-651-0113
www.eaels.com