

**BROOKS
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How NOT to do a Medicaid Application

A 2015 New Jersey case reminds us of how **not** to file a Medicaid application. The case is *A.T. v. Division of Medical Assistance and Health Services* (N.J. Super. Ct., App. Div., No. A3341-13T3, Nov. 23, 2015). The New Jersey Appeals Court deals with a rejected Medicaid application because the applicant did not provide verification of assets to the Medicaid examiner. The facts that follow are not too uncommon.

A.T. (mother) enters a nursing home and her son applied for Medicaid on her behalf. As usual, the Medicaid examiner requested verification regarding certain of mother's assets, such as account statements, deed to real estate, and proof that the life insurance policy has been liquidated. Son did not provide the requested verifications and the Medicaid examiner denied mother's application for Medicaid benefits.

Later, son sells mother's property and converted her life insurance policy to an irrevocable trust. He then applied again for Medicaid benefits and this time was approved. So far so good, except the nursing home had not been paid for services rendered to mother up to the time Medicaid benefits were approved. There was a gap in coverage.

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**Free
Workshops**

September 25, 2018

Wellsville County Club
Wellsville, NY
6:30 to 8:30 p.m.

Special Guest: Shawn Derrick

October 9, 2018

Jamestown Hampton Inn
Jamestown, NY
6:30 to 8:30 p.m.

Special Guest: Luke Buehler

October 23, 2018

Holiday Valley Inn
Ellicottville, NY
6:30 to 8:30 p.m.

Medicaid App — *(continued from page 1)*

Nursing home sues mother and son for non-payment of services. Son then tried to appeal the original denial of Medicaid benefits from the original application, but his appeal was denied. He then went to Court and sought relief there. The New Jersey Court affirmed the original denial of Medicaid benefits, which meant that mother and son were going to liable to the nursing home for private pay coverage. According to Court, the State could not determine whether mother's property and life insurance were available resources until the Medicaid examiner received the requested verifications, which son never provided.

The watch word is this ~ If you are going to commence an application for Medicaid benefits, be prepared to follow through with the all the requirements... and there are many. Failure to do so, even if Medicaid is granted later on a second petition, may leave a gap of coverage that the applicant or applicant's agent may very well have to pay **personally**.

Here's A New One: Lawsuits Involving *Bedbugs!*

The American Bar Journal, March 2018 editions reports a growing new law suit cause of action ~ suing hotel chains, landlords and others for damages resulting from bedbug bites. The victims now bite back!

An attorney in the Los Angeles area is re-branding his practice as "The Bedbug Lawyer." After representing an individual attacked by bedbugs, he discovered many more victims of bites and began representing them. He now consults entomologists (those who study bugs) in preparation for trials on his cases.

Verdicts from California courts have reportedly have ranged from \$104,000 to \$3.5Mil (a 16 plaintiff case).

Who knew?

Now a thought on life:

*Life is not a journey to the grave with the intention of arriving safely in a pretty and well preserved body, but rather to skid in broadside thoroughly used up, totally worn out, and loudly proclaiming,
WOW! WHAT A RIDE!*