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OR GO TO: www.davidcarrierlaw.com

FRIDAY, AUGUST 18th
4:00PM to 7:00PM

GET ANSWERS TO YOUR QUESTIONS:

How do I protect my health, home, lifesavings, family and legacy?

Why is an outdated will worse than no plan at all?

How can I be sure people I trust will make medical and financial decisions for me, if I cannot?

How can I control the care I get (and do not get) in a medical emergency?

How can I protect my kids' inheritance from divorce, bankruptcy, and their own poor decisions?

How do I avoid heavy taxes from the new law on my retirement plans (like my IRA or 401k)?

Come to the LifePlan™ Workshop!

Get Answers at Our Live, In-Person, Group Workshops!

Grand Rapids	Holland
Friday, June 23	Thursday, June 22
10 am & 4pm	10am, 1pm, & 4pm
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IT AIN'T HEAVY... SUMMERTIME... AND THE LETTER IS EASY... IT'S YOUR LETTER!

[GUARANTEED DEVOID OF EDITING, SPELLING, GRAMMAR, OR LEGAL ADVICE]

Can a grown child give themselves proceeds from the sale of a parent's home while the parent is on Medicaid in a nursing home?

The home is very modest, so it will likely be sold for less than six figures. The adult child understands that the parent will have to go off Medicaid until the sale proceeds are spent down. But before the sale proceeds start being spent on the parent, the adult child intends to "reimburse" themselves for everything they've ever spent on the parent. This would consume a great amount of the proceeds from the sale.

Also, the adult child has said that they intend to transfer the remaining money to an account in their own name, with the claim that it will only be spent on the parent. The adult child claims that they will then assist the parent in reapplying for Medicaid.

Is any of this legal?

I too am an adult child of this parent. I truly do not give a flying f*** what my sibling does, but as a matter of familial obligation, I do not want our parent to be involved in Medicaid fraud, or even the appearance of it.

Thank you so much for your help.

means the nursing home will not get paid. Nursing Home does not like to not get paid. Nursing Home will sue Mom, seize the house, sell it, and get the bills paid. Now Mom has lots of extra cash. Now Mom does not qualify for Medicaid because she has too much money. Now Nursing Home gets the rest of Mom's money. Whoops!

Moral of the Story: Do not spend your own money for Mom. Use Mom's credit or debit card.

Another Common Scenario. Mom lives at home. Child also lives in Mom's house. Child cares for Mom. Mom pays child. Any amounts Mom pays Child are a gift, and divestment. Now when Mom needs nursing home care, Medicaid will not pay. And the family loses the house, again.

JUST ANSWER THE LETTER, WILL YA... IS ANY OF THIS LEGAL?

Answer: No, I don't think so...

Our Letter Writer's story is not unusual and demonstrates how a little knowledge is dangerous. Letter Writer's sibling has heard the words "spenddown" and "Medicaid" and then made up the rest... A recipe for disaster!

1. Kid supposedly spent money on Parent. But did they? Who cares? It does not matter, since the Parent has no binding legal obligation to repay. Plus I'm guessing that there are some serious questions about proving how much Kid spent on Parent.
2. If Kid takes the house sale money and puts it in an account with Kid's name on it, Kid just stole/converted ALL the house sale money.
3. Kid keeps some of the money as "reimbursement." Medicaid doesn't care, you stole it all, Kid!
4. Kid spends the rest of the house sale money "spending down" by paying Parent's nursing home bills. Medicaid doesn't care how much was spent on the nursing home or medical bills or reimbursement or anything else. As soon as Kid puts the money in Kid's account, the entire amount was stolen/gifted/divested, and the Medicaid Penalty Period will have to be assessed. And the Penalty Period does not begin to run until Parent has no money.
5. Here's what happens, if the house clears \$100,000:
 - a. Kid takes \$50,000 as reimbursement.
 - b. Kid spends \$50,000 on nursing home (about 3 1/2 months).
 - c. Kid runs out of money to pay Mom's bills..
 - d. Kid applies for Medicaid.
 - e. Medicaid denies and assess a 10 month Penalty Period. Kid gets no "credit" for reimbursement for paying the nursing home.
 - f. Nursing Home does not get paid and sues Mom. And the Kid. But there is no money. Nursing Home refers the matter to Adult Protective Services.
 - g. APS arrests Kid for Financial Abuse.

This could be done much differently. No need to lose the house. Kid could have been repaid. Medicaid could have taken care of the nursing home.

How could it have been done? Well, you did not ask THAT question. Maybe you should come to a LifePlan™ Workshop and find out!!

GOODNESS AND NICENESS ARE NO DEFENSE

Frequently, kids will spend their own money to help out mom and dad. Then they will want to get their money back. It is nice to be nice, but Medicaid is not nice and will not let you get your money back. At least not without imposing a penalty period. And sometimes, Adult Protective Services will get into the act and charge you with felony Financial Abuse of the Elderly. That is bad.

The Most Common Scenario. Mom lives alone. Mom has a hard time getting groceries. Kind child does Mom's grocery shopping. Child rings up all the purchases together. Once at home, Child carefully separates out Mom's purchases. Child carefully circles the prices on the store receipt. Child gets reimbursed by Mom, from Mom's checking account, for Mom's purchases. Child does not charge for gas or time or anything!

As far as Medicaid is concerned, Mom's payback is bad divestment and will create a Penalty Period. Here's the "reasoning": Child did not have to buy groceries for Mom, so buying those groceries and delivering them to Mom was a GIFT. Mom had no legal obligation to pay Child for those groceries. Mom did not have to pay Child, so paying for the groceries was a GIFT.

Mom paying Child for groceries was a GIFT, therefore divestment, therefore Penalty Period for Mom. That means that Medicaid will not pay for Mom's care. That

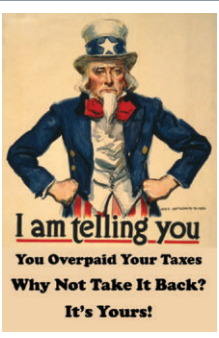
YOU OVERPAID YOUR EMPLOYMENT TAXES EMPLOYEE RETENTION TAX CREDIT AND YOU DON'T WANT YOUR OVERPAYMENT BACK?

During COVID, Congress offered small businesses a deal: keep your people employed. Keep paying them. Keep paying their benefits. Even if they don't work. Even if governmental orders shut down your business. Even if your revenue falls off the cliff and crumbles.

Congress said if you do these things, we will adjust your employment taxes.

And, if you already overpaid employment taxes under the new law, you can have the extra money back.

CONGRESS TURNED SMALL BUSINESSES INTO AMERICA'S UNEMPLOYMENT AGENCY



Why would you let your business be their doormat? Why would you leave your hard-earned money to a bully because you couldn't be bothered to pick it up or even ask for it back?

Imagine the return of a few hundred thousand up to several million dollars of tax overpayments. Could that make a difference in your personal or to your business life? Do you think the government knows better than you do how to spend your money?

A SAFE, SECURE, RELIABLE SOLUTION

Over 5000 small businesses who overpaid. About \$1.5 billion of overpaid taxes claimed. More companies everyday have benefited from tax preparation services provided by a company created to serve this need of small businessmen and women. Carrier-Robins. Tax Preparation Services from coast-to-coast.

Hundreds of thousands of small businesses went bust during the COVID. Millions of Americans were thrown out of work. Millions of Americans applied for government unemployment benefits. They broke the system. Congress wanted you to be the new national unemployment agency.

Does Congress ever give anything away for free? Does Congress ever make anything easy? You overpaid your employment taxes because Congress changed the rules. Your tax advisors did not notice and so you paid too much. Should Congress keep the extra money?

All small business owners know that their biggest tax nightmare is Employment Taxes. But now the shoe is on the other foot. Congress changed the rules and you paid too much. Period.

If you do not ask for your money back, they will keep it. You must claim your overpayment quickly, by their rules, or your opportunity will be lost forever. The time to get your money back, your overpaid taxes under the new tax rules, is quickly running out.

Do you like to overpay?

Do you enjoy being cheated?

Do you like deals where you perform and the other guy scrams?

Can you stay in business by allowing others to walk all over you?

Can you thrive, grow, serve your clients, your customers, your team members and overpay your taxes too?

Credit: Library of Congress

Most of our overpaying taxpayers relied on CPA advice to keep them informed. They counted on payroll tax services to let them know what was happening. Based on this advice, thousands of tax paying businesses overpaid millions in employment taxes

Our exhaustive methods leave no stone unturned. Make sure you get every penny back that you overpaid by error or by mistake because you were told to do so.

Find out quickly and easily just how much you overpaid. How much of your money is still in the IRS vault right now? It is simple and easy to get started. Simply call. "Rough and ready" estimates can be determined promptly.

And then, when we have analyzed your payroll records, your profit and loss statements, Payroll Protection Plan and other records, and most importantly interviewed you to determine your unique facts, we will reach the precise overpayment amount. Not a penny more, not a penny less.

Is a good idea to leave money on the table? Are you happy to overpay your taxes and not get the refund? Is it fair for the government to hold on to your money?

IT'S EASY TO GET STARTED, CALL TODAY
616-361-8400
david@davidcarrierlaw.com
Easy!

AFTER 33 YEARS OF DOING THIS STUFF... BASIC TRUTHS, HONEST OBSERVATIONS, REASONABLE QUESTIONS IS IT REALLY THIS SIMPLE?

Basic Truth #1 You will need skilled care. Says the government. 70%. Average of 3 years. Please do not believe me, go to the federal government website: www.longtermcare.gov. See for yourself.

Basic Truth #2 Long-term care is extremely expensive. And getting worse. Hourly rates for in-home care are skyrocketing. Assisted living now costs \$5,000 - \$10,000 per month. Traditional skilled nursing - for the basics - is now \$400 - \$500 per day. That's \$12,000 - \$15,000 per month.

Basic Truth #3 Long-term care costs will continue climbing. Baby boomers are reaching their 80's, the age of greatest need. Fewer young people are around to be caregivers. Do the math: Increased Demand for care. Reduced Supply of caregivers. When Demand goes UP and Supply goes DOWN, what happens to PRICE?

Basic Truth #4 Your kids won't help with #2 and #3. Because you didn't have as many kids as your parents did (or any at all). Also because your kids aren't you and just won't do it.

Honest Observation #1 Once upon a time there was a Sandwich Generation. People who took care of their children and their parents, too. Today, the Sandwich Generation is toast. A thing of the past. Like an Endangered Species, you might, occasionally, still see one in the wild. Rarely. Like the Passenger Pigeon, Sandwich Generation kids used to be everywhere. Pretty soon you'll only be able to find pictures.

Basic Truth #5 You did not save enough for long-term care. Drain the savings. Empty the IRA. Cash in the annuity. Sell the cottage. And the house?

Honest Observation #2 Long-term care insurance doesn't work. Premiums are too high. Benefits are too low. Most big insurance companies have abandoned the individual long-term care insurance market. Prudential? Bye-bye. John Hancock? See ya later.

Basic Truth #6 Long-term care breaks the middle class.

Basic Truth #7 Government programs, mostly Medicaid, pay for 75% of long-term care. The other 25% is paid by folks like you who are going broke. And when you are broke, then Medicaid pays.

Basic Truth #8 Government gets its money from you. Through taxes.

Basic Truth #9 You already paid for long-term care. Through taxes. Should you pay twice? Why should you pay twice?

Honest Observation #3 Middle class folks who plan ahead do not go broke. Do not pay twice. Qualify for Medicaid while providing well for your spouse and kids (if any).

Basic Truth #10 Cleopatra was not the only Queen of Denial. Most folks hope for the best and plan... not at all. Then they hope some more. And then hope a bit more. That's why most folks wind up with the worst. Wind up broke.

Honest Observation #4 Estate planners claim to avoid probate, save taxes, get leftovers to kids. Most estate planning fails. Most trusts fail. Estate planners fail the middle class by planning for death only.

Honest Observation #5 Estate planners profit from probate. Probate work is well paid.

Reasonable Question #1 Do estate planners who profit from probate really want to avoid probate?

Reasonable Question #2 Do estate planners not know that you will go broke through long-term care? Or do they not care?

Reasonable Question #3 If you suffer nursing home poverty, will your loved ones benefit?

Reasonable Question #4 If you already paid for something, should you have to pay again?

Reasonable Question #5 If caring for yourself and your spouse also meant avoiding probate, saving taxes, and getting the leftovers to the kids, would it be a bad idea to care for yourself and your spouse?

Reasonable Question #6 If thousands of middle class individuals and families already planned to protect hundreds of millions of their lifesavings and thousands more actually received the expected long-term care benefits, over the last few decades, is it likely that this is all tom-foolery?

Reasonable Question #7 Would you rather sacrifice your lifesavings than spend an hour of your time discovering what other families already know?

Reasonable Question #8 Is there any good reason not to go to a free LifePlan™ Workshop?

Reasonable Question #9 Why don't you call 616.361.8400? Or drop me an email: david@davidcarrierlaw.com? Or go to the website: www.davidcarrierlaw.com? How could it hurt?

TOLD YA SO! TOLD YA SO! TOLD YA SO! COVID PARTY OVER... MEDICAID MADNESS BEGINNING THIS IS WHEN I HATE BEING RIGHT

During the COVID time, government thought it would be best to ignore the Medicaid rules and continue providing care, no matter what. Before COVID, to keep your benefits, you had to prove that you were playing by the rules. Before COVID, Medicaid checked up on you. Every year.

For the last 3 years or so, Medicaid has not been checking up. No accountability. That ended on June 1, 2023. Three years of no checking.

If you didn't check the air in your tires for 3 years, would that be a good thing? If you did not check the oil in your car for 3 years, would that be a good idea? If you did not check your bank balance for 3 years, would that be smart?

Raise your hand if you are surprised at the resulting chaos for many families.

PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY - PACE

PACE is my favorite program in the whole world. PACE keeps folks out of long-term care facilities by providing care at home. And at PACE senior centers. PACE provides just about everything you could desire to stay at home. Transportation. Medical supplies. Durable medical equipment. Pharmaceuticals.

Therapy. Light housekeeping. Personal hygiene. It is a superduper, no-kidding wonderful, program. And costs 40-60% less than traditional long-term care. Winner!

During COVID, special rules were announced that opened PACE up to more folks than ever. These expanded rules were supposed to expire in June 2020, then November 2020, then April 2021. Finally, they said the COVID rules would expire "Upon Further Notice." Well, we got that notice a little while ago. You read about it here.

Starting July 1, 2023, the COVID rules on PACE are ended. Now the confusion starts. We received the official Policy from the Department of Health and Human Services weeks ago. Now the local offices are offering their guidance. Are you surprised that one county agency reads the new Policy one way, and a different county's agency reads the same Policy in exactly the opposite way?

Buckle your seatbelts, we are in for a bumpy ride! Would it be such a bad idea to give us a free call at 616.361.8400 or drop me an email at david@davidcarrierlaw.com before you submit your Redetermination or PACE application?

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