

5 TOP ELDER LAW TIPS

For Everyone ages 0-100

01

Medicare Improvement Standard

If your loved one has been in a hospital for 3 days and is transferred to a rehabilitative center traditional Medicare will cover up to a maximum of 100 days. Days 1-20 are covered 100% and days 21-100 are covered 80%. If during a review the facility says that Medicare will not reimburse them because your loved one is 'not improving' tell them that is no longer the standard. Since 2021 the standard is Medicare covers skilled nursing and therapy services when a Medicare beneficiary needs skilled care to maintain function or, prevent or slow decline. You can demand the facility submit its billing to Medicare for a decision.



02

Plan for Loved Ones with Special Needs

If you have a beneficiary who has a disability or special needs, do not disinherit your loved one. A special needs trust can protect their inheritance and enable them to continue to receive government benefits such as SSI and Medicaid. A third-party special needs trust is not required to repay the Medicaid agency when the trust beneficiary dies. A special needs trust can also be used to protect personal injury proceeds and maintain government benefits.



03

Don't Disinherit Your Spouse

If your spouse has an illness or, disability and requires long-term care do not disinherit him/her. Florida requires the surviving spouse receive 30% of your estate (probate and non-probate assets). If your spouse is ill, consider creating a special needs trust to hold his/her inheritance. The special needs trust assets can be used to create quality of life and quality of care. A third-party special needs trust is not required to repay the Medicaid agency when the trust beneficiary dies.



04

Signing an Admission Agreement

Buyer beware! If you are a relative, adult child or fiduciary of the elder do NOT sign as 'responsible party' as that can create personal financial liability. Cross it out, sign your name and indicate your fiduciary role (i.e., DPOA). In addition, a consumer is NOT required to agree to have disputes resolved by arbitration. I recommend that my clients cross out any arbitration language and initial it.



05

Protecting the Home & Vulnerable Adults

Broward County Property Appraiser has a program called 'Owner Alert' to help protect your property from scams or fraud. If you have a loved one who is frail, easily influenced or, experiencing cognitive impairment and they have given a trusted person a Durable Power of Attorney I recommend recording the original document. This puts BCPA, any real estate attorney or, title company on notice if a suspicious deed is signed and recorded. Florida has a procedure for obtaining an injunction to protect a vulnerable adult from financial exploitation and abuse, and recover stolen assets, which can be used with a guardianship.





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OUR SERVICES



**Veterans Benefits
Eligibility Counseling**



**Guardianship
(Adults & Minors)**



**Estate Planning &
Special Needs Trusts**



**Probate & Trust
Administration**



**Medicaid, SSI & Asset
Protection Planning**



**Legal Planning
for Young Adults**



**Guardian Advocate (For people with a
developmental disability)**

PROPER PLANNING MAY CREATE PEACE OF MIND sm



Our Mission:

To develop awareness of the benefits of elder law services throughout the aging process. To provide expert guidance and co-create solutions so you may achieve your legal planning goals.

Our Vision:

Aspire to support clients who are empowered to make deliberate decisions that result in their peace of mind and satisfaction.



Our Ideals:

We are a supportive, innovative and effective team dedicated to the well-being and fulfillment of each other and our clients.

