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NEWS

Professional legal information, services, and education

June 2019

A Look at 2019 Ohio Medicaid Parameters

By Barry Zimmer, Attorney at Law, Zimmer Law Firm, LLC

Before we take a deep dive into the Medicaid eligibility parameters, we should explain why this jointly administered federal/state government program may be relevant to you one day. According to studies, most seniors will need help with their activities of daily living at some point in time, and many will ultimately reside in nursing homes.

When you read this, you may think that you do not need to worry about the cost of nursing home care, because you will qualify for Medicare when you reach the age of 65. Since most elders will need living assistance, it would be logical to assume that the program will pay for it. The truth is, however, that Medicare will not pay for a long term stay in a nursing home. Medicare will pay for up to 20 days in a nursing facility for rehabilitation following a 3-day hospital stay, and then for up to another 80 days if certain requirements are met, with a sizable co-pay. That's it.

Nursing homes are very expensive, so this is a situation that should be taken quite seriously. If you spend a good bit of time in a nursing home, and your spouse does the same, the financial impact on your family can be devastating.

Medicaid Planning

Medicaid will pay for long-term care, and therefore it is important for seniors that are enrolled in the Medicare program. However, you are probably aware of the fact that Medicaid is only available to people with sparse financial resources. In the state of Ohio where we practice law, the Medicaid asset limit is just \$2000 for an unmarried person, and \$3000 for a married couple both on Medicaid.

This is not much, but that sum is supplemented by some resources that do not count when you apply for Medicaid to pay for long-term care. If you are a married homeowner and the healthy spouse resides in your home, your residential property would be protected if there is equity of \$585,000 or less in Ohio as of this writing.

An applicant can retain ownership of one motor vehicle, and personal belongings and household effects are not counted. Unlimited term life insurance is allowed, and you can have up to \$1500 worth of whole life insurance. Certain pre-paid burial or funeral contracts can be exempted. If you are married, and you are applying for Medicaid to

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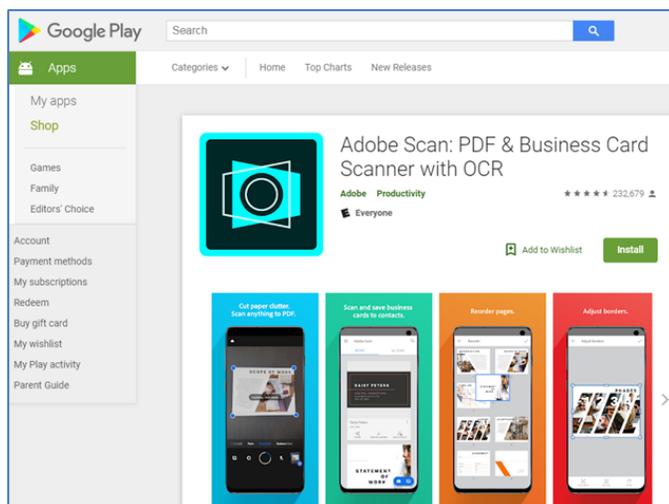
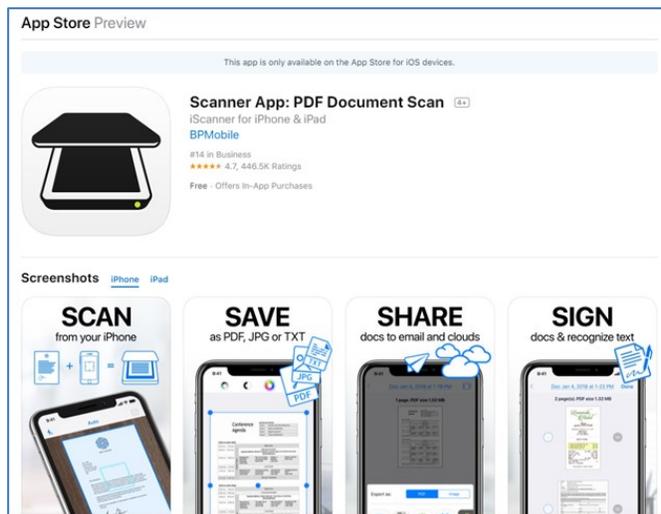
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Tech Tip: Scan documents and save as a PDF with your smartphone. Julie Koehne, Systems Librarian

Many courts require e-filing and uploading documents in pdf format. If you are out and about and need to file quickly use your smartphone to accomplish the task.

Before you can scan a document with your smartphone, you'll need to download a separate mobile app to your device. Some of the most popular scanner apps include Adobe Scan: PDF & Business Card Scanner with OCR (Android) and Scanner App: PDF Document Scan (Apple), but you can also search your device's app store to find even more options. Pay close attention to the terms to know what you may be sharing with others when scanning your documents.



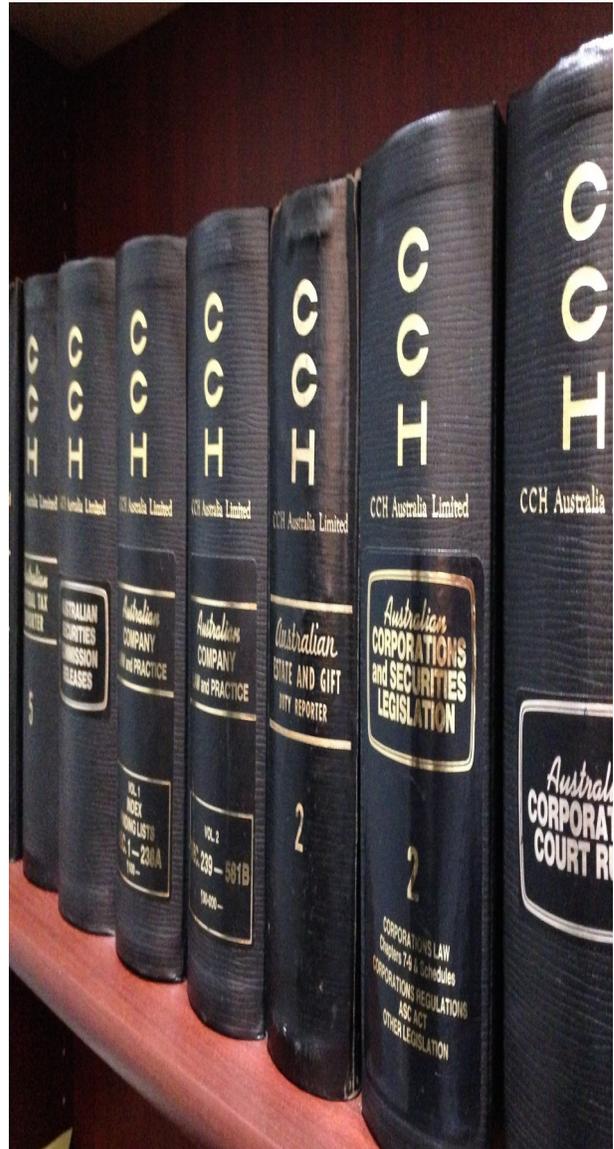
Place the document you want to scan on a flat surface, like a desk or table. Open the scanner app on your phone, then follow the instructions that appear. The exact process will depend on your app, but you'll usually be required to place the device directly above the document, then use the device's camera to take a photo.

Withdrawn Materials

Have you ever wondered about those books that sometimes appear on the free cart by the elevator just outside the Law Library? We occasionally get questions from patrons about what we do with books when the library no longer needs them or they become too outdated to be of use. The Law Library has a protocol for handling withdrawn materials that was approved by our board and County Purchasing. Keep reading if you're interested in going on a fascinating journey of withdrawn law library materials.

First, we evaluate whether materials may be worth selling to a book dealer, which we would pursue with the support of County Purchasing. If that is not feasible, we generally list books on the [County Auction website](#) unless they are too damaged or of too little value for that process. If you haven't visited this site before, it's certainly worth a look. It includes surplus equipment from many county departments, not just the Law Library, and can be a good place to find office furniture, supplies and even tech equipment. You'd have the opportunity to purchase withdrawn law library materials at this site.

If the books don't sell at auction, we evaluate whether they should be placed for sale in our law library bookstore inside the copy room, put on the free cart or discarded. You'd also have the opportunity to pick up some withdrawn materials at this point. It's worth noting that we frequently have superseded volumes of popular materials available at a tremendous discount in our library bookstore, so you may want to take a look the next time you're in the library. If you have any questions about this please feel free to contact Library Director [Lauren Morrison](#).



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pay for a stay in a nursing home, your spouse would be able to retain a certain amount of property other than the residence where he or she resides.

The healthy spouse can keep half of the couple's shared assets that are considered to be countable under Medicaid regulations. This is called the Community Spouse Resource Allowance (CSRA). In Ohio in 2019, the maximum allowance is \$126,420. There is also a minimum allowance of \$25,284, so a healthy spouse can keep this amount, even half the countable marital assets exceeds that sum.

The income of a Medicaid applicant must be used for the cost of long-term care, except for a \$50 per month allowance. However, if a healthy spouse is relying on the income, this requirement is waived to the extent necessary to bring the health spouse's income to a certain minimum monthly level.

The healthy spouse would qualify for a Monthly Maintenance Needs Allowance. The maximum allowance this year is \$3160.50, and the minimum is \$2114.00 a month. What do you do about the assets that you have that are countable? You could give direct gifts to your loved ones, which would essentially be inheritances received in advance. Another option would be to fund an irrevocable Medicaid trust.

This is somewhat easier said than done, and it takes careful planning do it correctly, because there is a five-year Medicaid look back period. You are penalized and your eligibility is delayed if you make a gift of assets within five years prior to the date of your application submission.

The duration of the penalty will depend upon the extent of the divestitures in relation to the cost of nursing home care in Ohio. To explain using a simple example, let's say that the state declares that the average cost of nursing home care is \$6,570.00 a month.

If you give away \$180,000 two years before you apply for Medicaid, your eligibility would be delayed by just over 27 months because of the gift.

Why would you create a Medicaid trust?

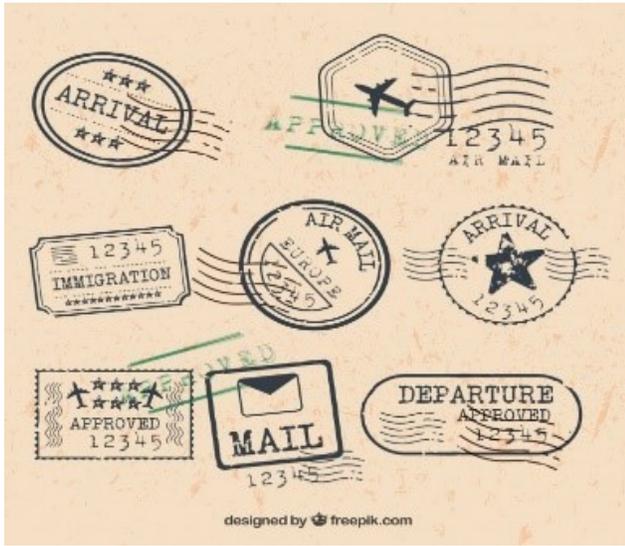
Certain types of irrevocable trusts can hold gifted assets and preserve them for the family even if the makers of the trust apply for Medicaid. To have this effect, each transfer to the trust must be made at least 5 years before the Medicaid application. The family can then use the funds from the trust to pay for comforts for the Medicaid recipient that Medicaid would not pay for. But the Medicaid applicant and spouse, if married, cannot have any direct interest in or access to the trust assets, and cannot retain the right to revoke or terminate the trust.

This is a basic explanation of what are complex and tricky laws and rules applicable to Medicaid. Seemingly innocent and minor mistakes can have costly and perhaps irreversible impact, so it is best to consult an experienced and trained elder law attorney about how to qualify for Medicaid. The sooner you start to plan, the more successful you can be in protecting wealth.

Barry Zimmer is founder of the Zimmer Law Firm, LLC. The firm has been helping area families with estate planning, Medicaid asset protection planning, and estate administration since 1993. Visit the Firm's website at www.zimmerlawfirm.com, to subscribe to its blog, view a schedule of seminars, and for other information about estate planning.



Get Your Passport to the LexisNexis Digital Library for on-the-go Research!



Interested in learning more about the off-site access to Lexis treatises available with your subscription to the Hamilton County Law Library? Attend a free webinar offered by Lexis on June 17th, 2019 at 12:30pm, conveniently accessible from your home or office. Law Library subscribers, only. See details, below:

The Hamilton County Law Library has provided you with the LexisNexis Digital Library platform to conduct your legal research right from your desk. The Digital Library contains electronic copies of the Lexis published treatises and desk sets, many of which this Law Library also subscribes to in print.

Virtually travel through the Digital Library training webinar and see firsthand how easy this tool can be utilized. Learn how to use this easy online resource that will help you stay connected to the library at any time and from any place!

To register for the webinar please contact Vanessa Seeger at vseeger@cms.hamilton-co.org or call at 513-946-5300. She will send you a link and instructions to attend from anywhere that's convenient to you.

Or subscribers may join us in the Law Library boardroom on June 17th at 12:30pm to watch on the big screen.

Upcoming CLEs

Free to subscribers; \$50 for non-subscribers
Registration is required.

To register, call 513.946.5300, email reference@cms.hamilton-co.org, or register via the website <http://lawlibrary.hamiltoncountyohio.gov/classes/calendar/>

June 18, 2019 , noon-1 pm
Westlaw: What's New?
1 hour credit in OH & KY pending

October 3, 2019, noon– 1pm
Specialty Courts
By Hon. Heather Russell
1 credit in OH & KY pending



Law Library Board Meeting

The next quarterly meeting of the Hamilton County Law Library Resources Board will be held on Thursday, July 11, 2019 at 12:00 noon in the Robert S. Kraft Board Room. Meetings are open to the public.

Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to six weeks at a time

Access to extensive legal information databases from the Law Library, including Westlaw, IntelliConnect, Bloomberg Law[®], Overdrive e-books, HeinOnline, and Loislaw treatises

Wireless network throughout the Law Library

Polycom videoconferencing

Five meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

Free document delivery by fax or e-mail of print and electronic materials

CLE seminars throughout the year, on legal research and substantive topics

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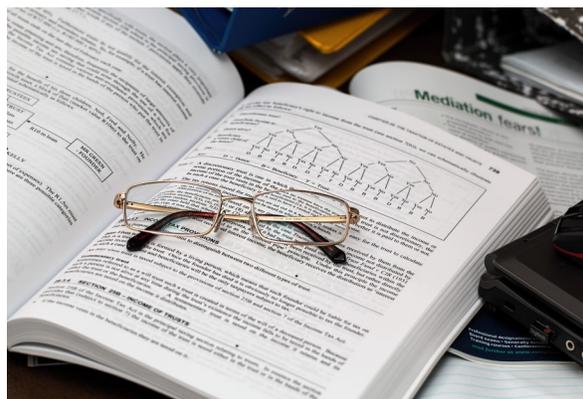
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In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/LOISLaw treatises, HeinOnline (for under 50 attorney firms), EBSCOhost, and IntelliConnect Law, Business, Tax, and Accounting

You and the Legal System

Our You and the Legal System series is going on a bit of a hiatus for an exciting retooling. We're working closely with the Cincinnati Bar Association's Lawyer Referral Service to enhance the program and make it increasingly targeted to the specific needs of the Cincinnati community. The You and the Legal System series has traditionally been and will continue to be offered as a public service and not a series of CLE events. Check back for more information over the next few months.



Summer Associates

Summer associates and interns at local government offices and our subscribing law firms are welcome to use the Law Library this summer. Just send us a list of names and the end date of their time with your office. They will be able to use the library at no cost to your office. Among the benefits:

- Easy access from downtown firms and courts
- Extensive practitioner-oriented online legal information
- Research guidance
- Quiet study space and conference rooms
- Access to legal research databases
- Subscribers' lounge with coffee, newspapers, and magazines
- Hard-to-find print materials including municipal ordinances, session laws, and treatises

Law Practice Resources

Law Library subscribers have access to a variety of resources on Law Practice Resources, including those listed below. If you have questions about these resources, contact the reference staff at reference@cms.hamilton-co.org or 513.946.5300

Connecting with your client: success through improved client communication techniques
KF311 .N45 2015

Decision-making for lawyers: distraction, deception, and drunkenness
KFO76.5.A2.Z9 D42 2015

Flying solo: a survival guide for the solo and small firm lawyer
KF300 .F58 2005

Going solo: a new lawyer's guide to started & building a law practice on a tight budget
KF318 .C37 2013

Help me get organized!: sixty proven case management and billing tips
KFO77 .M23 2012

How to build and manage a family law practice
KF300 .C455 2006

How to build and manage an estates practice
KF750 .E94 2008

How to start and build a law practice
KF300 .F66 2004

The lawyer's guide to building your practice with referrals
KF316.5 .S52 2012

The lawyer's guide to marketing your practice
KF316.5 .L38 2004

Lawyers, anger, and anxiety: dealing with the stresses of the legal profession
KF300 .N46 2010

Lawyers as peacemakers: practicing holistic, problem-solving law
KF311 .W75 2010

Passing the torch without getting burned: a guide to law firm retirement and success planning
KF315. G58 2013

Project management for lawyers: and Multitasking gone mad: how to practice in a wired, demanding, distracting world
KFO318 .P76 2011

Run your firm like a business: an operations guide for solo practitioners and small law firms
KF318 .L63 2013

Surviving and thriving as a new lawyer: what you need to know about managing your new practice
KFO77 .S87 2014

This year's best in law firm technology, software, and tools: everything you need to overhaul your firm or start a new one
KF320.A2 T45 2016

Through the client's eyes: new approaches to get clients to hire you again and again
KR311 .E92 2008

You can't teach hungry: creating the multi-million dollar law firm
KF318 .M671 2015

You can't teach vision: the 21st century law firm
KF318 .M67 2015

Young lawyer connect: Professionalism, Law office Management, and Client Funds
KF316.W52 2008

ONLINE RESOURCES

ABA

Law practice quarterly

Upcoming Events:

June 18: CLE: Westlaw, What's New?



June 2019 Law Library Newsletter

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