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Dear Clients, Colleagues, Friends and Associates:

Another year has gone and the time has come again to set goals and make plans for the years ahead. For most of us, this includes putting plans in place to protect the health and welfare of ourselves and our loved ones. In this first of what will become regular editions of my Newsletters to you, I'd like to draw your attention to a few things you may want to keep in mind as you plan for the years ahead.

First, though, I want to briefly mention that I am currently implementing a complete renovation of my website, located at [www.citizenlawcenter.com](http://www.citizenlawcenter.com). The renovations are not quite complete, but please do drop by the site and check out the new content, which includes "FAQs" on legal matters and links to other helpful sites. It is my intention that the site will ultimately serve as a portal from which you will be able to educate yourself on various legal issues that may affect you and your family. So, please visit the site at your leisure and let me know what you think. It is there to serve you, so I am particularly interested in what you think and what you would like to see. You may wish to email comments to [mattslaw2000@yahoo.com](mailto:mattslaw2000@yahoo.com).

## NEWS

### **MICHIGAN PASSES "ESTATE RECOVERY," POTENTIALLY ALLOWING THE STATE TO RECAPTURE THE COST OF MEDICAID BENEFITS**

There have been significant developments in Michigan law affecting Estate Planning and Elder Law over the past couple of years, including a major recent development concerning Medicaid coverage of long-term care (LTC) costs. The news? Michigan has finally enacted an "Estate Recovery" law. Under this law, the state may seek reimbursement of LTC costs covered by Medicaid from the recipient's estate, after the recipient dies.

It has come to my attention that **many people are worried that the new Estate Recovery law will take away the homes or assets of the estate of loved ones who are currently receiving nursing home care.** This is not necessarily true. First, if you or your loved one began receiving Medicaid coverage of healthcare costs prior to September 30, 2007, the new law does not apply to any benefits received, before or after that date, and the estate cannot be attacked under Estate Recovery.

Second, and **very importantly, if you or a loved one began receiving Medicaid coverage of healthcare costs after September 30, 2007, or may need Medicaid coverage in the future, there are still ways to structure the estate such that estate assets will not be subject to Estate Recovery, due to limitations in the applicability of the law.**

Please contact my office if you, or any of your loved ones, are receiving health care which may be covered by Medicaid now, or if you anticipate that such circumstances may arise in the next several years. I will review your family Estate Plan to ensure that your family avoids the negative effects of Estate Recovery and that hard-earned family assets are passed on to the ones you love. Your initial consultation is free of charge.

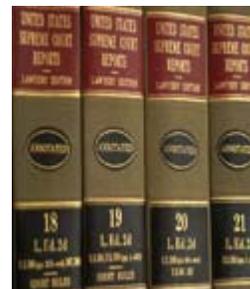


My office will be happy to arrange to come to your home, or the home of a loved one, in the Livonia or Plymouth areas, to complete the signing and notarization of estate planning documents. In fact, **an entire extended family can execute all of their documents at one time, in one place, and yet maintain total confidentiality of their individual wishes.** Please contact me to discuss this invaluable and very convenient service to you and your family.

### PROBATE: QUESTIONS AND ANSWERS

**QUESTION:** What is the difference between a “power of attorney” and a “patient advocate”? And how do these differ from “conservatorship” and “guardianship”?

**ANSWER:** A power-of-attorney (“POA”) generally refers to the ability to make decisions regarding someone else’s money and/or assets. A “patient advocate” refers to the ability to make decisions regarding someone else’s healthcare, possibly including end-of-life or do-not-resuscitate decisions. Unlike Conservatorship and Guardianship, “power of attorney” and “patient advocate” powers may be granted directly by one individual upon another individual, without the involvement of the court. It is very important to have both medical and financial powers-of-attorney in place in order to allow someone you trust to make decisions for you in the event of your incapacity.



**HELPFUL TIP:** Present your POA to the bank before you need to actually use the POA. This will give the bank the time to “clear” the document with its legal department and to gather any information it needs to be sure that you are in fact the agent named by the document. Also, present the document directly to a bank manager, as a teller may not know how to interpret it.

**REMEMBER:** *Never* give out personal or financial information to someone you do not personally know who calls you on the phone.

### WISE WORDS

**"He who would pass his declining years with honor and comfort, should, when young, consider that he may one day become old, and remember when he is old, that he has once been young."**

**– Joseph Addison**