

Law Office of
Sativa Boatman-Sloan, LLC
 & **417 ELDER LAW**

NEWSLETTER



Volume 8

July-Sept 2017

What Can You Do If You Haven't Prepared for the Nursing Home?

It happens far too often. A fall, a stroke, or other tragedy suddenly forces you to make difficult decisions about moving your loved one into a nursing home. Ideally, you have already made plans for when you are faced with these difficult decisions, so some stresses are alleviated because you are better equipped to know how your assets are affected.

Although planning in advance is preferred and encouraged, life does happen. Crisis planning becomes necessary when a person has already entered a nursing home—or must be placed in one very soon—and has been informed that he or she has too many assets to qualify for Medicaid assistance.

Information provided by friends, family, social workers, nursing home intake staff, and even Medicaid workers can be out of date or even wrong. Although as well-intentioned as these individuals are, the laws governing Medicaid eligibility are complicated and ever-changing.

In Missouri, what was previously named Medicaid is now known as MO HealthNet. In most cases, when a family member goes into a nursing home some of their assets can be saved. However, this is a very complex area of law, and no two people have the same set of circumstances. A consultation with an attorney practicing in the area of Elder Law can save you time and money, even when you are confronted with a crisis situation.

Because Medicaid (MO HealthNet) has a five-year look-back period, to protect all of your assets from being spent on nursing home care, those assets would have to be transferred out of your name five years prior to entering a nursing home.

What if you started your planning, but it hasn't been five years yet? What if you haven't even started planning and you are thrown into crisis planning?

Applying for Medicaid benefits to cover the cost of nursing home care is complicated and can be confusing and overwhelming. If you take on this process on your own, a mistake in the application process or improperly gifting or transferring assets in an attempt to meet the Medicaid eligibility spend-down rules can cause a significant delay in the start of Medicaid benefits or a requirement that your family give back assets.

With consultation from an Elder Law attorney, you may be surprised what can be saved, even during crisis planning.

Whether you or a family member are pre-planning or are facing a crisis with long-term care and are unsure of the benefits available to you, please contact the Law Office of Sativa Boatman-Sloan, LLC & 417 Elder Law. You are never beyond the point of being able to apply for Medicaid with the right amount of preparation.

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The choice of a lawyer is an important decision and should not be based solely upon advertisements.

Do Online Templates Really Save You Money?

Small business owners know there is simply no way around legal paperwork. Legal documents constitute the very framework of your business, minimize your risks and help protect your interests.

You can find plenty of legal templates online, whether you're forming an LLC, buying a business, bringing on a new partner or hiring a new employee.

Though it may initially save time and money, the use of canned templates could expose you and your company to liability in the future.

Employment issues, intellectual property issues, corporate issues

and partnerships can get complex. In the long run, it could cost you much more than what you would invest in paying an attorney to draw up the paperwork. A change in one clause in an agreement will require additional changes elsewhere, and failure to make such changes can leave the business owner with ambiguous and/or contradictory clauses—or worse—an unenforceable agreement.

True, you or your CPA could just as easily form an LLC or a corporation on the state's website as an attorney can. But, do you truly understand the details that are required on the form? Do you know the difference between member managed and manager managed, or why you

may want to choose one over the other? I've had people come to me requesting that I fix what they have done online because they discovered their documents do not reflect what they originally intended.

The biggest issue I see arise is bylaws and operating agreements that aren't set up correctly or not set up at all. Anything off the internet for bylaws or operating agreements is very generic and often isn't even focused on Missouri law.

When a generic operating agreement is used, you risk unclear instructions, or it may even say something totally opposite than what was agreed to in the beginning. That is horrible because those are the situations that could actually end up in lawsuits.

Even when things are going right for your business, your operating agreement is important. If you seek a loan for business expansion and do not have your operating agreement in order, you risk being denied for the bank loan. Banks look at operating agreements carefully.

The internet is a great resource, but it cannot take the place of a client-attorney relationship. An experienced attorney will understand your specific opportunities and risks and work with you to achieve your business goals.

At Law Office of Sativa Boatman-Sloan, LLC & 417 Elder Law, we listen to your business goals and provide you with the guidance to help you navigate the legal documents that reflect your specific business needs.

KOREAN WAR VETERANS OF THE OZARKS

The Korean War Veterans of the Ozarks held their annual Memorial Day program in front of the Korean War Memorial at the Missouri State Veterans Cemetery on May 29 to honor those who served in the Korean War and to remember those who did not return home.

Korean War Veterans of the Ozarks chapter meets the second Tuesday of the month, at the Elks Lodge, 2223 E. Bennett, at 1:00 pm. Programs and speakers are featured at each meeting.

All honorably discharged U.S. veterans of the Korean War having served from June 25, 1950, to January 31, 1955, regardless of service branch, are eligible and encouraged to join. Dues are \$12 annually. If you or someone you know is a Korean War veteran, you may want to contact Gordon C. Campbell, chaplain of KWVO at 417-823-9567 for more information.



Korean War Veterans Memorial, Washington D.C.

Destinations Often Overlooked

It's summer and with the kids out of school, you may be searching for activities to entertain the family. Why not take a short drive and visit one of the many destinations right here in your backyard? Often, the destinations closest to us are the ones most overlooked.

Did you know that last year, Missouri added three new state parks? Eleven Point State Park in Oregon County, Ozark Mountain State Park in Taney County, and Bryant Creek State Park in Douglas County bring the total number of state parks in Missouri to 91.

Whether you like to hike, camp, fish, bike, swim, or take a historic tour, there's something fun for everyone.



Most of the parks host special programs. For example, you can hike with the bison at Prairie State Park in July, August and September. Maybe astronomy is your thing and you want to take in this year's solar eclipse on August 21 at Missouri State Museum, Washington State Park, or Arrow Rock State Historic Site. The kids may love an outing at Roaring River State Park for their Back to School Kids Fishing Day on August 19.

It's easy to plan your trip by going to mostateparks.com. Have a fun summer, no matter where your travels take you, near or far.



2017 Walk to End Alzheimer's Sept 16, 2017

The Law Office of Sativa Boatman-Sloan, LLC & 417 Elder Law is proud to be a sponsor of Springfield's Walk to End Alzheimer's® on September 16, 2017.

Held annually in more than 600 communities nationwide, the Alzheimer's Association Walk to End Alzheimer's® is the world's largest event to raise awareness and funds for Alzheimer's care, support and research. This inspiring event calls on participants of all ages and abilities to join the fight against the disease!

To learn more, go to alz.org/walk and click on the "Find a Walk near you" link. Enter your zip code to be directed to the event page of the walk nearest you. If you register, you will have access to a wide range of tools and support through your customized Participant Center. While there is no fee to register, you are encouraged to fundraise to contribute to the cause and raise awareness.

If you participate in Springfield's walk, please be sure to stop by our booth to say "hi."

Lead the way to Alzheimer's first survivor.

EVENT DETAILS

Saturday, September 16

Registration at 9:00 am, Ceremony at 10:00 am

Walk at 10:15 am

Jordan Valley Park
635 East Trafficway Street
Springfield, MO 65806

Local contact: Nate Reed
417-886-2199
nreed@alz.org

Branson and Bolivar communities will have their events on September 9. Go to alz.org/walk for times and locations.

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Stay Tuned

Be sure to tune in to “The Senior Forum” on KWTO AM560 at 10:00 am on July 12 and August 9 where Sativa will be guest hosting the show. She will cover topics ranging from avoiding probate to long-term care planning.

Education and outreach is a passion of the Law Office of Sativa Boatman-Sloan, LLC & 417 Elder Law. If your business, club, or organization would like to organize a program with Sativa, please contact her office at 417-887-4170. She speaks on a variety of subjects pertaining to Elder Law and new business start-ups.

Let's connect. Be sure to find us on Facebook @SativaBoatmanSloanAttorney to stay current on all upcoming events.

