

# OUT OF THE WOODWORK

Christina Lesher  
5615 Kirby Dr. Ste 412  
Houston TX 77005  
[clesher@lawlesher.com](mailto:clesher@lawlesher.com)

Facebook:  
Law Office of Christina Lesher PC

Twitter: @LesherElderLaw



1

## WHY SENIORS & FAMILIES?

- 14.5% of Americans were aged 65 or older (2014)
- Older adults may not be close to family/ friends
- Older adults more likely to reveal personal information
- Less likely to report scams and abuse
- Families hard time finding resources



2



## PROFESSIONAL #1: THE TRUSTED FRIEND OF FAMILY MEMBER

- Friend may not understand the real needs to the older adult
- Look for warning signs
- Show up after a medical event/ change of health
- Asks for money or loans
- Encourage estrangement from family/friends
- Look for unusual financial activity
- Look for doctor and/or attorney shopping

3

## PROFESSIONAL #2 THE TRUSTED CAREGIVER

- Anyone can be a caregiver
- Caregivers can be located online
- Best practice is to use home health agency
  - Caregiver has a Certified Nurse's Assistant license
  - Background check
  - Check "Employability Status Check Search" (see paper for website)
- Family should secure checkbook, minimize cash on hand
- Consider TrueLink card for caregiver purchases (see paper for website)



4

# PROFESSIONAL #3 FAILURE TO LAUNCH FAMILY MEMBER

## Who?

- An, under or never employed family member

## The "plan":

- Family member lives with older adult to provide care
- Family member may get cash from older adult

## The problems:

- What happens when the older adult goes to a nursing home or dies?
- Medicaid issues

## The solutions:

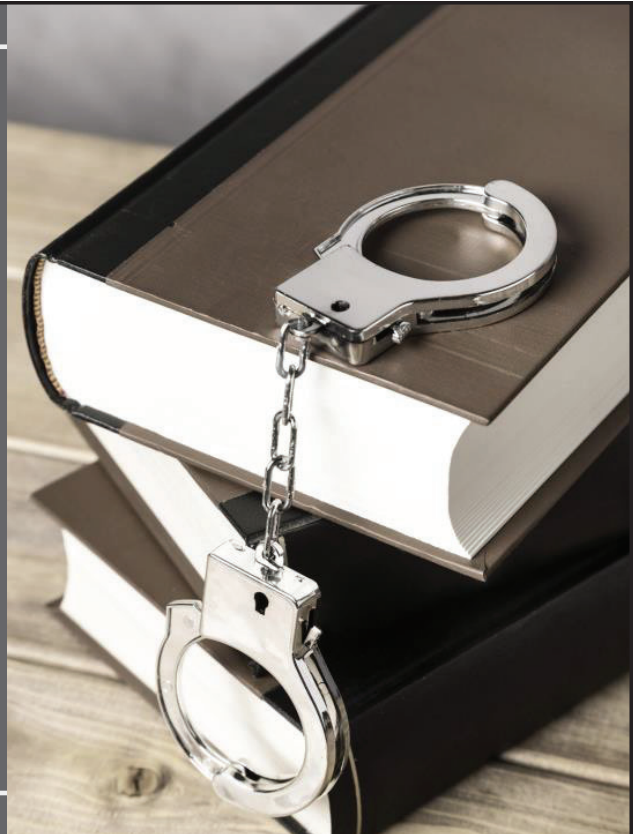
- Keep open financial records
- Have an exit plan



5

# PROFESSIONAL #4 ACTING OUTSIDE THE LAW

- Medicaid planning is legal
- In order to charge a fee you must be an attorney
  - Texas Human Resource Code Section 12.003
  - Class A Misdemeanor- punishable by jail time and a fine
- Who is giving Medicaid advice?
  - Non-attorneys, attorneys without Medicaid knowledge
- Medicaid planning is complex and change frequently
- Attorney is required to do certain legal instruments during the Medicaid planning process
- Medicaid is part of complex planning process



6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Out of the Woodwork

Also available as part of the eCourse

[Answer Bar: Elder Law and Medicaid Essentials](#)

First appeared as part of the conference materials for the  
22<sup>nd</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Out of the Woodwork: Unethical Practices by Geriatric Professionals"