

Did you know? Non-Attorney Medicaid Planners Cannot Give Legal Advice

What to do?

ONLY A LICENSED ATTORNEY CAN GIVE YOU ALL THE LEGAL OPTIONS FOR MEDICAID PLANNING AND ASSET PROTECTION. THE FLORIDA SUPREME COURT ADVISED THAT ANYONE OTHER THAN A LICENSED ATTORNEY WHO PROVIDES LEGAL ADVICE ABOUT MEDICAID PLANNING IS ENGAGING IN THE UNLICENSED PRACTICE OF LAW. ACCORDING TO FLORIDA STATUTE §454.23, THE UNLICENSED PRACTICE OF LAW IS A THIRD DEGREE FELONY.

This means that only a licensed Attorney can give advice about Medicaid restructuring strategies.

The 2015 Florida Supreme Court Advisory Opinion (No. SC 14-211) states that a non-attorney:

- ✗ **May not** recommend or prepare a Personal Service Contract.
- ✗ **May not** recommend or prepare a Qualified Income Trust including gathering the information necessary to complete the Trust.
- ✗ **May not** sell Personal Service Contracts or Qualified Income Trust forms or kits in the area of Medicaid Planning.
- ✗ **May not** give legal advice about spending down and restructuring assets for Medicaid.
- ✗ **Is not** regulated and has no licensing, education or advertising requirements.

Important reasons why you should hire an Elder Law Attorney for Medicaid planning:


- ✓ Licensed attorneys are law school trained, pass a state bar exam and undergo a character and background investigation.
- ✓ Attorneys need to have continuing education credits.
- ✓ Attorneys must follow rules of ethics which require diligence.
- ✓ Attorneys are regulated by The Florida Bar.
- ✓ As a non-attorney does not have a license to practice law, or carry malpractice insurance, you have no recourse if your Medicaid case is denied due to the fault of the non-attorney Medicaid planner.

Elder law attorneys consider and discuss legal issues during the Medicaid planning process that non-lawyers are not allowed to address.

LEGALLY Protect Your Assets *Hire an Elder Law Attorney*

Find an Elder Law Attorney: www.eldersection.org & www.afela.org

AFELA
The Academy of
**FLORIDA ELDER
LAW ATTORNEYS**

 **THE FLORIDA BAR
ELDER LAW SECTION**



Law Office of Ted Wolfendale



Law Office of Ted Wolfendale
2180 West First St. Ste. 510B
Fort Myers, FL 33901
p: 239.895.9500
w: www.swfelderlaw.com
e: ed@swfelderlaw.com