

# Asset Protection Law Newsletter



HOLLYWOOD TELEPHONE (954) 963-8719 ♦ DADE TELEPHONE (305) 326-7400 ♦ **WEBSITE: [WWW.ROSEMAN-ELDER-LAW.COM](http://WWW.ROSEMAN-ELDER-LAW.COM)**

FROM MARK A. ROSEMAN, ESQ.  
WELLS FARGO BANK BUILDING  
3325 HOLLYWOOD BOULEVARD, SUITE 308  
HOLLYWOOD, FLORIDA 33021-6926

*A FREE LEGAL UPDATE FOR ELDERS AND SAME SEX PARTNERS WHO SEEK ASSET PROTECTION \* JULY 1, 2013 EDITION*

## HOW TO SELECT AN IN-HOME AIDE

Studies show that older Americans want to remain in their homes for as long as possible – even when they are struggling. For growing numbers of elders – and concerned family members – the solution to their struggle is a home aide.

If your family is considering hiring an aide, the first decision is what type of aide you need. There are two basic choices: a home health aide or a home care aide. **Home health care aides** provide personal care (bathing, grooming, etc.); assist with range-of-motion exercises and provide some medically-related care (empty colostomy bags, dress dry wounds, check blood pressure, etc.); and provide assistance with housekeeping and errands.

They are often referred to as personal care assistants. **Home care aides** provide companionship and socialization and assist with meal preparation, housecleaning, laundry, shopping and errands. They are also called homemaker or chore aides.

“The level of care the person requires determines who should be providing the home care and what it will cost,” says Attorney Mark A. Roseman, an elder law attorney in the Fort Lauderdale and Miami area.

### Getting Started

Before beginning the search for an aide, download the National Caregiver Library’s [Needs Assessment Checklist](#). Not only will it help you determine the level of care a loved one needs, it will also help you write the aide’s job description. In addition, it may inform the decision of whether to hire independently or through an agency.

With an agency, the aide has been screened and trained, and they will be supervised. But there are other benefits of hiring through an agency: “Clients have access to all the resources the agency has.

They have back-up if the scheduled caregiver can’t be there and the agency handles all the administrative responsibilities – reimbursement forms, payroll, taxes, workers’ compensation, insurance, and background checks and bonding of the employee.”

Hiring independently means you will be doing the screening and interviewing, supervision, coordination of care and all administrative paperwork. But it also means you are able to hire someone – a friend or relative—who may already know the person, “so the trust factor is higher...and you will usually be paying less, too.”

To locate potential candidates, “cast a wide net”. Get suggestions from your patient’s person’s primary care physician or nurse; the local hospital’s social work department; local social service and/or disease-specific organizations; your community’s office on aging or senior center; the older person’s minister or rabbi; and/or friends and neighbors who have previously used a home aide.

## 12 Interview Questions to Ask an In-Home Aide

Most older Americans want to remain in their homes as long as possible. For growing numbers of elders – and concerned family members – this is only possible with the help of a home care aide. There are two basic types of aides and two ways to engage one: either through an agency or hiring one yourself.

Prior to hiring the aide use the following questions to interview the candidates they suggest or those you have found on your own:

1. Can you provide me with your full name, address, phone number, social security number and current photo ID so that I can run a background, including credit, check? (If interviewing an agency candidate, request contact information only.)
2. Can you (your agency) provide me with copies of current documentation related to personal insurance, bonding, workers’ compensation, and current health status (TB test, immunizations, etc.)?
3. Can you (your agency) show or provide me with current documentation related to specific services and assistance (dementia care, CPR, etc.) you are trained/certified to provide?
4. Tell me about your experience as an in-home aide – how long you have been providing care, previous work situations, etc.

5. Can you (your agency) provide me with references related to past clients and employer?
6. Why did you leave your last position? (If they have not left this position, ask how they plan on coordinating schedules.)
7. What are your expectations if I hire you?
8. What hours and days will you be available?
9. What hourly rate do you expect, and how do you expect to be paid?
10. How do you like to get feedback and suggestions?
11. What do you like and dislike about home care?
12. Situation-specific questions related to specific issues, such as ability to prepare culturally appropriate foods or competency in the older person’s language, should also be asked.

You should also run a careful credit and background check to make sure the aide is most likely to be honest and reliable. If you go through an agency, the agency will perform these functions for you.

## NEWS YOU CAN USE

### 2013 FLORIDA MEDICAID LIMITS

Gross Monthly Income Limit for Medicaid Applicant:	<b>\$2,130.00</b>
Personal Needs Allowance:	<b>\$35.00</b>
Asset Limit (Individual):	<b>\$2,000.00</b>
Asset Limit (Couple):	<b>\$3,000.00</b>
Medicare Part B Premium:	<b>\$104.90</b>
Community Spouse Resource Allowance:	<b>115,920.00</b>
Minimum Monthly Maintenance Income Allowance:	<b>\$1,891.25</b>
Maximum Monthly Maintenance Needs Allowance:	<b>\$2,898.00</b>