



James E. De Martino, Attorney
P.O. Box 126 Belvidere, NJ 07823

908-874-5636
(fax) 570-897-6452

New Jersey Elder Lawyer

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NJ MEDICAID: WHAT YOU DON'T KNOW

- THE FEDERAL DEFICIT REDUCTION ACT OF 2005:** This sets the national guidelines for the various state agencies to follow.
- HOWEVER:** Federal law allows the states to set their own written ground rules which may differ from the 2005 act.
- NJ MEDICAID:** Allows the 21 counties to establish their own unwritten rules and procedures. These unwritten rules and procedures may follow the statutory guidelines and case law when and if NJ sees it fitting to do so. However, these unwritten rules and procedures may result in NJ Medicaid ignoring the statutory guidelines and case law when and if it sees fitting to do so.
- THE RESULT:** You may have to take NJ Medicaid to court.
- HOWEVER:** Medicaid knows that you will not want to spend potentially thousands and thousands of dollars in legal fees on appeals, and counter-appeals, which may take years to wind through the judicial system. In addition, they know that your loved one may not live long enough to see the legal case through final conclusion. They are banking on the fact that you do not want your family's case to be the "test case" for the state and country.
- BOTTOM LINE:** When it comes to Medicaid, be careful when trying to rely solely on statutes and/or case law.

James E. De Martino is licensed to practice in the State of New Jersey.

Our practice is limited to estate planning, long-term care planning, and NJ Medicaid asset protection.

Elder Law and NJ Estate Planning Strategies

P.O. Box 126 Belvidere, New Jersey , 07823

Phone: 908-874-5636

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