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# GOVERNMENT BENEFIT PRESERVATION GROUP

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Preserving Medicaid, SSI, & Other Benefits

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## Streamlined Government Benefits Planning

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How much money can a client receive in a legal settlement before jeopardizing his or her Medicaid or SSI benefits?



**One dollar.**

Can that actually be true? Let's explore.

# Meet Allen

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Allen was recently involved in a serious car crash.

He hired an attorney to represent him because the offer from the insurance company was so low.

His attorney won his case, and he just received his settlement check from his attorney. **Great news, right?**



# Allen's Problem

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***Not necessarily.***

Only after receiving a check from his attorney does Allen realize—to his horror—that receiving this settlement will get him kicked off of Medicaid, which provides for nearly all of his ongoing medical costs.

He's distraught, upset, and unsure of what to do.



# Meet David

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David is a personal injury attorney. He recently settled a case for Kate. Kate lives in Utah, has three kids, and is married. Kate's husband is disabled after an auto accident in his early 30s.

In early 2014, Kate went to the ER at a local hospital for treatment. After she returned home from the hospital, it was discovered that clients, including Kate, had been exposed to Hepatitis C while at the hospital.

A lawsuit was filed against the hospital, and she—along with many others—were successful in receiving a settlement. **Great news, right?**



# David's Problem

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***Not exactly.***

A few months after David sent Kate the settlement check, Kate realized that receiving the settlement would cause her disabled husband to lose his SSI and Medicaid.

David had never warned Kate that her husband could lose his benefits when she received her settlement. She's upset and is threatening a legal malpractice lawsuit.

David's worried about his liability – and wants this issue to go away.



# A Preventable Problem

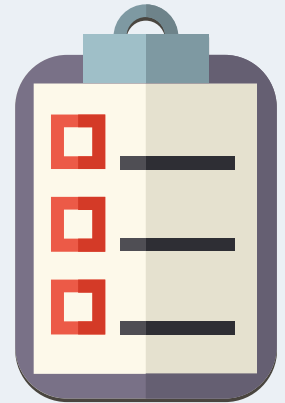
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Why did Allen lose Medicaid, and Kate's husband lose Medicaid and SSI?

**Because they did not have a government preservation plan in place before receiving their settlement funds.**

Don't worry. Allen and Kate's situation can be easily avoided, and you can avoid finding yourself in David's shoes (the potential recipient of a legal malpractice claim).

All it takes is some thoughtful planning before settlement.





# A Simple Solution

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You might be asking yourself, "That sounds great, but how is my law firm going to do this planning if I don't have the time or expertise to provide this service to all my clients?"

Good question—and it's one that we've received from firms like yours over the past several years.

This is why we designed our proprietary  
Government Benefit Preservation Process.

Our process allows us to quickly and efficiently assess the government benefits of each client involved in both your single event and mass tort cases.



# Our 4 Step Process

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1

We **collect** information about your clients' government benefits.

2

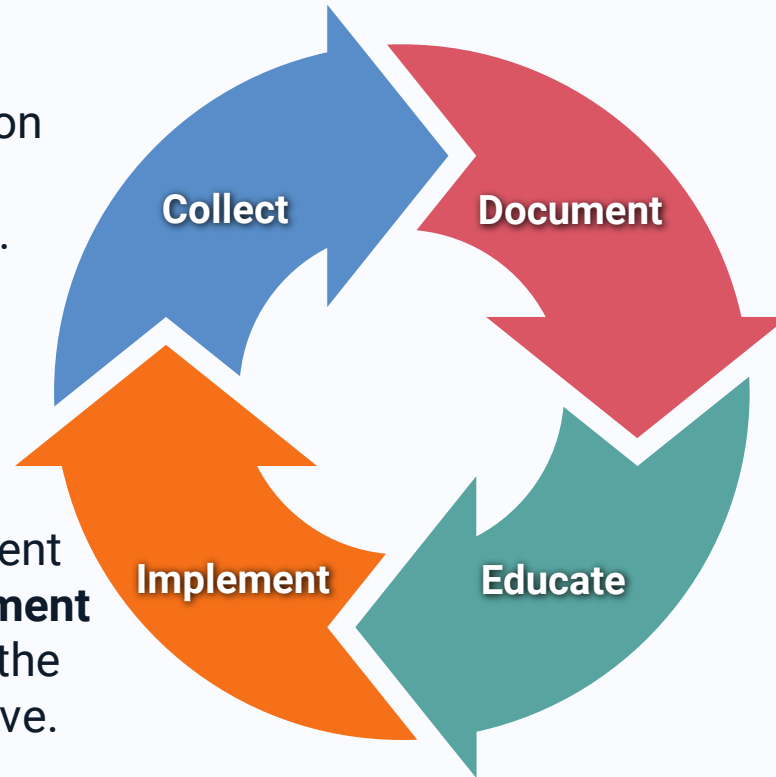
We **document** the impact a settlement may have on each client's eligibility for government benefits.

3

We **educate** clients on the steps they need to take to preserve their benefits.

4

We make sure the client knows how to **implement** his or her plan when the settlement funds arrive.





Are Allen's and Kate's situations unique  
and uncommon?



**No.** About half of your clients are likely in the same situation as Allen and Kate.

# Magnitude of the Problem

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Individuals involved in personal injury cases are much more likely —**up to 8x more likely**—to be on means-tested government benefits than the general population.

This means that a significant percentage of your clients are in the same situation as Allen and Kate.

**40% or more of your clients — or someone in their household — are receiving a means-tested benefit that will be jeopardized by a legal settlement.**



# What are Means-Tested Benefits?

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Means-tested government benefits are available to individuals who have limited income or assets. The most common means-tested benefits are those listed on the graph: Medicaid, SSI, Housing Assistance, and Food Assistance.

Individuals receiving means-tested benefits are generally limited to a total of \$2,000 in countable assets—including checking and savings accounts.

So, without proper planning, receiving a legal settlement of **virtually any amount** (even \$1) will jeopardize or eliminate a client's means-tested benefits if the settlement increases the individual's assets to an amount greater than \$2,000. ( $\$2,000 + \$1 = \$2,001$ .)

**Remember the question we asked at the beginning? The \$2,000 asset limit is why any legal settlement—even \$1—can jeopardize government benefits.**

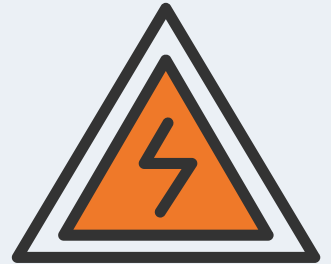
# Far Reaching Effects

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**Family Members.** As Kate's story demonstrated, the benefits of the client's family members can be jeopardized by your client receiving a legal settlement. In other words, your client's legal settlement will jeopardize the means-tested benefits of any member of the client's immediate family.

**Liability Landmine.** Failure to inform your clients of the impact of a settlement on their government benefits exposes your firm to significant failure-to-inform liability. Don't find yourself in the same situation as David.

**Unhappy Clients.** If your clients are kicked off their benefits, who will they call first? With whom are they now upset? You and your firm.





We can help you avoid these problems.

Let's explore some of the benefits of our  
Government Benefit Preservation Process.



# Benefits to the Client

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**Education on Required Steps.** Your clients arrive at settlement with an understanding of how to protect their government benefits. Your clients avoid the issues experienced by Allen and Kate.

**A Resource for Questions.** If your clients have questions, they can call us at no cost and speak to one of our planning attorneys.

**Peace of Mind.** Your clients find significant peace of mind knowing they have a plan in place to protect their government benefits.



# Benefits to the Client

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**Financial Planning Advice.** If it's a larger settlement, we can give the clients financial advice about how to plan for their future medical needs. Personal injury settlements are meant to help fund future medical needs and replace future lost income, but too often the funds are squandered due to lack of planning.

**Tax Consequences.** Legal settlements present unique tax issues and advantages. We can provide tax education to your clients and help them understand how personal injury settlements are taxed — and explore if a structured settlement annuity makes sense in their situation.



# Benefits to Your Firm

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**Liability Protection.** Our firm provides a written analysis letter for each client—protecting your firm from significant failure-to-inform liability.

**Removes Burden From Your Firm.** You and your staff are no longer tasked with assessing every client's government benefits and wondering if that client needs further advice or planning. Our process removes this burden from you and your staff. Most firms simply don't have the capacity to do this (or the E&O coverage).

**Considers Medicare's Future Interest.** Each letter outlines the client's requirements to consider Medicare's future interest in the settlement.

**Satisfied Clients.** Our process helps your clients feel that you care about what happens to them after settlement—which results in more satisfied clients.

# Costs of Our Service

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**Flat Fee to Client.** Each client is charged a small, flat fee to go through our process.

Our fee is billed to the client as a **case cost** at the time of settlement. There's no cost to your firm.





## Next Steps

Protect your clients' government benefits and shield your firm from unnecessary liability.

Let us show you how we can customize our process for your cases.  
To get started, call us at (801) 683-7362.

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