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*Elder Law Attorney*

If you have clients who need assistance with finding the right place for their ill family member to live and determining how to pay for it, **we can assist them with becoming eligible for Medicaid.**

If you have clients who are unable to care for themselves and make their own decisions, **we can assist their loved ones with becoming their guardian.**

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## WORDS TO THE WISE

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### Long-Term Care Partnership Program

The Long-Term Care Insurance partnership program was launched in Florida on August 1, 2007. A long-term care insurance partnership policy provides a dollar for dollar amount of asset protection should an application for Medicaid be made in the future. When the insured requires long-term care services, the policy pays until all benefits are exhausted. However, with a partnership policy, if the insured still requires long-term care services after their policy benefits are exhausted, they can apply for Medicaid and keep assets equal to the benefits that the policy provided. These assets are also exempt from Medicaid estate recovery on the insured's death. The Long-Term Care Insurance partnership program creates an additional incentive for consumers to buy long term care insurance, and benefits the state by potentially reducing the need for some Medicaid programs. For more information about Long-Term Care partnership policies, talk to your insurance professional.

### Florida Court finds Arbitration Clause Unenforceable

In *Estate of McKibbin v. Alterra Health Care Corp.*, Alterra was sued by the estate of the decedent. Alterra moved to compel arbitration pursuant to a residency agreement signed by the decedent's Attorney in Fact, prior to her death. The Second District Court of Appeal upheld the decision of the trial court, which denied Alterra's motion to compel arbitration. The Court found that the Durable Power of Attorney document did not authorize the son to enter into an arbitration agreement on behalf of his mother, and that there was no basis to bind the decedent or her estate to the arbitration agreement.

Source: [www.flprobatelitigation.com/2D06-5452.pdf](http://www.flprobatelitigation.com/2D06-5452.pdf)

### Deadline for Save Our Homes Portability

On January 29<sup>th</sup>, Florida voters approved a Constitutional Amendment which added portability to the Save our Homes benefit. If you received the homestead exemption in 2007 and bought another home by January 1, 2008, some or all of the difference between your old homestead's assessed value and its market value may be applied to the assessment of your new home. However, you must apply by March 3, 2008, with your property appraiser. The Transfer of Homestead Assessment Difference form can be downloaded from the Lee County Property Appraiser's website listed below.

Source: [www.leepa.org](http://www.leepa.org)