

WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

Wilentz Prevails in New Jersey Superior Court, Appellate Division in "Caregiver Exception" Case Relating to Medicaid Benefits

03/12/21

A Wilentz, Goldman & Spitzer, P.A. litigation team led by Darren Gelber, Shareholder, Chair of the Criminal Law Team and member of the firm's Appellate Practice group, prevailed in an appeal on behalf of an elderly Alzheimer's patient and her son in a case concerning the "caregiver exception" as it pertains to Medicaid benefits.

In the published, precedential opinion issued on March 11 by the Superior Court, Appellate Division, the court agreed with arguments advanced on behalf of our client that Medicaid benefits were wrongfully denied to his elderly mother who suffered debilitating effects of dementia and Alzheimer's disease. The decision confirmed that the "caregiver exception" permits parents to transfer ownership of their homes, for less than fair market value and without fear of a Medicaid transfer penalty, to children who reside with them and provide care to them to an extent that delays the need for the parent to enter into a managed care facility or nursing home.

The Appellate Division concluded that our client met all of the requirements necessary to apply the "caregiver exception," the purpose of which is to "encourage children to make the necessary arrangements to care for a parent in their home to avoid the public expense of institutionalization."

Attorney

- Darren M. Gelber

Practice

- Criminal Defense