

*Did you know?*

# Non-Attorney Medicaid Planners Cannot Give Legal Advice






*What to do?*








**ONLY A LICENSED ATTORNEY CAN GIVE YOU ALL THE LEGAL OPTIONS FOR MEDICAID PLANNING AND ASSET PROTECTION. THE FLORIDA SUPREME COURT ADVISED THAT ANYONE OTHER THAN A LICENSED ATTORNEY WHO PROVIDES LEGAL ADVICE ABOUT MEDICAID PLANNING IS ENGAGING IN THE UNLICENSED PRACTICE OF LAW. ACCORDING TO FLORIDA STATUTE §454.23, THE UNLICENSED PRACTICE OF LAW IS A THIRD DEGREE FELONY.**

*This means that only a licensed Attorney can give advice about Medicaid restructuring strategies.*

The 2015 Florida Supreme Court Advisory Opinion (No. SC 14-211) states that a non-attorney:

-  **May not** recommend or prepare a Personal Service Contract.
-  **May not** recommend or prepare a Qualified Income Trust including gathering the information necessary to complete the Trust.
-  **May not** sell Personal Service Contracts or Qualified Income Trust forms or kits in the area of Medicaid Planning.
-  **May not** give legal advice about spending down and restructuring assets for Medicaid.
-  **Is not** regulated and has no licensing, education or advertising requirements.

*Important reasons why you should hire an Elder Law Attorney for Medicaid planning:*

-  Licensed attorneys are law school trained, pass a state bar exam and undergo a character and background investigation.
-  Attorneys need to have continuing education credits.
-  Attorneys must follow rules of ethics which require diligence.
-  Attorneys are regulated by The Florida Bar.
-  As a non-attorney does not have a license to practice law, or carry malpractice insurance, you have no recourse if your Medicaid case is denied due to the fault of the non-attorney Medicaid planner.

*Elder law attorneys consider and discuss legal issues during the Medicaid planning process that non-lawyers are not allowed to address.*

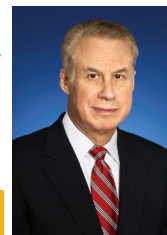
## **LEGALLY Protect Your Assets** *Hire an Elder Law Attorney*

*Find an Elder Law Attorney:* [www.eldersection.org](http://www.eldersection.org) & [www.afela.org](http://www.afela.org)



THE ELDER LAW CENTER OF  
*Mondschein and Mondschein, P.A.*

Leonard E. Mondschein  
[Lenlaw1@aol.com](mailto:Lenlaw1@aol.com)



Philip H. Mondschein  
[Phillaw@aol.com](mailto:Phillaw@aol.com)

**South Dade location:**  
10691 N. Kendall Drive, Suite 205  
Miami, Florida 33176

**Tel:** 305-274-0955  
**Fax:** 305-596-0832

**North Dade location:**  
20801 Biscayne Blvd., Suite 403  
Aventura, Florida 33180

[MiamiEldercarelawyers.com](http://MiamiEldercarelawyers.com)



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