DiPIETRO
LAW, LLC

Medicaid and VA Planning Guide

The cost of long term care is often shocking to families. Like many, you and your family members may worry about how you can afford potential in-home, or facility-level care when you need it. Did you know that your estate plan can implement proactive strategies to protect your assets from the cost of long term care well before the need for care arises? However, should you or a loved one face an immediate health crisis, you can still benefit from an experienced elder law attorney. DiPietro Law has more than 25 years of combined experience, and we help clients throughout Delaware and Maryland from our offices located in Millsboro and Millville, Delaware, in Sussex County.

At DiPietro Law, we are well-versed in strategies designed to protect assets while qualifying for government benefits such as Medicaid and the VA Aid and Attendance Pension. These programs help offset the high costs of long term health care, making it more affordable to get the level of care you need. We are accredited with the VA and take personal satisfaction in helping those who have served our country. Our firm reviews the unique circumstances of each client to bring effective solutions to the serious healthcare issues that seniors and their families face with advancing age. Understanding these solutions brings relief to families facing stressful circumstances and financial worry.

What is Long-Term Care Planning?

Long term care planning is a legal strategy that helps aging Americans plan for the high cost of different health care services in later stages of life. Proper long term care planning removes the concerns of losing your home and life savings to the high cost of long term health care. You may have planned to pass these assets to your family members who will need them when you are gone. You may also want to ensure that you have a protected reserve available for extra items and services beyond your basic care needs.

Long term care is designed to meet health care needs for an extended time and help you or your family member live as independently and safely as possible when they can no longer perform everyday tasks and activities on their own.

DELAWARE AND MARYLAND ANNUAL MEDIAN COST OF CARE (2026)

IN-HOME CARE	DE	MD	COMMUNITY ASSISTED LIVING	DE	MD	NURSING HOME	DE	MD
Homemaker Services	$83,661	$58,916	Adult Day Health Care	$24,700* *2025 national median	$31,222	Semi-Private Room	$181,396	$98,687
Home Health Aide	$153,182	$200,314	Assisted Living Facility	$91,464	$66,234	Private Room	$211,472	$104,703

Resource: https://www.genworth.com/aging-and-you/finances/cost-of-care.html

What is the Cost of Long Term Care?

The cost of long term care often surprises seniors and can place an extreme burden on them or their families. Long term care expenses are uncertain and can fluctuate. Attempting to plan for this expense without a professional's help is risky. Even the most careful retirement plans may not be able to handle this financial obligation.

Medicaid Planning

Long term care Medicaid is a government health care program designed to cover the cost of certain medical services for clients who meet the eligibility requirements. Depending on the state you live in at the time of application, Medicaid can help pay for at-home caregivers, care in an assisted living facility, and care in a skilled nursing facility. Millions of seniors use Medicaid after "spending down" their assets to a very low amount to qualify for benefits.

To qualify for long term care Medicaid benefits, you must be a US citizen who is:

- Over the age of 64, or blind or disabled;
- In medical need of assistance with activities of daily living; and
- Have annual household income and assets below a determined amount.

However, with legal help from professionals who understand Delaware and Maryland Medicaid regulations, you'll have a number of opportunities to strategically "spend down" assets. That means you won't have to exhaust all of your life savings on medical services before applying for Medicaid. We help clients understand the tools and options available, evaluate the cost and benefit of proper planning, and learn how to protect their most significant assets. Proactive planning requires five years to accommodate the Medicaid look-back period. This is the time frame that Medicaid checks for asset transfers and gifts prior to your application. Crisis planning strategies are implemented when care is needed, and therefore, do not require advanced planning. We will guide you through your application process to ensure success.

Medicaid Asset Protection Trust

The Medicaid Asset Protection Trust is an irrevocable trust used in Medicaid planning to achieve many different goals. Assets are transferred to the trust where they are no longer considered countable assets toward Medicaid eligibility. Assets held in the trust are also protected from being recovered by the Medicaid program after your death. A well-designed and updated Medicaid Asset Protection Trust avoids probate and protects against future creditors of beneficiaries and preserves important tax advantages. Medicaid Asset Protection Trusts are used both proactively, and in crisis planning.

Veterans' Planning

If you served in one of the armed forces, you or your spouse might be entitled to certain long term care benefits through the Veterans Administration (VA). The VA Aid and Attendance pension is available to Veterans or their surviving spouses who are medically and financially eligible for benefits. The VA Aid and Attendance pension pays a monthly amount to the eligible veteran to help offset long term care costs. Like with Medicaid, we help clients understand their ability to qualify for benefits and create and implement a plan to become financially eligible. Because our attorney is VA accredited, we are authorized to submit claims on behalf of our clients.

The VA Aid & Attendance pension is provided to qualifying veterans and surviving spouses in the following situations:

- To those who need daily assistance with basic activities of living, such as dressing, eating, bathing, and more
- To those who must spend most of their time at home due to illness
- To those who are patients in nursing homes or assisted living facilities due to mental, cognitive, or physical disabilities
- To those who are considered blind

At DiPietro Law, we can determine your eligibility for these benefits as well as help you obtain the maximum amounts to which you are entitled.

Veterans Asset Protection Trust

The Veterans Asset Protection Trust is another irrevocable trust used to protect assets and income while a veteran is alive and for survivors after death. For individuals who are wartime veterans or the surviving spouses of a wartime veteran, we may recommend this trust to preserve the family residence. As long as a veteran keeps that home, it is not countable as part of their net worth for VA eligibility. It's a good option for clients who want to protect their assets and preserve their ability to qualify for Medicaid and/or VA pension benefits.

Crisis Planning

Although proactive planning is possible, planning when care is needed is also available to protect assets from the high cost of long term care. Crisis planning is necessary when your long term care need is immediate. A crisis plan ensures that you or a loved one have a guaranteed payor source, so you receive the best medical care possible. DiPietro Law helps families implement plans to protect their loved ones from financial devastation.

How DiPietro Law Can Help Your Family

DiPietro Law LLC is devoted to estate planning, elder law and estate and trust administration. We provide clients with compassionate and thoughtful legal services.

DiPietro Law, LLC is lead by two attorneys, founder, Leslie Case DiPietro, who established the firm in 2021, and Meaghan Mahoney Hudson, who joined in 2025 .

If you need assistance with Medicaid or Veterans Planning or work with people who do, our firm provides education on the laws and practices that affect individuals and families. We are a boutique firm giving every client and case personalized attention. We focus on building strong relationships with clients, their loved ones, and their professional team in the areas of estate planning, elder law, and estate and trust administration.

DiPIETRO
LAW, LLC

Get the information, advice, and representation you need for Medicaid and VA benefits.

Contact DiPietro Law online or at (302) 933-9001 to schedule a consultation.

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