



PROTECTING YOUR ASSETS FROM NURSING HOME COSTS: A COMPLETE GUIDE

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8 September 2025

Imagine discovering that your loved one needs full-time care, and suddenly you're facing nursing home costs exceeding \$108,000 annually¹. This scenario hits thousands of American families each year, often catching them completely unprepared. Understanding how to navigate these challenges requires learning about Elder Law, a specialized legal field focusing on the financial and legal issues affecting older adults and their families.

Think of this specialized field as a sophisticated toolkit designed to help families preserve their financial security while ensuring quality care. Just as you wouldn't use basic tools to repair complex machinery, general financial planning often proves inadequate for the intricate challenges that arise when long-term care becomes necessary.

UNDERSTANDING THE FINANCIAL CHALLENGE

Before exploring protection strategies, let's build a foundation by understanding what we're protecting against. Consider this like studying weather patterns before choosing the right roof for your home - the better you understand potential storms, the better you can prepare effective defenses.

The Reality of Nursing Home Costs

Recent research reveals that nursing home expenses have grown substantially faster than general inflation, creating what financial professionals call a "care cost crisis." According to the Genworth Cost of Care Survey, median annual costs for nursing home care now exceed \$108,000 nationally, with some regions experiencing costs over \$150,000 per year².

To put this in perspective, average nursing home expenses equal roughly \$9,000 monthly. This amount often exceeds what many retirees receive from Social Security, pensions, and retirement distributions combined. This comparison helps explain why nursing home costs can quickly overwhelm even well-planned retirement budgets.

Geographic variation creates additional complexity. Families in high-cost areas like California or New York face significantly higher expenses than those in traditionally affordable regions. However, even in lower-cost areas, nursing home expenses can strain family budgets and threaten asset preservation goals.

Medicare's Limited Coverage

Many families mistakenly assume Medicare will cover nursing home expenses, creating a dangerous planning gap. Medicare provides limited skilled nursing facility coverage for up to 100 days per benefit period, but only after a qualifying three-day hospital stay³. Most nursing home care involves custodial assistance rather than skilled medical services, which Medicare generally doesn't cover.

Think of Medicare like car insurance that only covers accidents but not routine maintenance. While Medicare excellently covers acute medical situations, it provides minimal help with ongoing daily care assistance that most nursing home residents require.

Impact on Families

Nursing home costs affect more than just the care recipient. When one spouse requires nursing home placement, the community spouse often faces significant financial stress maintaining their household while paying for their partner's care. Advanced planning recognizes this challenge and provides specific protections to prevent complete financial devastation.

YOUR PROTECTION STRATEGY OPTIONS

Now that you understand the challenge's scope, let's explore sophisticated tools that specialized planning provides for managing these risks. Think of these strategies like different insurance types, each designed to protect against specific circumstances.

Long-Term Care Insurance

Long-term care insurance functions like a financial firewall between nursing home costs and your family's assets. You pay premiums while healthy, and the insurance company pays benefits when you need care services, potentially preserving your assets for other purposes.

Modern policies offer various benefit structures, coverage periods, and premium arrangements. Some provide fixed daily benefits, while others offer expense reimbursement up to policy limits. Understanding these differences helps you evaluate which approach might work for your family's circumstances.

Timing significantly influences both availability and cost. Insurance companies use medical underwriting to assess risk, meaning existing health conditions can limit options or increase premiums. Many professionals suggest evaluating coverage while individuals remain healthy, typically during their 50s or early 60s.

However, long-term care insurance involves ongoing premium commitments that may increase over time. Some individuals never need coverage, making premiums feel unnecessary. Additionally, some companies have left the market or significantly increased premiums on existing policies⁴.

Advanced Medicaid Planning Strategies

Specialized legal planning encompasses sophisticated techniques designed to help families navigate the complex intersection of asset protection and government benefit eligibility. These strategies require understanding federal Medicaid regulations, state-specific rules, and intricate timing requirements.

Medicaid is a joint federal-state program providing healthcare coverage for eligible individuals with limited income and assets. Each state administers its program within federal guidelines, creating

variations in rules, benefits, and application procedures. This complexity explains why professionals often specialize in specific geographic regions.

The look-back period represents one of the most important timing considerations. Federal law requires Medicaid agencies to examine asset transfers made during the five years preceding a Medicaid application⁵. Transfers made for less than fair market value during this period can create penalty periods, delaying benefit eligibility.

This rule explains why effective planning often requires beginning years before care becomes necessary. Strategies implemented before the look-back period can provide significant asset protection benefits, while last-minute planning offers limited options.

Irrevocable Trust Strategies

Among the most sophisticated tools in specialized practice, an irrevocable trust can provide substantial asset protection benefits when properly structured and timed. Unlike revocable trusts, you can modify or cancel an irrevocable trust; an irrevocable trust involves permanently transferring asset ownership to the trust, removing these assets from your direct control.

This permanence creates the protection benefit. Since you no longer own the assets directly, Medicaid agencies generally cannot count them when determining benefit eligibility. However, the irrevocable trust must be properly structured according to specific legal requirements, and the five-year look-back period applies.

Medicaid Asset Protection Trusts represent a specific irrevocable trust type designed for advanced planning purposes. These trusts include provisions allowing you to continue living in your home if transferred to the trust, while providing asset protection benefits for Medicaid planning.

Creating an irrevocable trust involves significant trade-offs requiring careful consideration. While you gain asset protection benefits, you lose direct asset control. You cannot simply change your mind and reclaim the money if circumstances change or you never need long-term care services.

Home Protection Strategies

Your home often represents your family's largest asset, making its protection crucial for comprehensive planning. Several strategies exist for protecting home equity while maintaining government benefit eligibility, each with different requirements and limitations.

A life estate arrangement allows transferring home ownership while retaining the right to live there for life. This strategy can remove the home's value from your estate for Medicaid purposes while ensuring continued residence. However, life estate arrangements create complex ownership situations requiring careful legal structuring.

Some families consider transferring their home to a family member, particularly adult children who have provided care services. Specialized planning provides specific exceptions allowing these transfers without creating Medicaid penalties, but rules are precise and require meeting specific conditions regarding care provided and transfer timing.

Capital Gains implications of home transfers require careful consideration. Different transfer strategies create different tax consequences for both current owners and recipients. An estate planning attorney with specialized expertise can help you understand these implications and structure transfers to minimize tax consequences.

PROFESSIONAL TEAM COORDINATION

Effective specialized planning typically requires coordination among multiple professional disciplines, each contributing expertise to comprehensive strategies. Think of this professional team like a medical surgical team, where each specialist contributes essential skills for successful outcomes.

An estate planning attorney with Elder Law specialization provides legal expertise for structuring trusts, preparing transfer documents, and ensuring compliance with complex federal and state regulations. These professionals understand how Medicaid rules interact with estate planning strategies and help avoid common pitfalls.

Financial advisors contribute expertise in insurance evaluation, retirement income planning, and investment management for assets outside trust structures. They help ensure specialized planning strategies integrate effectively with your overall financial plan and retirement income needs.

Tax professionals provide essential guidance on income tax, gift tax, and estate tax implications of various strategies. Since many protection techniques involve asset transfers or trust structures, understanding tax consequences becomes crucial for effective planning.

REAL-WORLD PLANNING EXAMPLES

These hypothetical examples illustrate how different families might approach specialized planning challenges. These scenarios are educational illustrations only and don't represent actual client experiences or guaranteed outcomes.

Early Planning Scenario

Consider a hypothetical couple in their early 60s exploring advanced strategies after learning about long-term care costs. They own a \$400,000 home, have \$600,000 in retirement savings, and receive a modest pension and Social Security income.

Working with qualified professionals, they learn about options for protecting assets while maintaining future Medicaid benefit eligibility. They might consider creating an irrevocable trust for asset portions, understanding this requires giving up direct control but provides significant protection benefits.

They also explore long-term care insurance while healthy enough to qualify. Their approach involves balancing insurance premium costs against potential asset protection strategy benefits, recognizing that different approaches work better for different families.

Crisis Planning Scenario

A different hypothetical situation involves a family facing immediate nursing home placement for one spouse. The healthy community spouse suddenly needs to understand options for protecting assets while ensuring the nursing home spouse qualifies for Medicaid benefits.

In crisis situations, available strategies become more limited but potentially valuable. The community spouse might explore spousal protection rules allowing retention of certain assets and income. They might consider whether any asset transfers remain possible within Medicaid rules, though options are restricted compared to advance planning.

Crisis planning often involves working quickly with professionals to complete a Medicaid application while implementing remaining protection strategies. While less optimal than advance planning, professional guidance can still identify valuable opportunities.

IMPLEMENTATION STEPS

Understanding specialized planning concepts represents just the beginning of effective preparation. Implementation requires careful attention to timing, documentation, and ongoing monitoring to ensure strategies achieve intended objectives.

Begin by gathering comprehensive information about your current financial situation, including asset values, income sources, insurance coverage, and existing estate planning documents. Understanding your family's medical history can also inform planning decisions, though avoid making assumptions about future care needs.

Research specialized professionals in your area with appropriate experience and credentials. Look for attorneys focusing specifically on elder law rather than general practitioners handling these matters occasionally. Professional organizations like the National Academy of Elder Law Attorneys provide qualified professional directories⁶.

During consultations, ask about the professional's experience with similar situations. How many families have they helped? What strategies do they commonly recommend? Can they provide references? Understand their planning approach and whether they customize strategies based on individual circumstances.

Proper documentation becomes crucial for successful implementation. Legal documents require precise execution according to state law requirements, and preparation or signing errors can invalidate entire strategies. Maintain organized records of all planning documents, asset transfers, and implementation steps.

Plan for ongoing strategy monitoring and potential adjustments. Rules change periodically, and personal circumstances may evolve, affecting optimal approaches. Regular reviews with your professional team help ensure continued effectiveness.

Consider how specialized planning integrates with your overall estate plan. Changes in asset ownership through irrevocable trust transfers may require updates to wills, beneficiary designations, and other estate planning documents to ensure coordination.

IMPORTANT LEGAL AND COMPLIANCE CONSIDERATIONS

This educational content provides general information about specialized planning concepts and doesn't constitute specific legal, financial, or tax advice for your particular situation. Advanced planning involves complex federal and state regulations that change frequently and vary significantly by jurisdiction.

Individual circumstances dramatically influence strategy suitability. Age, health status, family composition, asset levels, income sources, geographic location, and personal preferences all affect optimal approaches. Professional analysis of your specific situation remains essential for appropriate strategy selection and implementation.

Tax implications accompany most strategies and require careful professional evaluation. Income tax, gift tax, estate tax, and generation-skipping tax consequences may apply depending on chosen approaches and individual circumstances. These implications can significantly affect overall strategy effectiveness.

Legal compliance requirements vary by state and change over time. Asset protection planning must comply with applicable federal and state laws, and strategies attempting to defraud creditors or government programs may result in serious legal consequences, including criminal charges and permanent benefit disqualification.

Investment-related aspects may involve securities and insurance products subject to separate regulatory oversight. Ensure any financial professionals providing advice hold appropriate licenses and registrations for recommended products and services.

NEXT STEPS FOR YOUR FAMILY

Families interested in exploring specialized planning strategies should begin with education and professional consultation while recognizing that effective implementation requires ongoing professional guidance and careful attention to timing considerations.

Educational research helps families understand available options and potential trade-offs. Reliable information sources include government websites, professional association publications, and educational materials from qualified professionals.

Organize financial documentation to facilitate productive consultations. Current account statements, insurance policies, estate planning documents, and income source information all influence recommendations and help professionals understand your specific circumstances.

Schedule consultations with qualified professionals to explore strategies appropriate for your family's situation. Many offer initial meetings to discuss general approaches and help you understand implementation processes and timeline considerations.

PALMER WEALTH GROUP™: YOUR COMPREHENSIVE PLANNING PARTNER

Palmer Wealth Group™ provides comprehensive financial planning services integrating Elder Law considerations with overall wealth management and retirement planning strategies. Our team collaborates with experienced specialized professionals to ensure coordinated approaches addressing immediate planning needs and long-term family financial security objectives.

We understand that advanced planning decisions involve both financial and emotional considerations for families. Our approach emphasizes education and clear communication to help you understand options and make informed decisions aligning with your family's values and priorities.

Whether you're beginning early planning discussions or facing immediate challenges, Palmer Wealth Group can help coordinate professional resources and provide ongoing support throughout the planning and implementation process.

To schedule an initial consultation discussing your family's specialized planning needs, please contact Palmer Wealth Group™. We look forward to helping you understand your options and develop strategies to protect your family's financial security while ensuring access to quality care services when needed.

Endnotes

¹ Genworth Financial, Inc. "Cost of Care Survey 2023." Available at: genworth.com/aging-and-you/finances/cost-of-care.html

² Ibid.

³ Centers for Medicare & Medicaid Services. "Medicare Coverage of Skilled Nursing Facility Care." Medicare.gov. Available at: [medicare.gov/coverage/skilled-nursing-facility-care](https://www.medicare.gov/coverage/skilled-nursing-facility-care)

⁴ American Association for Long-Term Care Insurance. "Long-Term Care Insurance Market Trends." Available at: aaltci.org

⁵ Centers for Medicare & Medicaid Services. "Medicaid Program; Methods for Assessing Claims for Payment of Medical Assistance." Available at: [medicaid.gov](https://www.medicaid.gov)

⁶ National Academy of Elder Law Attorneys. "Find an Elder Law Attorney." Available at: naela.org

Important Disclosures:

This content is provided for educational purposes only and does not constitute investment advice, legal advice, or tax advice. Specialized planning involves complex regulations that vary by state and change frequently. Past performance does not guarantee future results. All investments involve risk, including potential loss of principal. Individuals should consult with qualified attorneys and financial professionals regarding their specific circumstances before implementing any strategies discussed herein.

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