

# Moving a Loved One: Considerations for Moving Across State Lines

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The three domains of Elder Care Law (legal, financial, and personal care) are all potentially impacted when a person moves from one state to another.

Whether you are beginning to formulate your own estate plans or caring for a loved one, it's important to think about these considerations before moving to another state.

## ***Legal Considerations***

A common question is whether estate planning documents are valid in other states. While most are valid across state lines, it's important that your documents are updated to fit your situation, need, and plan. This includes your location. Each state has specific statutes that govern certain documents like the Health Care Power of Attorney, a move may necessitate updating to the new state's version.

Likewise, consider the legal representation you have in place now and what implications will relocating to a new state have on that contract. Your attorney can only represent you if they are licensed in the state you reside.

## ***Financial Considerations***

Business services will surely be different in the new location. A few examples of those you'll want to research before a move are banking institutions, primary care physicians, housing options, pharmacy options, and care facilities. For example, your familiar bank may not have a branch in another state. Though technology and mobile

banking make life more convenient, you may have an issue later with documents or customer service, especially when acting as a fiduciary for a loved one.

The cost differential between the current location of care and the new location may surprise you. A transition under a similar care plan takes a great deal of work but can be accomplished successfully with planning. However, changing levels of care amidst a move will prove to be quite a bit harder. In fact, the stress of moving includes physical and mental exacerbation. Often, transition stress may cause the need for a higher level of care.

## ***Personal Care***

A big part of personal care is the right care, in the right place, at the right time. Resources to do this have various regulations and criteria that must be considered before a move. While some programs are federally regulated, others are administered by each state, respectively.

Medicare, for example, is a federally run program that is not specific to each state. However, Medicare Advantage Plan (Part C) coverage varies depending on where

you live. In fact, there is a small window of time to disclose a change of address for a special enrollment period (SEP) to change coverage to a plan with available networks and providers in the new area.

Medicaid eligibility is state administered and will have similar but unique criteria including the requirement to be a resident of the state where application is made. A person moving to another state must apply for state programs (including Medicaid coverage for inpatient nursing home care) as a resident of that state. This makes planning imperative. In Tennessee there are three eligibility criteria: 1) technical factors – like residency, 2) medical necessity determined by a Preadmission Evaluation (PAE) and 3) financial criteria. Tennessee is an income cap state, and the cap is adjusted annually. The asset limit is \$2,000 for a single applicant. More information can be found at:

<https://www.tn.gov/tenncare/long-term-services-supports/choices.html>

While Veteran's Administration (VA) benefits are a federal program, it's means tested eligibility may be impacted as cost of care changes between location and providers. One criteria used by the VA is income offset by unreimbursed medical expenses. A change in the personal care plan, like moving to another state could disrupt benefits or change those eligibility factors.

### ***The Life Care Plan***

Johnson McGinnis Elder Care Law & Estate Planning is a Life Care Planning law firm. This is a holistic practice model that defines, organizes, prioritizes, and mobilizes every aspect of an older adult's care. It bundles asset protection, Medicaid and

VA Planning (if needed), care coordination, family education, advocacy, insurance support, and other services into a convenient package that promotes quality of life for elders while preserving family wealth to the greatest degree possible. A Life Care Plan also provides caregivers with compassionate guidance and help with decisions along the way. Look for a Life Care Planning law firm in your area to assist with the legal, financial and personal care planning for you or your loved one on the elder care journey.