



## ELDER LAW AND ESTATE PLANNING

Joseph Karp  
Jonathan Karp



# Children frustrated by Mom's long-term insurance company's denial of benefits

**Question:** My brother and I want our 80-year-old mother to have help at home. She insists she's fine, safe and doesn't need it. She has fallen in the shower, accidentally leaves patio doors wide open overnight and occasionally mixes up her various prescription medications. She has long-term care insurance, so we called the company, thinking she would get coverage for someone to assist her at home. The insurance company sent a nurse to evaluate her, but the application was denied. The company said mom seems "okay." We're shocked and can't begin to understand how they arrived at that conclusion. What do we do now?

**Answer:** Read the fine print on the policy to find out the criteria for filing a claim. Usually it must be demonstrated that the insured cannot perform two or more activities of daily living.

Ironically, your mother living on her own may have led the insurance company to conclude that that arrangement is, in fact, feasible, and that she can get by without assistance. Does your mother have a physician? She should get a medical evaluation and the results should be submitted to the insurance company.

It's important to realize that if your mother is indeed mentally competent, she is legally entitled to her own decisions, even ones you believe unwise. It's also possible she is in deni-

The Karp Law Firm, P.A.

**Location, phone number:**

■ Palm Beach Gardens,  
561-625-1100

■ Boynton Beach, 561-752-4550

■ Port St. Lucie, 772-343-8411

**Website:** KarpLaw.com

**Email:** ask@karplaw.com

al about her declining capabilities, a common and completely understandable response. Perhaps from pride or embarrassment, she has downplayed or concealed her difficulties from the nurse. She also might have been having an uncharacteristically good day when the evaluation took place, just because she was upbeat about having company.

You should call the insurance company to request a second evaluation. At the next evaluation, you, your brother or someone else with first-hand knowledge of your mother's daily functioning should be present to provide objective feedback. If the insurance company stonewalls you, you may have to sue. Hopefully it will not come to that. Good luck.

*Joseph Karp and Jonathan Karp are Florida Elder Law and Estate Planning Attorneys. The Karp Law Firm is located in Palm Beach and St. Lucie counties. It assists clients with wills, trusts, Medicaid and VA benefits planning, special needs planning, asset preservation, probate/trust administration, estate litigation, and probate and elder law mediation.*