Non-Attorney Medicaid Planners Cannot Give Legal Advice

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


The Florida Bar Elder Law Section