

The Problems of the Aging

A devoted son battles the uncaring bureaucracy of Medi-Cal to save parents' marriage

by BARBARA ESENSTEN

Marc Hankin looks like a young man who really has it made. Bright, attractive, a successful attorney. That's how it looks from the outside. Inside, though, there's a different story.

"I walk around with this terrible sadness inside," Marc says. "I visit my father and see only the shell of what once was there."

Marc's father has Alzheimer's disease.

"As devastating as my father's illness is, that has only been part of the problem."

Marc began recounting a tale of horror. And what makes the Hankin family story even more disturbing is the realization that it is not an unusual story.

"The cost of maintaining my father's body after his mind had begun to go was staggering," he said. "We were told we would have to start thinking about putting my father in a nursing home and the cost of that care would pauperize both my parents. They would eventually be absolutely destitute."

Marc's mother and father had both worked all of their lives. They owned their own home and had a comfortable income. But no one, outside of the extremely wealthy, can afford this kind of lingering, debilitating illness.

"My mother was told she would have to sell the family home and use the proceeds to pay for my father's care. And then eventually, when that money was gone, she would have to go on welfare."

Hard to imagine. But as a matter of fact, thousands of families face this reality each year. You cannot receive any Medi-Cal benefits if you have assets over three thousand dollars. That's what the Hankin family was told.

"We called the County Department of Social Services and the State Department of Health Services," Marc said. "They told us there was no way for my mother to save anything. Well, just one way. She would have to divorce my father."

Marc's parents had been together for over 49 years. They had been friends and lovers and life partners. They had raised a family together. They had shared all of life's intimacies. They had vowed to be together in sickness and in health.

"For her to divorce him when he was sick," Marc said, "and in the most need was unthinkable. It violated her religious and moral principles. It violated her marriage vow and her personal vow to my father."



Marc Hankin

But the elderly couple was once again told there was no other way to save them from total destitution. They must divorce. They reluctantly agreed.

"It was the single most devastating experience in their lives."

But that is only part of the story.

Marc began devoting much of his law practice to helping families in similar situations. He spent the day in his office and his nights in the County Law Library. The days and weeks and months passed with Marc becoming more and more expert in the field of legislation for the elderly and Medi-Cal regulations.

"It became clear to me after months of studying the existing regulations that something was wrong. Not with the regulations but with what my parents and others were being told."

What Marc discovered was there was already a regulation in the Medi-Cal provisions that pertained to his parents.

"My mother didn't have to divorce my father," he said. "Other couples didn't have to lose everything. It was right there. My father could have signed an agreement dividing their community property *without* getting a divorce."

It was a regulation few people knew about, according to Marc. Even attorneys were unaware that the regulation existed. "Hundreds, maybe thousands of elderly couples had been told by Medi-Cal advisors that they would have to divorce or lose just about all of their assets before they would receive any Medi-Cal assistance."

Marc called an attorney from the State Department of Health and read

him the regulation he had discovered. The attorney listened and finally agreed that technically couples could split their assets so as not to pauperize the surviving spouse.

"And when I asked the state attorney that if this is the law, why don't they tell people this, the attorney would only say it was Medi-Cal 'policy' to have the family spend as much as they can before any Medi-Cal benefits were given."

Marc became outraged. He said he couldn't understand how they thought they were above the law, that they had the right to leave families destitute because of some mandatory "policy."

So the young attorney from Westwood took his case to the state legislature.

"The Assembly Committee on Aging and Long Term Care listened to my story, read the regulation, and became equally outraged," he said.

Jean Moorehead, the Chair of the Committee, worked with Marc and introduced a bill which would mandate state authorities to make known this little used regulation.

"Assembly Bill 2615 was signed into law in October of 1984," Marc said, "and now people must be told of their rights. They can divide their assets. They do not have to be forced into divorce."

The mandate came too late for Marc's parents. But the gregarious, young barrister is doing his best to get the word out to others. He is mailing copies of the Assembly Bill to nursing homes and senior citizen centers. To churches and synagogues. He has formed a nonprofit organization to find out what other regulations are on the books that people are unaware of and could be helpful to the elderly in times of great need.

"I hope no one winds up with this or any other terrible disease," Marc said, "but the fact is, many of us will."

And so Marc wants to make sure you know about Assembly Bill 2615. He'd also welcome your involvement in his fight to legislatively aid the elderly. For more information, you can write to KABC Ombudsman, P.O. Box 79, Los Angeles, CA 90016.

In this world of computers and identification numbers and the seemingly impersonal way our day-to-day business is conducted, it's only natural to sometimes wonder if any one of us can really make much of a difference. Well, if that thought crosses your mind, just remember Marc Hankin. A young man making a significant difference. ■