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## Seniors and Special Needs News - March 13, 2015

1 message

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With help, seniors and people with special needs can keep some of their assets in the family rather than lose their entire life savings to the costs of long term care. They can use these protected assets to enhance their quality of life beyond what long term care alone will provide.

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**The Koewler Law Firm**  
 JAMES L. KOEWLER, JR.



# Seniors and Special Needs News

## How can someone with Special Needs become eligible for SSI - The Disability Test

Today's newsletter continues the series about Special Needs Law. The newsletter on February 19, 2015 gave an overview of the legal issues facing people with special needs. The newsletter on February 5, 2015 discussed the new ABLE accounts. The newsletter on February 26, 2015 discussed sources of income for people with special needs. The newsletter on March 6, 2015 discussed medical insurance for people with special needs.

Today's newsletter discusses how the Social Security Administration looks at a disability when considering a request for Supplemental Security Income (SSI.)

A special needs person's eligibility for SSI creates a monthly flow of income and also gives the person Medicaid coverage for medical needs and, if necessary, for long term care needs as well. The importance of these income and care programs makes the eligibility for SSI crucial.

SSI eligibility has a three-pronged test. Applicants (1) must be unable to support themselves through work because of some disability, and (2) must have income below the SSI payment level, and (3) must have assets below certain levels determined by federal rule. This week's blog will discuss the "unable to support themselves through work" test.

The "unable to support yourself through work" test is different for applicants

of different ages.

Someone under 50 years old must show that:

- the disability prevents him or her from performing any job that exists in the marketplace.  
(This is, a very difficult thing to prove. It does not matter whether the job that the applicant could perform has any available openings. It matters only that the job exists.)

Someone age 50-54 must show that:

- he or she cannot now perform any of the work that he or she performed in the 15 years before the SSI application,
- he or she does not have transferable skills that would allow a transition to a job for which he or she has the necessary physical and mental capacity, and
- he or she is not capable of performing any work more strenuous than a sit-down job (called "sedentary work.")  
(The consideration of past work and training and the acceptance that sedentary work may not be a satisfactory job makes it easier for a 50 year old to show disability than for younger applicants to show.)

Someone age 55-59 must show that:

- he or she cannot now perform any of the work that he or she performed in the 15 years before the SSI application,
- he or she does not have transferable skills that would allow a transition to a job for which he or she has the necessary physical and mental capacity, and
- he or she is not capable of performing work for which he or she must stand for most of the work shift and must occasionally lift and carry a load of 20 pounds (called "light work.")  
(Because light work is more strenuous than sedentary work, it is easier for a 55 year old to prove a disability than for younger applicants to show.)

Someone age 60 or older must show that:

- he or she cannot now perform any of the work that he or she performed in the 15 years before the SSI application,

- he or she does not have transferable skills that would allow an almost seamless transition to a job for which he or she has the necessary physical and mental capacity, and
- he or she is not capable of performing light work.  
(Because the transferable skills test requires "an almost seamless transition" to a different job, it is easier for a 60 year old to prove a disability than for younger applicants to show.)

Once someone has started to receive SSI payments, the person must maintain eligibility for SSI for the payments to continue. Accordingly, the person must continue to meet the eligibility tests described above.

I must thank my friend Scott Kolligian, an attorney with Leiby Hanna Rasnick in Akron, Ohio, for information necessary to this article. I do not help people prove to the Social Security Administration that they are disabled. Scott does that. (My work for people with special needs or disabilities focuses on the financial eligibility, but this proof of disability piece is so closely related to what I do that I wanted to include it in the special needs series.) To find out more about Scott, visit [AkronDisabilityLawyer.com](http://AkronDisabilityLawyer.com).

## Suggest a Newsletter Topic

I try to write something new (and useful) in my newsletter every week. So, I know that I will sometimes have writer's block. I'd like your help, please.

If you have a topic for my newsletter that you'd kindly suggest, I promise to consider it. (I don't promise to pursue it. I just promise to consider it.) I try to write about issues concerning seniors, health care, long term care, special needs, Veterans Pension (aka Aid and Attendance) benefits, and Veterans Compensation benefits. Please keep your suggestions within or near to those topics.

Please submit your suggestion [here](#). If I use your topic suggestion, I'll put the content in both my blog and newsletter.

Thank you for your help.

## Social Media Posts from the past week

03-12-2015 #Sports important to Children with  
#DevelopmentalDisabilities <http://ow.ly/K1Pol>

03-11-2015 Suggestions from the personal experiences of a  
#FamilyCaregiver <http://ow.ly/K12iR>

03-10-2015 #LongTermCareInsurance as part of a  
#FinancialPlan <http://ow.ly/JKISO>

03-09-2015 #Tax and #Employment requirements when hiring a #Caregiver  
for your #AgingParent <http://ow.ly/Jp3JY>

03-08-2015 How a #NursingHome could replace Disney World as the  
Happiest Place on Earth <http://ow.ly/K1I8X>

03-07-2015 #Medicare is making #MedicalTransportation more  
difficult <http://ow.ly/K1cRh>

03-06-2015 #MedicalInsurance for People with  
#SpecialNeeds <http://wp.me/p47F09-9A>

Older social media posts can be found in the [social media post archive](#) on the  
firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

## The Koewler Law Firm News

3-17-2015 Jim Koewler will speak on Powers of Attorney, Living Wills, and  
other advance directives to a class of health care administration students at  
Bryant & Stratton College in Akron, Ohio.

3-24-2015 Jim Koewler will speak on Preventing Senior Fraud at Chambrel  
at Montrose in Akron, Ohio.

4-8-2015 Jim Koewler will present a 3-hour continuing education program  
on Powers of Attorney, Health Care Powers of Attorney, Living Wills, and  
other advance directives, and on What Seniors know about Long Term Care  
Costs that are Wrong at a seminar for Direction Home, the Akron Canton  
Area Agency on Aging at the Akron General Wellness Center in Uniontown,  
Ohio. Continuing education credit is available for social workers,  
counselors, and nurses.

4-16-2015 In honor of National Health Care Decision Day, Jim Koewler will  
speak on Health Care Powers of Attorney, Living Wills, and other Advance  
Directives at the Active Adults Center in Barberton, Ohio. Free help  
preparing Living Wills for 20 audience members will be provided.

4-16-2015 In honor of National Health Care Decision Day, Jim Koewler will  
discuss Powers of Attorney, Living Wills, and other advance directives as  
part of a panel discussion at Liberty Residence I in Wadsworth, Ohio.

4-23-2015 Jim Koewler will speak on Powers of Attorney, Living Wills, and

other advance directives to the Portage County Senior Services Network in Ravenna, Ohio.

4-29-2015 Jim Koewler will present Navigating Medicaid, Medicare, and the Affordable Care Act at Kemper House in Highland Heights, Ohio.

Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

5-26-2015 Jim Koewler will discuss the legal issues that seniors face, especially focusing on long term care, at HCR ManorCare in Parma, Ohio.

6-9-2015 Jim Koewler will discuss Preventing Senior Fraud at The AbbeWood in Elyria, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

6-16-2015 Jim Koewler will speak on planning ahead to protect your life savings against long term care costs at a meeting of the University Hospitals Bedford Medical Center SeniorNet at the Atrium of Anna Maria in Aurora, Ohio.

Older items of firm news can be found in the [news archive](#) on the firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

### **Jim's available presentations**

- Navigating Medicaid, Medicare, and the Affordable Care Act (Continuing Education credit available for social workers, counselors, nurses, and Certified Case Managers)
- Overcoming Seniors' Resistance to Long Term Care (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- Preventing Senior Fraud (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- My Care Ohio and Medicare/Medicaid "Dual Eligibles" (Continuing Education credit available for social workers, counselors, nurses, and seeking approval for Certified Case Managers)
- Government Benefits that can help Pay for Long Term Care (Continuing Education credit available for social workers, counselors, nurses, and seeking approval for Certified Case Managers)
- Legal Issues for People with Dementia (Continuing Education credit available for social workers, counselors, and nurses)
- Protect your Life Savings from the Costs of Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Veterans Benefits for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Advance Directives – Powers of Attorney, Living Wills, etc. (Continuing Education credit available for social workers, counselors, and nurses)
- Buying Long Term Care Insurance Wisely (Continuing Education credit available for social workers, counselors, and nurses)
- Planning Ahead to Protect against Long Term Care Costs (Continuing Education credit available for social workers, counselors, and nurses)
- Organizing for Long Term Care (Continuing Education credit available

- for social workers, counselors, and nurses)
- Pre-planning your Funeral (Continuing Education credit available for social workers, counselors, and nurses)
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for the audience)
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs

## **Upcoming meetings**

- 3-13-2015 Eldercare Professionals of Ohio, Kemper House, Strongsville, Ohio, 9:00 a.m.
- 3-16-2015 Medina County Senior Services Network's Education Committee, Tres Potrillos, Medina, Ohio, 11:30 a.m.
- 3-17-2015 UH Bedford Medical Center Senior Network, Northfield Village, Northfield, Ohio, 8:30 a.m.
- 3-18-2015 Geauga Professional Association Specializing in Seniors ("PASS"), Manor House at Punderson State Park, Newbury, Ohio, 8:30 a.m.
- 3-19-2015 UH Bedford SeniorNet Legislative Awareness Committee, Panera, Warrensville Heights, Ohio, 3:00 p.m.
- 3-24-2015 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.
- 3-24-2015 Professional Networking Group, Grande Oaks, Oakwood Village, Ohio, 8:30 a.m.
- 3-24-2015 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.
- 3-26-2015 Portage Senior Services Network, Coleman Adult Day Services, Ravenna, Ohio, 8:30 a.m.
- 3-26-2015 Parma Hospital Senior Resource Network, Kemper House, Strongsville, Ohio, 8:30 a.m.
- 3-26-2015 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio 8:30 a.m.
- 3-27-2015 Eldercare Professionals of Ohio, The Oaks of Brecksville, Brecksville, Ohio, 9:00 a.m.
- 4-1-2015 Stark Senior Services Network, Canton Baptist Temple, Canton, Ohio, 9:00 a.m.
- 4-1-2015 Richfield Chamber of Commerce luncheon, Richfield Days Inn and Suites, 11:45 a.m.
- 4-1-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.
- 4-6-2015 Summit Senior Sales, Administrators and Marketers Association, Dinner for Social Workers, St. George Antiochian Church, Akron, Ohio, 4:30 p.m.
- 4-7-2015 Aging Services Network of Euclid, Euclid Senior Center Health Fair, 10:00 a.m.

4-8-2015 Medina County Senior Services Network, Medina Village,  
Wadsworth, Ohio, 8:00 a.m.

4-9-2015 Lorain County Senior Services Network, Kingston of Vermilion,  
Vermilion, Ohio, 8:30 a.m.

4-10-2015 Eldercare Professionals of Ohio, O'Neill Healthcare, Lakewood,  
Ohio, 9:00 a.m.

## Newsletter Archive

Past issues of this newsletter can be found in the [newsletter archive](#) on the firm's  
blog site, [ProtectingSeniors.com](#).

## Contact Jim Koewler

If you'd like to contact Jim, this newsletter has a dedicated [contact page](#) on the  
firm's blog site, [ProtectingSeniorsNews.com](#).

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