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## Seniors and Special Needs News - November 6, 2015

1 message

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Fri, Nov 6, 2015 at 9:01 AM

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

## "My Care Ohio" Enrollment for 2016

My Care Ohio enrollment is back. Ohioans on both Medicare and Medicaid were first enrolled into My Care Ohio in May, June, and July 2014. These "dual eligible" (better described as "dual covered") Ohioans were renewed around this time in 2015, and Ohioans who have become covered by both Medicare and Medicaid have been added to the program as they receive that dual coverage.

My Care Ohio is a system of "managed care" for people on both Medicare and Medicaid in the populous areas of Ohio. It is an attempt to control the state's costs for long term care paid from the state budget.

When the implementation of My Care Ohio started in 2014, the [February 21, 2014 blog post](#) tried to provide an overview on how the My Care Ohio program was supposed to work. The [February 28, 2014 blog post](#) explained how My Care Ohio is an attempt to cut costs through insurance company command and control methods rather than empowering people to choose lower cost care by making it easier to qualify for in-home care Medicaid through PASSPORT or for the Assisted Living Waiver instead of maintaining the current financial incentive to choose a nursing home, with its higher cost per person. The [March 7, 2014 installment](#) described the decisions that "dual eligibles" must make when My Care Ohio comes to their county: (1) whether to accept managed care for Medicare for this first year; (2) which Managed Care Organization to join; and (3) whether to accept managed care for Medicare for years two and three. The [March 13, 2014](#)

[installment](#) outlined what to choices to make when enrolling in My Care Ohio. When all of 2014's enrollees were placed into the My Care Ohio program, the [July 3, 2014 installment](#) described how enrollees could minimize the likelihood that needed care services would be cut by opting out of Medicare participation in My Care Ohio.

Now that it's time to make enrollment decisions for My Care Ohio for 2016, I want to revisit the strategies that dual-covered Ohioans should use.

My biggest fear for people in the My Care Ohio program is that their managed care organizations (i.e., the insurance company to which they are assigned) will reduce services that the managed care organization/insurance company deems unnecessary as a way to cut costs. (We'll call the managed care organization/insurance company the "MCO.") For example, if the person is in a nursing home and is doing well, the MCO might decide that the person can go home and receive home care (with a resulting big reduction in costs.) In fact, friends of mine who work in nursing homes have described a number of such discharges triggered by MCOs. Unfortunately, without the 24 hour care that a nursing home provides, these discharged seniors are at great risk to their health and well-being. Some of them will likely die.

The best protection against unwise cuts in services is the personal doctor.

My fear is that a doctor could feel pressured by the MCO that pays the doctor's fee to comply with an MCO decision. Because the doctor gets his or her payment from the MCO, the doctor may be hesitant to question or oppose the MCO's decision to reduce services.

To avoid MCO influence over the doctor, I urge all people in the My Care Ohio program to:

- Opt out of the Medicare portion of My Care Ohio;
- Find out which MCO works best with the care providers (other than the doctor) that you would like to use and enroll with that MCO; and
- Choose a Medicare supplement (not an Advantage Plan) from an insurer that is not one of the MCOs in the My Care Ohio program.
- If you can't get a supplement, then get the best Advantage Plan you can find, just make sure it's not from a My Care Ohio MCO.

For example, a person who can choose between United Health Care and CareSource as their MCO (as in Summit County where I live) would look at these insurers' provider lists for the care providers that they prefer. Then, the person would tell Ohio Medicaid that they choose to OPT OUT of Medicare's participation in My Care Ohio. Then the person would sign up for a Medicare supplement with a company other than United or CareSource. (Get the supplement enrollment done before December 7.) After taking these steps, the person's doctor is paid by someone other than the MCO and

would be immune to perceived pressure from the MCO to acquiesce to questionable care decisions.

Remember, in this third year of My Care Ohio, the program assumes that Medicare will be opted into My Care Ohio. You must take steps to notify the program that you choose to opt out for Medicare.

### **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**

11-05-2015 Organized #PlayGroup for children with #SpecialNeeds <http://ow.ly/TNCyY>

11-04-2015 #November is National #FamilyCaregiver Month <http://ow.ly/U5pYb>

11-03-2015 Keep watch for mail from #LongTermCareInsurance company to avoid #PolicyLapse <http://ow.ly/U5pA1>

11-02-2015 Suggestions in looking at #NursingHomes for an #AgingParent <http://ow.ly/TNBxZ>

11-01-2015 Certain #Trusts can mess up eligibility for #Medicaid for #LongTermCare <http://ow.ly/TNBLg>

10-31-2015 #Bundled payment model for hospital and rehab cannot overcome #Patient choice of rehab facility <http://ow.ly/TNAMk>

10-30-2015 #Election Day is Tuesday. Vote for good

#Judges. <http://wp.me/p47F09-fJ>

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**

10-30-2015 Jim Koewler presented Legal Lessons for Life at Marous Construction in Willoughby, Ohio.

11-03-2015 Jim Koewler discussed Helping Reluctant Seniors accept the benefits of Long Term Care at O'Neill Healthcare's Assisted Living community in Lakewood, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

11-12-2015 Jim Koewler will discuss Helping Reluctant Seniors accept the benefits of Long Term Care at Mercy Medical Center in Canton, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

11-13-2015 The Koewler Law Firm will have a table display at the Wadsworth Community Center Field House & Soprema Senior Center in Wadsworth, Ohio.

11-24-2015 Jim Koewler will discuss What Seniors Know about Long Term Care that is Wrong at the Summit County Senior Services Network in Akron, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

11-25-2015 Jim Koewler will discuss Ethical Issues in Case Management and Discharge Planning at Medina General Hospital in Medina, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

11-30-2015 Jim Koewler will discuss Medicare, Medicaid, and the Affordable Care Act ("ObamaCare") at Nelson Stud Welding in Elyria, Ohio.

12-3-2015 Jim Koewler will discuss Veterans benefits that can help pay for long term care at the Donna Smallwood Activities Center in Parma, Ohio. The program is open to the public and organized by the CommuniCare family of companies.

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**

- Overcoming Seniors' Resistance to Long Term Care (Continuing

Education credit available for social workers, counselors, nurses and Certified Case Managers)

- Ethical Issues in Case Management and Discharge Planning (Continuing Education credit and Ethics credit available for social workers, counselors, nurses, and Certified Case Managers)
- Preventing Senior Fraud (Continuing Education credit available for social workers, counselors, and nurses)
- My Care Ohio and Medicare/Medicaid “Dual Eligibles” (Continuing Education credit available for social workers, counselors, and nurses)
- Navigating Medicaid, Medicare, and the Affordable Care Act (Continuing Education credit available for social workers, counselors, and nurses)
- What people Know about Long Term Care that is Wrong (Continuing Education credit available for social workers, counselors, and nurses)
- Government Benefits that can help Pay for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Legal Issues for People with Dementia (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)
- Elder Law: A Primer (Continuing Legal Education credit available)
- Legal Lessons for Life
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for up to 20 audience members)
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs

## **Upcoming meetings**

11-11-2015 Medina County Senior Services Network, Liberty Residence II, Wadsworth, Ohio, 8:00 a.m.

11-11-2015 Summit Senior Sales, Administrators and Marketers Association, Hickory Ridge, Akron, Ohio, 2:30 p.m.

11-12-2015 Lorain County Senior Services Network, The Abbewood, Elyria, Ohio, 8:30 a.m.

11-16-2015 Medina County Senior Services Network's Education Committee, Yours Truly, Medina, Ohio, 11:30 a.m.

11-17-2015 UH Bedford Medical Center Senior Network, Solon Senior Center, Solon, Ohio, 8:30 a.m.

11-18-2015 Geauga Professional Association Specializing in Seniors

("PASS"), The Weils, Chagrin Falls, Ohio, 8:30 a.m.

11-19-2015 Parma Hospital Senior Resource Network, Hummingbird Pointe, Parma, Ohio, 8:30 a.m.

11-19-2015 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.

11-20-2015 Eldercare Professionals of Ohio, Cornerstone of Hope, Independence, Ohio, 9:00 a.m.

11-24-2015 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

11-24-2015 Professional Networking Group, Hospice of the Western Reserve, Cleveland, Ohio, 8:30 a.m.

11-24-2015 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

12-01-2015 Aging Services Network of Euclid, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

12-01-2015 Summit Senior Sales, Administrators and Marketers Association social worker dinner, Rosemont Country Club, Fairlawn, Ohio, 5:00 p.m. (registration at 4:30)

12-02-2015 Stark Senior Services Network, Canton Regency, Canton, Ohio, 3:00 p.m.

12-02-2015 Richfield Chamber of Commerce luncheon, Days Inn and Suites, Richfield, Ohio, 11:45 a.m.

12-02-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.

## Newsletter Archive

Past issues of this newsletter can be found in the [newsletter archive](#) on the firm's website, [ProtectingSeniors.com](http://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](http://ProtectingSeniorsNews.com).

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