



Jim Koewler <jameskoewler@gmail.com>

Seniors and Special Needs News - February 5, 2016

1 message

The Koewler Law Firm <Newsletter@protectingseniorsnews.com>
 Reply-To: The Koewler Law Firm <Newsletter@protectingseniorsnews.com>
 To: Jim <protectingseniorsnewsarchive@gmail.com>

Fri, Feb 5, 2016 at 9:00 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.

Email not displaying correctly?
[View it in your browser.](#)



The Koewler Law Firm
 JAMES L. KOEWLER, JR.



Seniors and Special Needs News

You may already be in a Medicaid Spenddown

If you are married, and you or your spouse has been in the hospital and/or rehab and/or nursing home for 30 consecutive days or longer, you may already be in a Medicaid spend-down for long term care coverage. And you don't even realize it!

Let's start with a discussion of the amount of savings or assets that the "well spouse" can keep when the "ill spouse" asks Medicaid to pay for his or her long term care. By savings or assets, I mean what is left at the end of the month after income is received and bills are paid. Medicaid labels savings and other assets as "resources." The amount of resources that the "well spouse" can keep at the time the "ill spouse" gets Medicaid coverage is called the Community Spouse Resource Allowance, commonly abbreviated to CSRA.

For most couples, the CSRA is half of the assets at the time the "ill spouse" had to move out of the house for medical reasons and stayed out of the house for 30 days or more. The first day of the month during which the "ill spouse" moved out is called the "snapshot date." (That's not the official terminology, but I like that term because it's the most descriptive of what happens.)

Please realize that, on the "snapshot date," the "ill spouse" is almost always still at home and may not realize that, before the month is over, he or she will be out of the house for medical care and/or custodial care for an extended

period of time. (The "ill spouse" is out of the house on the "snapshot date" only if the "ill spouse" becomes ill or gets injured on that first day of the month.) The "snapshot date" on the first day of the month seems illogical because, most of the time, nothing medical happens on that day. It's logical only when you realize that Medicaid works in whole months. It's just too difficult to break financial records down into individual days.

If the couple had less than \$47,688 on the "snapshot date," the "well spouse" will be allowed to keep more than half of the resources because the "well spouse" is allowed to keep the first \$23,844 of resources as the minimum CSRA. (Unfortunately, if the couple has less than \$23,844, Medicaid will not give money to the "well spouse" to bring him or her up to the minimum.)

If the couple has more than \$238,440 in resources, the "well spouse" will not be able to keep a full half because the maximum CSRA is \$119,220. Any resources above the "well spouse's" \$119,220 will be attributed to the "ill spouse."

Note: The minimum and maximum CSRA are adjusted each year for inflation (if there is inflation.) The [Medicaid page at ProtectingSeniors.com](#) is updated from time to time with these amounts and other related Medicaid eligibility figures.

If the couple has between \$47,688 and \$238,440, the CSRA is half of the resources.

Note: Some assets, most notably the couple's home, are not counted in "resources."

So, after all that, the "ill spouse's" resources at the time he or she asks Medicaid for help is the couple's total resources above the CSRA (that the "well spouse" gets to keep) and the \$1,500 that the "ill spouse" gets to keep (expected to become \$2,000 in July 2016.) All of the couple's resources above the CSRA plus \$1,500 must be spent-down before Medicaid will cover the "ill spouse's" expenses for long term care.

So, why does all this minutia mean that someone might already be in a spend-down. It matters because the "snapshot date" isn't tied to long term care. It's tied only to the "ill spouse's" absence from the home for medical reasons for at least 30 days. The "snapshot date" from an injury or illness earlier in life (but still during the marriage) may be useful to save assets if the "ill spouse" later needs long term care.

I know, you're still confused. That last paragraph didn't help, did it? (Some people would describe that as a good lawyer's answer: entirely correct but

completely incomprehensible.) So, let's tell this with a story.

For the rest of this discussion, I'm going to give names to the "ill spouse" and the "well spouse" in hopes of keeping further confusion to a minimum. So, the "ill spouse" is going to be Ward, and the "well spouse" is going to be June.

Ward dropped a cleaver (sorry, couldn't resist) on his foot 10 years ago, on January 6. He needed surgery and several weeks of rehab. He returned home on February 5. (As long as he was out for 30 days, additional days don't matter for this discussion.) Let's say that Ward and June had \$100,000 in resources on January 1 ten years ago (the "snapshot date" for his foot injury.)

Ward recovered and returned to work. He continued to make money, and their savings grew.

So, now, 10 years later, Ward has a debilitating stroke. June can't take care of him by herself and needs to move Ward into a nursing home. (By the way, this scenario also applies to home care and to assisted living.) June would like to apply for Medicaid to help pay for Ward's care. At the time of Ward's stroke, they have \$200,000 in resources (on the first of the month.)

Based on the \$200,000 in current resources, Ward would have to spend-down \$98,500 (the amount left after half of \$200,000 is reserved for June and \$1,500 is reserved for Ward) before Medicaid will pay for Ward's care.

BUT, Ward has already had a "snapshot date." Ten years ago, he was out of the house for medical reasons for at least 30 days. At that time, he and June has \$100,000 in countable resources. As a result, Ward needs to spend down only \$48,500 to get Medicaid coverage to pay for his nursing home stay after the stroke. June was allowed to keep \$150,000 rather than \$100,000. BIG DIFFERENCE.

Note: The "snapshot date" resulting from Ward's cleaver accident applies only to Ward's future need for long term care. If June, rather than Ward, has the stroke, the earlier "snapshot date" doesn't apply. Now, if June had a significant illness or injury of her own that resulted in her own medical stay out of the house for at least 30 days at some point in the past, that would create her own snapshot date.

So, if you've stuck with me during this 1,000 word shaggy dog story, here's the payoff:

If you know a couple (maybe you and your spouse) in which one of them has had a 30 day stay out of the house for medical reasons, the couple

should preserve all of their financial records from that time. (For example, bank statements, investment statements, real estate values, IRA statements, life insurance cash values, and annuity statements.) Those records might be very valuable in case the same person needs long term care in the future.

Boy, that article was about as difficult to follow as War and Peace. Sorry about that. I couldn't find a way to make it any simpler.

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 since the last newsletter

02-04-2016 Shopping for #RealEstate to accommodate someone with a #Disability <http://ow.ly/Xs5Bq>

02-03-2016 An overwhelmed #FamilyCaregiver can find help <http://ow.ly/XIM1z>

02-02-2016 Make sure #LongTermCareInsurance will pay when you need it <http://ow.ly/XIJKf>

02-01-2016 Plan for when #HomeCare provider can't get to your home <http://ow.ly/XINFL>

01-31-2016 Protecting the #FamilyHome against the costs of #LongTermCare <http://ow.ly/Xs0DG>

01-30-2016 Transition to #MedicaidManagedCare (like #MyCareOhio) not

going well <http://ow.ly/XrXrK>

01-29-2016 #Legal Issues when someone has #Dementia – The #Spouse's #AdvanceDirectives <http://wp.me/p47F09-b3>

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

The Koewler Law Firm News

1-12-2016 Jim Koewler was named Chair of the Public Relations for the Richfield (Ohio) Chamber of Commerce.

2-1-2016 Jim Koewler was re-elected Chair of the Board for the Richfield Joint Economic Development District.

2-9-2016 Jim Koewler will discuss Ethical Issues in Case Management and Discharge Planning at St. Vincent Hospital in Cleveland, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

2-17-2016 Jim Koewler will speak on Powers of Attorney and Living Wills to a class of Physician Assistant students at Bryant & Stratton College in Akron, Ohio.

3-4-2016 Jim Koewler will serve on the Curriculum Advisory Board for Miami Jacobs Career College.

3-24-2016 Jim Koewler will discuss Ethical Issues in Case Management and Discharge Planning at ManorCare in Mayfield Heights, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

3-30-2016 Jim Koewler will discuss Ethical Issues in Case Management and Discharge Planning at Medina General Medical Center in Medina, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

4-14-2016 Jim Koewler will serve as Master of Ceremonies for the Senior Citizen Prom sponsored by the Soprema Wadsworth Senior Center at the high school in Wadsworth, Ohio.

10-6-2016 Jim Koewler will discuss Veterans Benefits that Help with Long Term Care at Fairview Hospital in Cleveland, Ohio. Continuing education credit is available for social workers, counselors, and nurses and will be available for Certified Case Managers.

Older items of firm news can be found in the [news archive](#) on the firm's website, 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 that Help with 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 Final Arrangements (Continuing Education credit available for social workers, counselors, and nurses)
- Elder Law: A Primer (Continuing Legal Education credit available)
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for up to 20 audience members)
- Health Insurance for Families: The Affordable Care Act ("ObamaCare,") Medicaid, and Medicare
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs
- Legal Lessons for Life

Upcoming meetings

02-10-2016 Medina County Senior Services Network, Medina County Board of Developmental Disabilities, Medina, Ohio, 8:00 a.m.

02-11-2016 Lorain County Senior Services Network, Independence Village, Avon Lake, Ohio, 8:30 a.m.

02-11-2016 Summit Senior Sales, Administrators and Marketers Association, D'Agnese's Trattoria & Cafe, Akron, Ohio, 4:30 p.m.

02-12-2016 Eldercare Professionals of Ohio, Southwest General Hospital, Cleveland, Ohio, 9:00 a.m.

02-15-2016 Medina County Senior Services Network's Education Committee, Yours Truly, Medina, Ohio, 11:30 a.m.

02-16-2016 UH Bedford Medical Center Senior Network, Grande Village Retirement Community, Twinsburg, Ohio, 8:30 a.m.

02-17-2016 Professional Association Specializing in Seniors ("PASS"), Mapleview Country Villa, Chardon, Ohio, 8:30 a.m.

02-23-2016 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

02-23-2016 Professional Networking Group, Elmcroft Assisted Living, Sagamore Hills, Ohio, 9:00 a.m.

02-23-2016 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

02-25-2016 Parma Hospital Senior Resource Network, 8:30 a.m.

02-25-2016 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.

02-25-2016 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.

02-26-2016 Eldercare Professionals of Ohio, Heartland of Twinsburg, Twinsburg, Ohio, 9:00 a.m.

03-01-2016 Aging Services Network East, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

03-01-2016 Montrose SeniorCare Networking Group, Panera Montrose, Bath, Ohio 8:30 a.m.

03-01-2016 Stow ElderCare Networking Group, Corner Cup Coffee House, Stow, Ohio, 8:30 a.m.

03-02-2016 Stark Senior Services Network, Myers Lake Ballroom, Canton, Ohio, 9:00 a.m.

03-02-2016 Richfield Chamber of Commerce luncheon, The Taverne of Richfield, Richfield, Ohio, 11:45 a.m.

03-02-2016 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.

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.

© 2016 The Koewler Law Firm. All rights reserved.

[follow on Twitter](#) | [friend on Facebook](#) | [forward to a friend](#)

Copyright © 2016 The Koewler Law Firm, All rights reserved.
You are receiving this email because you subscribed through our website or asked to be on our mailing list.

Our mailing address is:
The Koewler Law Firm
P.O. Box 443
Richfield, OH 44286

[Add us to your address book](#)



[unsubscribe from this list](#) | [update subscription preferences](#)