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Seniors and Special Needs News - May 6, 2016

1 message

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Fri, May 6, 2016 at 9:02 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

Ohio Medicaid changes "Aged Blind Disabled" Eligibility Income Limits

This week's newsletter continues the discussion of the changes to Ohio Medicaid's Aged, Blind and Disabled (ABD) program coming in 2016-2017. The initial installment ([April 28, 2016](#)) provided an overview of the transition from the old system (following section 209(b) of the federal Medicaid law) to the new system (that will follow section 1634 of the federal Medicaid law.) Today's installment will discuss the new income rules.

The biggest change with the upcoming transition of Medicaid systems will be in the income rules on Medicaid eligibility. The income rules will be different for people who need long term care than for people who do not need long term care.

INCOME LIMIT FOR PEOPLE WHO DO NOT NEED LONG TERM CARE

People who do not need long term care have an income limit of \$733 (gross) per month for the ABD program. The amount is set by federal law and is uniform throughout the states that use the Medicaid system that Ohio has newly adopted.

The limit under the old rules was \$634, but, because of the "spend down" system, this \$634 was a soft ceiling. (The "spend down" system allowed

many people who had too much income to stay on Medicaid by reducing their countable income by the amount of any medical expenditures that month.) Under the new rules, monthly “spend down” is not available. The \$733 is a hard ceiling.

(Note: “Spend down” is still available to reduce assets for long term care Medicaid, but that usually is a one-time thing, not a monthly task.)

Anyone over the \$733 limit is not eligible for ABD Medicaid. The people who become newly ineligible for Medicaid must turn to “the health care exchange” (aka HealthCare.gov) to get medical coverage. While that may be a bit unsettling and take some people out of their comfort zones, the result will be okay for a good number of these people. Most people who will no longer receive Medicaid coverage should be able to get highly subsidized medical insurance policies which, because they are commercial policies, should provide access to a greater number of medical providers. (Many medical providers refuse to accept Medicaid. Many of those medical providers will now be available to the people coming off of Medicaid coverage.)

People for whom marketplace policies do not provide enough coverage may need to consider whether to try to get into a long term care program (discussed below.)

INCOME LIMIT FOR PEOPLE WHO DO NEED LONG TERM CARE

People who need long term care have an income limit of \$2199 (gross) per month. This is not a hard ceiling, however. People who need long term care and have income above \$2199 can stay on Medicaid by using a Qualified Income Trust aka “Miller Trust.” (Under the old rules, these people had an automatic spend down each month because of their monthly care costs.)

The Miller Trust is a way to divert income without having it count as income. (Remember, I warned that logic may not apply.) Under the new rules, someone using a Miller Trust must put income from specific sources into the trust after the income arrives in the person’s personal account. (The specific income sources may not be the same for all such people.) Then, the contents of the trust must be disbursed from the trust in specific amounts in a specific order (perhaps better described as a prioritization) each month. The amounts that go through the Miller Trust aren’t counted as “income.”

Ohio Medicaid is helping most covered people set up their Miller Trusts but will not help with ongoing management of the trusts. The monthly movement of money into and out of the trust will be a huge burden but is mandatory each month. People whose trustees don’t take all the correct steps EACH MONTH risk losing Medicaid coverage.

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

05-04-2016 Preparing for "TheTalk" with #AgingParent about #LongTermCare <http://ow.ly/4n2enE>

05-03-2016 Fewer #LongTermCareInsurance policies allowed to #Lapse <http://ow.ly/4nho5z>

05-02-2016 Checklist for #Hiring #HomeCare providers <http://ow.ly/4mJ1ME>

05-01-2016 #BlueWater sailors may have had #AgentOrange exposure <http://ow.ly/4n2MoR>

04-30-2016 Better pay needed to make #Medicaid coverage for #HomeCare work <http://ow.ly/4n2rox>

04-29-2016 #Ohio #Medicaid changes eligibility rules for #Aged #Blind #Disabled program <http://wp.me/p47F09-if>

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

5-4-2016 The Koewler Law Firm participated in the Mother's Day Tea organized by the Summit County Senior Sales, Administration, and Marketing Association at Chapel Hill Towers in Akron, Ohio.

5-5-2016 Jim Koewler discussed the upcoming changes in eligibility for Ohio Medicaid's Aged, Blind and Disabled program at a meeting of the Special Needs Network at the Music Settlement in Cleveland, Ohio.

5-6-2016 The Koewler Law Firm will have a table display at the Health Fair at the Senior Center organized by the Professional Networking Group of Cleveland in Twinsburg, Ohio.

5-10-2016 The Koewler Law Firm will have a table display at the Senior Celebration organized by the Portage County Senior Services Network at the Northeast Ohio Medical University in Rootstown, Ohio.

5-10-2016 The Koewler Law Firm will have a table display at Senior Day organized by the Stark County Senior Services Network in Canton, Ohio.

5-17-2016 The Koewler Law Firm will have a table display at Senior Day organized by the Medina County Office for Older Adults in Akron, Ohio.

5-18-2016 Jim Koewler will discuss Government Benefits that Help with Long Term Care Costs at University Hospitals Parma Medical Center in Parma, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

6-6-2016 The Koewler Law Firm will provide snacks for Senior Movie Day Out for Soprema Senior Center in Wadsworth, Ohio.

6-15-2016 The Koewler Law Firm will participate in the Father's Day event organized by the Summit County Senior Sales, Administration, and Marketing Association at Chapel Hill Towers in Akron, Ohio.

6-15-2016 Jim Koewler will help host the Richfield Chamber of Commerce "Links for Education" golf outing at St. Bernard Country Club in Richfield, Ohio. The golf outing supports the Richfield Chamber of Commerce's scholarship program for seniors graduating from Revere High School.

6-16-2016 The Koewler Law Firm will have a table display at the Health Fair in Beachwood, Ohio the Senior Center organized by the Professional Networking Group of Cleveland.

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

- Changes in Ohio Medicaid eligibility rules for 2016
- ABLE accounts for people with Special Needs: Their Use and Misuse
- Ethical Issues in Case Management and Discharge Planning (Continuing Education credit and Ethics 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, and nurses)
- 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

05-06-2016 Professional Networking Group of Cleveland, Twinsburg Senior Center Health Fair, Twinsburg, Ohio, noon

05-10-2016 Portage Senior Services Network Health Fair, Canton, Ohio, 8:00 a.m.

05-10-2016 Stark Senior Services Network Health Celebration, Northeast Ohio Medical University, Rootstown, Ohio, 9:00 a.m.

05-11-2016 Medina County Senior Services Network, Windsong Care Center, Akron, Ohio, 8:00 a.m.

05-11-2016 Summit Senior Sales, Administrators and Marketers Association, Green Village, Akron Ohio, 2:30 p.m.

05-12-2016 Lorain County Senior Services Network, The Northridge, North Ridgeville, Ohio, 8:30 a.m.

05-13-2016 Eldercare Professionals of Ohio, Crystal Waters, Strongsville, Ohio, 9:00 a.m.

05-16-2016 Medina County Senior Services Network's Education Committee, Yours Truly, Medina, Ohio, 11:30 a.m.

05-17-2016 UH Bedford Medical Center Senior Network, Solon Senior Center, Solon, Ohio, 8:30 a.m.

05-17-2016 Medina County Senior Day, Community Center, Medina, Ohio, 10:00 a.m.

05-18-2016 Professional Association Specializing in Seniors ("PASS"), Cherished Companions, Chagrin Falls, Ohio, 8:30 a.m.

05-20-2016 Mentor Senior Center Health Fair, Mentor, Ohio, 9:00 a.m.

05-24-2016 Summit County Senior Services Network, Kucko Anthony Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

05-24-2016 Professional Networking Group, Northfield Village, Northfield, Ohio, 9:00 a.m.

05-24-2016 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

05-26-2016 The Association of Specialists in Aging, Mentor Senior Center,

Mentor, Ohio 8:30 a.m.

05-26-2016 Portage Senior Services Network, Brookdale Ravenna, Ravenna, Ohio, 8:30 a.m.

05-27-2016 Eldercare Professionals of Ohio, Chippewa Place, Brecksville, Ohio, 9:00 a.m.

06-01-2016 Stark Senior Services Network, Myers Lake Ballroom, Ohio, 9:00 a.m.

06-01-2016 Richfield Chamber of Commerce luncheon, Days Inn and Suites, Richfield, Ohio, 11:45 a.m.

06-01-2016 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.

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