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Seniors and Special Needs News - May 13, 2016

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

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.) The [May 6, 2016](#) installment discussed the new income rules that will go into effect with the new eligibility system. Today's installment will discuss setting up a Qualified Income Trust (aka Miller Trust) that will be necessary for people who need ABD Medicaid to help pay for long term care.

Creating a Miller Trust will probably be easy. There's a [form agreement](#). (The form may change from the current draft, but Ohio Medicaid is unlikely to get away from having a form.) A trust agreement is important to any trust. The agreement describes how the trust will work and outlines the duties of the trustee and the benefits to the beneficiaries. A trust agreement is sort of like the U.S. Constitution. (A trust agreement certainly isn't nearly as grand as the Constitution, but the trust agreement serves, more or less, the same purpose.) The Constitution isn't our nation, but it describes how our nation is supposed to work. Similarly, a Miller Trust agreement (or any trust agreement, for that matter) isn't actually the trust itself, but the agreement

describes how the trust is supposed to work.

For people who already have Medicaid coverage for long term care whose income is above the \$2,199 limit, Ohio Medicaid has contracted with Automated Health Systems to offer help preparing the Miller Trust agreement. Letters with this offer are already going out to affected Medicaid recipients. Ohio Medicaid has estimated that almost 9,000 people already receiving Medicaid will need Miller Trusts.

New applicants for long term care Medicaid who have income above the \$2,199 limit may have to make their own arrangements for preparation of a Miller Trust agreement. That preparation should be relatively easy, though. After all, there's probably going to be a [form agreement](#).

Note: The \$2,199 income limit may be adjusted from time to time because of inflation.

As mentioned above, the trust agreement isn't actually the trust. The actual Miller Trust is going to be an account in a bank. Considering the monthly activity in the Miller Trust account (scheduled for discussion in the next installment,) it almost certainly should be a simple checking account. Many states already have Miller Trust requirements for people who have "too much income." Accordingly, any bank in Ohio that has a presence in other states will probably already be familiar with the Miller Trust type of account. The people who work in the Ohio branches of these banks, and some banks and credit unions that do not have branches in other states, may not be familiar with the Miller Trust. (For example, the manager of the branch where I do most of my banking had to check whether he could have a Miller Trust account. He had never seen one before.) Because of the income limits for Ohio Medicaid's coverage of Assisted Living, there already are a small number of Miller Trusts in Ohio, so there already is some small level of familiarity with this type of account among bank personnel in Ohio.

The trustee is the person who must set up the actual Miller Trust account. The trustee will have the power to set up the account through the Trust Agreement. Then, after the account is set up, the trustee will do all of the work with the Miller Trust. The trustee will have to accept deposits into and manage payouts from the Miller Trust. (The next installment will discuss income and payouts in more detail.)

The nursing homes and assisted living communities where the people who need Miller Trusts live may be able to act as the trustees for their respective residents' Miller Trusts. I have seen news from the Ohio Health Care Association (a trade association of nursing homes, assisted living facilities, and related providers) stating that Ohio Medicaid will allow the business offices of the various care communities to take on the job of trustee for the

Miller Trusts for their affected residents. In addition, to avoid multiple bank fees, the care communities may be able to have one "pooled" Miller Trust account for all affected residents and have a sub-account inside that pooled account for each individual affected resident. (This "pooled account" concept is very similar to how many care communities already handle the personal needs account (the account where money is kept for routine needs/wishes such as hair care in the salon or candy bars from the snack shop) for most or all of their residents.)

Once the Miller Trust account is set up, money must be moved into and out of the account in a very precise way (if Ohio Medicaid adopts the [April 15, 2016 proposed version](#) of the rule for Miller Trusts.) I plan to discuss the requirements of this rule (as proposed,) we well as its pitfalls, in upcoming installments.

Now, as mentioned in a previous installment, don't look too hard for logic in all of this. Medicaid is a government-run program, and eligibility for Medicaid is the gate that controls who receives government benefits and who does not. As with many government programs, logic is not the driving force. A Miller Trust is sort of like a washing machine for income. (To be sure, a Miller Trust doesn't launder money like a drug dealer launders money.) A Miller Trust washes the stain of being "income" off of money so that a person who needs long term care no longer has too much "income" to qualify for Medicaid. It's not logical, but it works. The only explanation I can offer is "them's the rules."

I can't help wondering if the "Miller" in Miller Trust comes from the Miller Brewing Company. Whoever thought this up must have been drinking at the time.

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

05-12-2016 Many with #Autism wander away from #Safety <http://ow.ly/4nhumo>

05-11-2016 Trying to be #FamilyCaregiver from a distance <http://ow.ly/10dKE1>

05-10-2016 Advice on #LongTermCareInsurance <http://ow.ly/4nhBi5>

05-09-2016 The journey to choose a #LongTermCare community <http://ow.ly/10dHMY>

05-08-2016 What Americans think as they #Retire <http://ow.ly/4nhxd8>

05-07-2016 #RetirementPlanning getting trickier as people #LiveLonger <http://ow.ly/4nhpgF>

05-06-2016 #Ohio #Medicaid changes eligibility rules for #Aged #Blind #Disabled program - #Income Limits <http://wp.me/p47F09-jr>

05-05-2016 What it's like to be the #Sibling of someone with #Autism <http://ow.ly/4nhtO9>

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

5-12-2016 Jim Koewler discussed the upcoming changes in eligibility for Ohio Medicaid's Aged, Blind and Disabled program at a meeting of the Lorain County Senior Network at The Northridge in North Ridgeville, 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.

5-20-2016 The Koewler Law Firm will have a table display at senior health expo at the Senior Center in Mentor, Ohio.

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.

6-21-2016 Jim Koewler will discuss "Overcoming Seniors' Resistance to the Benefits of Long Term Care" at the Lager & Vine restaurant in Hudson, Ohio. Continuing education credit is available for social workers, counselors, and nurses and will be available for Certified Case Managers.

6-24-2016 Jim Koewler will discuss "How to help your Parents Manage their Affairs" at the Cleveland Clinic Akron General Wellness Center in Stow, 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

- 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

05-13-2016 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.

06-07-2016 Aging Services Network East, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

06-07-2016 Montrose SeniorCare Networking Group, Panera Montrose, Bath, Ohio 8:30 a.m.

06-07-2016 Stow ElderCare Networking Group, Corner Cup Coffee House, Stow, Ohio, 9:00 a.m.

06-08-2016 Medina County Senior Services Network, Life Care Center of Medina, Medina, Ohio, 8:00 a.m.

06-08-2016 Summit Senior Sales, Administrators and Marketers Association Father's Day event

06-09-2016 Lorain County Senior Services Network, Wesleyan Village, Elyria, Ohio, 8:30 a.m.

06-10-2016 Eldercare Professionals of Ohio, Arden Courts of Westlake,

Westlake, Ohio, 9:00 a.m.

06-13-2016 Medina County Senior Services Network's Education
Committee, Yours Truly, Medina, Ohio, 11:30 a.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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