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Seniors and Special Needs News - June 17, 2016

1 message

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Fri, Jun 17, 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 Using the Miller Trust

Friends,

I'm sorry that I've not sent out a newsletter the last four weeks. My office internet was down the first of those weeks, preventing me from having enough time online to get my blog and newsletter written. (With the limited internet access available to me, I posted an interesting article in place of my blog.) Then, I skipped the next two newsletters because I was on a family trip to Alaska. (I didn't give you advance notice because I didn't want to advertise that my house would be empty.) Then, last week, I was busy trying to catch up on client work after the two weeks away. Now, I'll pick up where I left off.

This week's newsletter continues the discussion of the changes to Ohio Medicaid's Aged, Blind and Disabled (ABD) program for people who need long term care 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. The [May 13, 2016](#) installment discussed 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. Today's installment

will discuss the Ohio rules that describe how to use the Miller Trust each month.

Background information: The April 15, 2016 version of the Ohio rules for Miller Trusts can be found [here](#). The first version (the first one that I've seen anyway) of a form Miller Trust for Ohio can be found [here](#). These rules and the form Miller Trust might change before full implementation of the new eligibility system. (Of course, if these documents change, my discussion below is, at least in part, obsolete. On the other hand, if these documents change, I have a topic for a future blog installment without having to wrack my brain for a new idea.)

Warning: Don't look too hard for logic here. Very little of the Medicaid program for long term care is logical, but this Qualified Income Trust takes the lack of logic to a whole new level. While I know that it's called a Miller Trust because some person named Miller won a court case that made these trusts okay, these things are so illogical that I can't help but think (as I mentioned last time) that this idea came to someone who was drinking way too many Miller beers at the time. To the whole world of people who don't deal with long term care costs on a daily basis, as well as to a good number of people who do, this thing must look absolutely nuts!

A Qualified Income Trust is, essentially, a washing machine for money. No, it doesn't launder money in the way that drug dealers and arms dealers launder money. Income goes into a Qualified Income Trust and, when it comes back out of the trust, isn't "income" any more. Essentially, the trust washes the "stink" of income off of that money. In the real world, the money is still "income," but, according to the Medicaid rules, it's not "income." (I repeat, this is not logical. I don't think I can repeat that point enough.)

The operation of the Miller Trust sounds easy. The person's income above \$2,199 (gross) must be placed in the trust before the end of the month in which the money arrived. The rules allow income below \$2,199 to be placed in the trust as well, if the person and his/her trustee finds that more convenient. (Income that doesn't arrive, such as withheld taxes and the premium for Medicare, obviously can't be placed into the trust. The income that doesn't actually arrive must still be counted as part of the gross income, though.)

The proposed rule would require the income above \$2,199 to go into the trust automatically each month from the account in which the income arrives. A bank's automatic transfer function should probably be used to make sure the income gets into the Miller Trust each month.

The money in the trust can be used for only four things:

- The person's Personal Needs Allowance (\$50 each month,)

- The income (if any) that must be given to the person's spouse according to the Medicaid rules for spousal income,
- Incurred health care costs, and
- A "reasonable" amount for legal, accounting, and bank fees each month, not to exceed \$15.

The money that goes into the trust must be paid out in the same month in which it arrives. The rest of the person's obligations (such as separate health insurance and the rest of the person's payment for care) must be paid out of the money that doesn't go into the trust.

The trustee for the Miller Trust can't be the person who is covered by Medicaid. (That person is probably not handling his/her own affairs anyway.) Whomever is handling the person's money has to make sure that the money gets into the trust and is paid out of the trust each month.

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

06-16-2016 Keys to #Teach children with #Down'sSyndrome <http://ow.ly/4ni19l>

06-15-2016 #FamilyCaregiver can get relief from professional #HomeCare <http://ow.ly/4nhOrt>

06-14-2016 Strong endorsement to get #LongTermCareInsurance <http://ow.ly/4nhMTf>

- 06-13-2016 Considerations when choosing #HomeCare provider <http://ow.ly/4nhOGG>
- 06-12-2016 #ElderLaw should look at #LongTermCare more than just #Will, #PowerOfAttorney, and #Probate <http://ow.ly/4ni4yJ>
- 06-11-2016 #VA #AgentOrange claims may have been denied by contractor's poor work <http://ow.ly/4ni4nl>
- 06-10-2016 #Veterans don't want changes to #VA <http://ow.ly/TEYJ3016RDe>
- 06-09-2016 #Firefighters learn about #Autism <http://ow.ly/4nhM9Y>
- 06-08-2016 News correspondent describes his experience as #FamilyCaregiver <http://ow.ly/4nhNTf>
- 06-07-2016 The excuse not to buy #LongTermCareInsurance applied #Home&AutoInsurance <http://ow.ly/4nhMFq>
- 06-06-2016 Lots of #Amenities offered in #SeniorHousing <http://ow.ly/4nhOik>
- 06-05-2016 #Scam aimed at #OlderAdults who have lost a #LovedOne <http://ow.ly/4ni3ZV>
- 06-04-2016 Teaching #OlderAdults about #Fraud <http://ow.ly/4ni3PN>
- 06-03-2016 #NursingHomes give the same quality of care to #Medicaid residents <http://ow.ly/4ni3xe>
- 06-02-2016 #Autism means lower #Cancer risk, despite #GeneticMutation <http://ow.ly/4nhLVk>
- 06-01-2016 Hiring #FamilyCaregiver correctly <http://ow.ly/4nhNFP>
- 05-31-2016 Should #Medicare pay for #LongTermCareInsurance <http://ow.ly/4nhHOf>
- 05-30-2016 Different #HomeCare services available <http://ow.ly/4nhOxm>
- 05-29-2016 Good #EstatePlanning requires thinking about possible #Disability <http://ow.ly/4ni3bF>
- 05-28-2016 #SeniorProm for #OlderAdults <http://ow.ly/4ni2IC>
- 05-27-2016 It's okay to hire #HomeCare <http://ow.ly/4nhOWB>
- 05-26-2016 #App to foster #Autism understanding <http://ow.ly/4nhLrw>
- 05-25-2016 Can an #AgingParent pay a #FamilyCaregiver? <http://ow.ly/4nhLrw>

[ly/4n3ABC](#)

05-24-2016 #Premium increase for #LongTermCareInsurance for #FederalEmployees <http://ow.ly/4nhH3h>

05-23-2016 #Hiring #HomeCare wisely <http://ow.ly/4nhNy0>

05-22-2016 Proposal in #Congress to protect #OrganDonors <http://ow.ly/4nhHCQ>

05-21-2016 How an #OlderAdult should prepare to see a #Doctor <http://ow.ly/4nhHqd>

05-20-2016 How #Medicaid QMB and SLMB programs help defray #Medicare costs <http://ow.ly/LuBs300o9sV>

05-19-2016 #Art expo for students with #SpecialNeeds <http://ow.ly/4nhK18>

05-18-2016 Preparing for #AgingParent to #AgeInPlace <http://ow.ly/10dKX7>

05-17-2016 Comparing #LongTermCareInsurance to the costs of #LongTermCare <http://ow.ly/4nhGNe>

05-16-2016 #AgingParent might prefer a #ResidentialCareFacility <http://ow.ly/4nhzQj>

05-15-2016 #Financial keys to successful #Retirement <http://ow.ly/4nhyPB>

05-14-2016 Calculate how much you can #Spend during #Retirement <http://ow.ly/4nhy7L>

05-13-2016 #Ohio #Medicaid changes eligibility rules for #Aged #Blind #Disabled program - #MillerTrust for too much #Income <http://wp.me/p47F09-k0>

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

6-13-2016 Jim Koewler discussed the new rules for Ohio Medicaid at Chapel Hill Towers in Akron, Ohio.

6-15-2016 The Koewler Law Firm had a table display at the Senior Forum at Brown Middle School in Ravenna, Ohio organized by the Portage County

Department of Job and Family Services.

6-15-2016 Jim Koewler helped 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 had a table display at the Health Fair in Beachwood, Ohio the Senior Center organized by the Professional Networking Group of Cleveland.

6-16-2016 Jim Koewler discussed "Preventing Senior Fraud" at Elyria Medical Center in Elyria, Ohio. Continuing education credit was available for social workers, counselors, and nurses.

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.

6-22-2016 The Koewler Law Firm will have a table display at the Cuyahoga Falls Chamber of Commerce "Mixpo" at the Sheraton Suites in Cuyahoga Falls, Ohio.

6-22-2016 The Koewler Law Firm will participate in a Senior Prom at the Senior Center in Mentor, Ohio.

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, nurses, and Certified Case Managers.

10-26-2016 Jim Koewler, as Chair of the Education Committee for the Medina County Senior Services Network, will help host a Caregiver Lifeline panel discussion at the Western Reserve Masonic Community in Medina, Ohio.

12-14-2016 Jim Koewler will discuss Medicaid Qualifying Asset Transfers as part of a National Business Institute Seminar on Medicaid Lookback Rules and Planning in Cleveland, Ohio. Continuing Legal Education credit will be available.

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)
- Veterans Benefits that Help with Long Term Care (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, 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)
- 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

06-21-2016 UH Bedford Medical Center Senior Network, Hamlet Village,

Chagrin Falls, Ohio, 8:30 a.m.

06-22-2016 Cuyahoga Falls Chamber of Commerce Luncheon and "Mixpo,"
Sheraton Suites, Cuyahoga Falls, Ohio, 10:30 a.m.

06-23-2016 Portage Senior Services Network, Family and Community
Services Building, Ravenna, Ohio, 8:30 a.m.

06-24-2016 Eldercare Professionals of Ohio, Mandel Jewish Community
Center, Beachwood, Ohio, 9:00 a.m.

06-28-2016 Summit County Senior Services Network, Kucko Anthony
Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

06-28-2016 Wayne Holmes Senior Service Coalition, Wayne County Care
Center, Wooster, Ohio, 8:30 a.m.

06-28-2016 Professional Networking Group, The Gathering Place,
Beachwood, Ohio, 4:30 p.m.

06-30-2016 The Association of Specialists in Aging, Mentor Senior Center,
Mentor, Ohio, 8:30 a.m.

07-05-2016 Montrose SeniorCare Networking Group, Panera Montrose,
Bath, Ohio 8:30 a.m.

07-05-2016 Stow ElderCare Networking Group, Corner Cup Coffee House,
Stow, Ohio, 9:00 a.m.

07-06-2016 Stark Senior Services Network, Myers Lake Ballroom, Canton,
Ohio, 9:00 a.m.

07-06-2016 Richfield Chamber of Commerce luncheon, The Taverne of
Richfield, Richfield, Ohio, 11:45 a.m.

07-06-2016 Medina County Senior Services Network's Client Services
Committee, Sully's, Medina, Ohio, 3:00 p.m.

07-08-2016 Eldercare Professionals of Ohio, Leimkuhler, Inc.,
Cleveland, Ohio, 9:00 a.m.

07-13-2016 Medina County Senior Services Network, Carlson Funeral
Home, Brunswick, Ohio, 8:00 a.m.

07-13-2016 Summit Senior Sales, Administrators and Marketers Association,
Altercare of Stow, Stow, Ohio, 2:30 p.m.

07-14-2016 Lorain County Senior Services Network picnic, Black River
Reservation park, Elyria, Ohio

07-15-2016 UH Bedford Senior Network's Golf Outing, Briarwood Golf Club, Broadview Heights, Ohio

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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