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Seniors and Special Needs News - June 24, 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 Trying to understand the Miller Trust

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. The [June 17, 2016](#) installment discussed the Ohio rules that describe how to use the Miller Trust each month. Today's installment

will start a series of discussions of difficulties with the Miller Trust.

The first difficulty that we will have with the Miller Trust is the difficulty in helping clients understand the Miller Trust. Someone will have to sign a Miller Trust agreement. (Ohio Medicaid is calling this document a Qualified Income Trust Declaration.) The person who will sign the declaration/agreement is (I would hope) going to ask what he/she is signing

and to understand why he/she is signing it. Helping someone to understand the logic of a Miller Trust may well be impossible.

Someone who "makes too much money" in income will not qualify for Medicaid's support for long term care costs. (Since the last inflation adjustment, anyone who makes more than \$2,199 per month gross has too much income to qualify for long term care Medicaid.) When nursing homes cost more than \$7,000 per month, and assisted living facilities cost more than \$4,000 per month, it's hard to explain why \$2,199.01 is "too much income" for Medicaid. There still a significant shortfall in the ability to pay for long term care.

Our cure for "too much income" is to move the excess income (the amount over \$2,100) to the Miller Trust. Under the coming Ohio Medicaid rules, the money that goes into the trust isn't "income" once it goes into the Miller Trust. After the money is placed into the trust, it has to go back out of the trust to pay monthly costs for which the Medicaid recipient is responsible. The flow of income out to pay the Medicaid recipients cure sounds like the way that income acts. But, money that goes into the Miller Trust isn't "income" any longer (in the eyes of Medicaid.)

In the real world, the Miller Trust makes no sense. What looks like "income" isn't income any longer after going into the Miller Trust. It looks like income. It acts like "income." It arrives each month like income. Yet, somehow, it's not "income" anymore.

A Miller Trust is sort of like watching one of the "Harry Potter" movies. We know that people can't ride on flying brooms or cast a spell that makes an animal materialize out of smoke. Still, for purposes of enjoying the movie, we suspend our disbelief in magic. To accept a Miller Trust, we need not suspend our disbelief. Instead, we must suspend our intolerance for the nonsensical.

Someone signing a Qualified Income Trust Declaration must accept the trust with no better explanation for it than "Those are the rules," or, using the reasoning of our wise parents, "because I said so. That's why."

It doesn't matter whether the person signing the trust declaration ever comes to understand the Miller Trust or the Medicaid rules. Because Medicaid coverage worth thousands of dollars each month is at stake, the person must sign it. It doesn't matter if the signer must hold his/her nose to block the stink of illogical nonsense, the trust declaration must get signed.

Getting someone to the point at which he/she has the necessary faith in the Medicaid system to sign the trust declaration is the first difficulty in dealing with Miller Trusts.

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

06-23-2016 People with #SpecialNeeds have difficulties with #PublicRestrooms <http://ow.ly/J9ft301xU2t>

06-22-2016 Helping #FamilyCaregiver feel #Empathy for #OlderAdult <http://ow.ly/4ni49v>

06-21-2016 #LongTermCareInsurance suggestions <http://ow.ly/C7Kr301sOh6>

06-20-2016 Federal #Medicare and _wp_link_placeholder<http://ow.ly/C7Kr301sOh6> #Medicaid office tracks new quality measures on #NursingHomes <http://ow.ly/4ni22y>

06-19-2016 #OlderAdults have new reasons to argue about #Money <http://ow.ly/4ni5eP>

06-18-2016 It's not like #Prince couldn't afford a #Will <http://ow.ly/4ni4Sj>

06-17-2016 #Ohio #Medicaid changes eligibility rules for #Aged #Blind #Disabled program - Using a #MillerTrust <http://wp.me/p47F09-k6>

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

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 Rustic Hills Country Club 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

06-24-2016 Eldercare Professionals of Ohio, Vista Springs, Macedonia, 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

07-18-2016 Medina County Senior Services Network's Education Committee, Yours Truly, Medina, Ohio, 11:30 a.m.

07-19-2016 UH Bedford Medical Center Senior Network, Solon Pointe Assisted Living, Solon, Ohio, 8:30 a.m.

07-20-2016 Professional Association Specializing in Seniors ("PASS"), West Geauga Senior Center, Chesterland, Ohio, 8:30 a.m.

07-22-2016 Eldercare Professionals of Ohio, Shaker Gardens, Beachwood, Ohio, 9:00 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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