



Jim Koewler <jameskoewler@gmail.com>

Seniors and Special Needs News - July 15, 2016

1 message

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

Fri, Jul 15, 2016 at 9:01 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

Ohio Medicaid changes "Aged Blind Disabled" Eligibility Miller Trust deposit rules confusing

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. The [June 24, 2016](#) installment discussed the difficulty in understanding the need for a Miller Trust. The [July 1, 2016](#) installment, discussed the need to empty the Miller Trust account every month. The [July 8, 2016](#) installment discussed the need to balance the Miller Trust with the desire to have health insurance. Today's installment will discuss

The Ohio Department of Medicaid has finalized its new rule on Miller Trusts (aka Qualified Income Trusts or QITs.) A copy of the final rule is available [here](#). The form Miller Trust from the Ohio Department of

Medicaid can be found [here](#). Because the rule calls them QITs and today's installment makes a number of references to the new rule, for this installment, I'll usually call them QITs.

As discussed previously, someone in Ohio who needs Medicaid support to pay for long term care whose gross monthly income exceeds the Special Income Level (\$2,199.00 at this time) must use a QIT to make the income over the Special Income Level not "income" anymore in the eyes of Medicaid. (Yes, the process is as hard to follow in real life as it is to follow in that sentence.) In order to get the benefits of the QIT, the amount of income over the \$2,199 must be placed into the QIT each month so that the remaining "countable" income is \$2,199 or less each month. (It's not getting any more understandable, is it?)

So, the people who must comply with this rule must place a certain amount of money (the amount over \$2,199) into the QIT bank account each month. (Sounds easy, when you reduce it to that level. Right?) Unfortunately, the QIT rule does not make it that easy. Sections D(4) and H describe the requirements on placing money into the QIT each month.

Section H provides that money should be "transferred" into the QIT account each month. Despite the headline of this article, the rule doesn't require "deposits" into the QIT account, but instead requires "transfers" into the QIT account. What's the difference?

Section D(4) states that the person cannot "cannot transfer or assign to the trust his or her right to receive income." I believe that means that income cannot be placed directly into the QIT. For example, someone who receives a monthly Social Security payment cannot change the account where that payment is deposited to the QIT account. I believe that, to comply with section D(4), the social security payment must get deposited by Social Security (Remember, Social Security uses direct deposit for the vast majority of its monthly payments.) into an account in the name of the person and then, sometime during the month, get transferred into the QIT account.

Unfortunately, I cannot explain why the rules have this requirement. I can only show you that the requirement is there.

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

07-14-2016 Some people start to have #SpecialNeeds only as #Adults <http://ow.ly/jPRC30266AC>

07-13-2016 Help that a #FamilyCaregiver needs <http://ow.ly/afMW30263qM>

07-12-2016 Few people have accurate expectations, much less savings, for #LongTermCare costs <http://ow.ly/PN1I30267wx>

07-11-2016 Visiting with an #AgingParent who has #Dementia <http://ow.ly/f0pP30265cl>

07-10-2016 #OlderAdults need to prepare for #Heat of #Summer <http://ow.ly/8yqn3025WHf>

07-09-2016 How #BlockGrants MIGHT improve #Medicaid <http://ow.ly/xr7g3024Wth>

07-08-2016 #Ohio #Medicaid changes eligibility rules for #Aged #Blind #Disabled program - #MillerTrust can't pay #HealthInsurance Premium <http://wp.me/p47F09-kJ>

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

7-27-2016 Jim Koewler will discuss STABLE accounts (What Ohio calls its "Achieving a Better Life Experience" (aka ABLE) accounts) at a meeting of the Public Policy Committee of the Western Reserve Area Agency on Aging's Board of Trustees.

7-27-2016 Jim Koewler will discuss Ethical Issues in Case Management and

Discharge Planning at Southwest General Health Center in Middleburg Heights, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

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 Certified Case Managers, social workers, counselors, and nurses.

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

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.

07-21-2016 Lorain County Senior Services Network picnic, Black River Reservation park, Elyria, Ohio (moved from 7-14-2016 because of the forecast of rain)

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

07-26-2016 Summit County Senior Services Network, Kucko Anthony Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

07-26-2016 Professional Networking Group Picnic, 1:00 p.m.

07-26-2016 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

07-24-2016 Richfield Chamber of Commerce, "Sweet Corn Challenge" Bicycle Rally and Health Walk, Richfield Green, Richfield, Ohio, 6:00 a.m.

07-28-2016 Portage Senior Services Network, Coleman Adult Day Services,

Ravenna, Ohio, 8:30 a.m.

07-28-2016 The Association of Specialists in Aging, Mentor Senior Center,
Mentor, Ohio, 8:30 a.m.

08-02-2016 Aging Services Network East, Euclid Hospital's
Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

08-02-2016 Montrose SeniorCare Networking Group, Panera Montrose,
Bath, Ohio 8:30 a.m.

08-02-2016 Stow ElderCare Networking Group, Corner Cup Coffee House,
Stow, Ohio, 9:00 a.m.

08-03-2016 Stark Senior Services Network, Myers Lake Ballroom, Canton,
Ohio, 9:00 a.m.

08-03-2016 Richfield Chamber of Commerce luncheon, Days Inn and Suites,
Richfield, Ohio, 11:45 a.m.

08-03-2016 Medina County Senior Services Network's Client Services
Committee, Sully's, Medina, Ohio, 3:00 p.m.

08-10-2016 Medina County Senior Services Network, Medina County Home,
Medina, Ohio, 8:00 a.m.

08-10-2016 Summit Senior Sales, Administrators and Marketers Association,
Fairlawn Nursing & Rehabilitation, Fairlawn, Ohio, 2:30 p.m.

08-11-2016 Lorain County Senior Services Network, Woods at French
Creek, Avon, Ohio, 8:30 a.m.

08-12-2016 Eldercare Professionals of Ohio, The Heights Care and
Rehabilitation Center, Broadview Heights, Ohio, 9:00 a.m.

08-15-2016 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.

© 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](#)