



Jim Koewler &lt;jameskoewler@gmail.com&gt;

## Seniors and Special Needs News - October 21, 2016

1 message

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

Fri, Oct 21, 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.

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**The Koewler Law Firm**  
 JAMES L. KOEWLER, JR.



# Seniors and Special Needs News

## Medicare Annual Enrollment is here. Choose your insurance plan wisely.

This week's newsletter takes a break from the ongoing discussion of the changes to Ohio Medicaid's Aged, Blind and Disabled (ABD) program. That series will resume soon. (I didn't send out a newsletter last week because my blog topic did not focus on seniors or people with special needs. Last week's blog urged readers to seek out bar association input for judicial candidates. You can read that blog [here](#).)

Medicare's "Open Enrollment" period has arrived for next year's coverage. To have an insurance plan for the upcoming year to help cover the 20% of medical costs that Medicare will not cover, a Medicare-eligible person must enroll in the plan of his or her choice by December 7. (Open Enrollment is October 15 to December 7 each year.) The new policy will take effect on January 1.

People who have Medicare available to them have three basic options for medical insurance. So called "straight Medicare" provides the insured person with Medicare coverage for 80% of medical costs. The insured person is responsible for the other 20% as a co-pay. People who do not wish to pay the 20% co-pay can purchase either Advantage Plans or Medicare Supplements. An Advantage Plan is an insurance policy that pays most or all of the 20% of medical costs that Medicare does not cover. The amount of the

insured's new co-pay depends on the Advantage Plan that the insured chooses. Generally, the higher the premium, the lower the co-pay. There are plenty of other options that change the price and co-pay as well. (An Advantage Plan actually steps into the shoes of Medicare and pays the 80% in addition to whatever costs exceed the insured's co-pay. The Advantage Plan insurance company receives both the premium of the individual insured person and a payment from the Medicare program in lieu of Medicare's usual 80% payment towards the insured's costs. The Advantage Program's coverage of Medicare's portion of costs is generally not noticed by the insured.) Because an Advantage Plan is a "replacement" for Medicare, it can have some limitations in covered services or in approved service providers as compared to "straight Medicare." In addition, there are many different Advantage Plans, each offering slightly different coverage, from which to choose.

When an insured person has a Medicare Supplement (sometimes called a Medi-Gap policy,) the Medicare program pays its usual 80% pays the insured's medical costs, and the Supplement pays the 20% not covered by the Medicare office. Medicare Supplements, because they supplement Medicare rather than replace Medicare, do not generally have any differences from Medicare in covered services or approved service providers. There are many different Supplements. The differences among Supplements generally is small, but worth examining.

Please be aware, it isn't necessary to have Medicare additional insurance. Someone can choose "straight" Medicare in which he or she must cover the 20% Medicare co-pay by himself or herself. It costs nothing in a year during which that person has no medical issues. It can, though, without warning, cost lots of money if that person has an accident or needs an operation, for example. Each person on "straight" Medicare could pay 20% of \$0 or 20% of \$200,000, or 20% of any amount depending on what happens during that year. Before choosing traditional Medicare, you must decide whether you wish to assume the risk of a big surprise in health costs during the coming year.

The monthly premium for an Advantage Plan is generally much lower than the premium for a Medicare Supplements. (Some Advantage Plans have a \$0 premium, in fact.) An Advantage Plan's limitations on services and providers is the trade-off for a lower premium. The most glaring difference, though, between Advantage Plans on the one hand and both straight Medicare and Medicare Supplements on the other hand is the coverage of post-hospitalization rehabilitation services.

With straight Medicare and Medicare Supplements, an insured person who has been admitted to the hospital for three days and then needs post-hospitalization rehab can have 100 days of rehab coverage. Someone on an Advantage Plan may have rehab coverage end before 100 days have elapsed. An Advantage Plan (because it has rules slightly different than straight Medicare) can determine that rehab is not helping the insured person and can end coverage. Sometimes the rehab coverage is stopped as early as day 20. (Advantage Plans used to base their decisions on ending rehab payments on on day-to-day progress reports. Now, Advantage Plans must now look at week-to-week comparisons or even bi-weekly comparisons.) Still, rehab can be very expensive, so Advantage Plans have a strong incentive to end rehab coverage as early as possible.

(“Admission” to the hospital rather than “under observation” in the hospital is a very important distinction in the availability of any insurance coverage for rehab. That issue is not handled differently by Medicare, Advantage Plans, or Medicare Supplements, though. Consequently, the “admission” versus “observation status” issue is not important to today’s discussion. I mention it here as a side note because it is an important issue for all people insured through Medicare.)

Even though we are in an “open” enrollment period, someone covered by any form of Medicare cannot simply switch plans on demand. Medicare, unlike the Affordable Care Act, allows the insurance company to make underwriting decisions on individual plans. Trying to move to a plan that provides more coverage may require a medical examination and will certainly require answering medical questions. Generally, I urge people to move to a Medicare Supplement, if they can (as long as the premium isn’t prohibitive.)

If a Medicare Supplement is not available, an alternative is an Advantage Plan or even straight Medicare with a separate Hospital Indemnity policy. (The cost of an Advantage Plan plus Hospital Indemnity policy is usually less than a Medicare Supplement.) A Hospital Indemnity policy is subject to underwriting, though. Someone who exhibits symptoms that are a concern for the Hospital Indemnity insurance company may not be able to get such a policy.

Without considering the cost of premiums, my preferences for medical insurance is a Medicare Supplement. My second choice is an Advantage Plan with a Hospital Indemnity policy. My third choice is straight Medicare. Finally, my fourth choice is an Advantage Plan. (Because I provide legal services to people who need long term care or that have special needs, my clients have health concerns. That possibly causes my preference for the broad coverage that supplements provide.)

No matter your preference, seek out a Medicare insurance agent that represents more than one insurer. Don't just assume that the person at the table in your local grocery, pharmacy, or department store can give you all the options. If the person at that table sells insurance for just one company, please consider whether you want to find more options before deciding.

But, don't go it alone. Get help from an insurance broker. These insurance plans are complicated, and there are many different choices among Advantage Plans and among supplements. Let someone help you figure out your best options. Their help doesn't cost you anything. They're paid by the insurer you choose.

Choose your plan wisely.

Acknowledgement: Thanks to Michael Whitaker of Premier Solutions Group in Brookpark, Ohio for helping me understand Hospital Indemnity insurance.

## **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**

10-20-2016 #VirtualReality program that can help people on the #Autism spectrum <http://ow.ly/3ssb304wOyi>

10-19-2016 Help for the #FamilyCaregiver <http://ow.ly/q1Vg304wTp3>

10-18-2016 Is #LongTermCareInsurance worth the rising #Premiums?

<http://ow.ly/Ahmo304wTxI>

10-17-2016 What to look for in a #HomeCare

aide <http://ow.ly/gZwz304wTGe>

10-16-2016 #Depression in #OlderAdults with #Dementia <http://ow.ly/80xh304wRmo>

<http://ow.ly/80xh304wRmo>

10-15-2016 Risks when #OlderAdults take out #Loans <http://ow.ly/9XpU304wR2E>

<http://ow.ly/9XpU304wR2E>

10-14-2016 Please #Vote for good #Judges! <http://wp.me/p47F09-nw>

10-13-2016 #Golf can help people on the #Autism spectrum <http://ow.ly/OQJn304wOa3>

<http://ow.ly/OQJn304wOa3>

10-12-2016 Involve #AgingParent in efforts to #AgeInPlace (i.e. stay #Home

longer) <http://ow.ly/tpDq304wyKP>

10-11-2016 Questions to ask about #LongTermCareInsurance

policies <http://ow.ly/P4Qc304w73e>

10-10-2016 Incorrect #Myths surrounding #Hospice

Care <http://ow.ly/rGJ6304wQwg>

10-09-2016 Check your options before applying for

#SocialSecurity <http://ow.ly/vfvp304wPxy>

10-08-2016 Shortage of #Geriatric #Doctors <http://ow.ly/Puud304wPcz>

10-07-2016 #Ohio #Medicaid changes rules for #Aged #Blind #Disabled

program - Co-owned #Home <http://wp.me/p47F09-nf>

Older social media posts can be found in the [social media post archive](#) on the

firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

## The Koewler Law Firm News

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.

10-28-2015 The Koewler Law Firm will have a table display at the Wadsworth Community Center Field House & Soprema Senior Center in Wadsworth, Ohio for a Senior/Care Partner Expo and, as part of the event,

will make a free chair massage available to care partners.

11-15-2016 Jim Koewler will discuss Veterans Benefits that Help with Long Term Care at University Hospitals Elyria Medical Center in Elyria, Ohio.

Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

12-9-2016 Jim Koewler will participate in a panel discussion on paying for post-acute care at a meeting of the CARE Coalition of Stark County at Mercy Health Center of Jackson, in Massillon, 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.

12-14-2016 The Koewler Law Firm will participate in the Senior Holiday Party organized by the Summit County Senior Sales, Administration, and Marketing Association at Saferstein Towers in Akron, Ohio.

1-25-2017 Jim Koewler will discuss the new requirements for Medicaid in Ohio to the Mandel Jewish Community Center lunch group at Warrensville Center Apartments in Warrensville Heights, Ohio.

3-23-2017 Jim Koewler will discuss what must be done at the time someone retires to prepare for the future at a meeting of the Portage County (Ohio) Senior Services Network.

5-26-2017 Jim Koewler will discuss Ohio's rules on Qualified Income Trusts (aka Miller Trusts) for people who need Medicaid to pay for long term care at a meeting of Eldercare Professionals of Ohio at Chippewa Place in Brecksville, Ohio.

Older items of firm news can be found in the [news archive](#) on the firm's website, [ProtectingSeniors.com](http://ProtectingSeniors.com).

### **Jim's available presentations**

- Changes in Ohio Medicaid Eligibility Rules for 2016 (Continuing Education credit available for social workers, counselors, and nurses and has been requested for Certified Case Managers)
- 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

10-21-2016 Professional Networking Group of Cleveland, Highland Heights Senior Center Health Fair, Highland Heights, Ohio, 11:00 a.m.

10-25-2016 Summit County Senior Services Network, Kucko Anthony Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

10-25-2016 Professional Networking Group, Home Instead Senior Care, Oakwood, Ohio, 9:00 a.m.

10-25-2016 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

10-27-2016 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.

10-27-2016 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.

10-28-2016 Eldercare Professionals of Ohio, Crossroad Hospice, Valley View, Ohio, 9:00 a.m.

11-01-2016 Aging Services Network East, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

11-01-2016 Montrose SeniorCare Networking Group, Panera Montrose, Bath, Ohio 8:30 a.m.

11-01-2016 Stow ElderCare Networking Group, Corner Cup Coffee House, Stow, Ohio, 9:00 a.m.

11-02-2016 Stark Senior Services Network, Myers Lake Ballroom, Canton, Ohio, 9:00 a.m.

11-02-2016 Richfield Chamber of Commerce luncheon, The Taverne of Richfield, Richfield, Ohio, 11:45 a.m.

11-02-2016 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.

11-09-2016 Medina County Senior Services Network, Medina Recreation Center, Medina, Ohio, 8:00 a.m.

11-09-2016 Summit Senior Sales, Administrators and Marketers Association, Hudson Elms, Hudson, Ohio, 2:30 p.m.

11-10-2016 Lorain County Senior Services Network, St. Mary of the Woods, Avon, Ohio, 8:30 a.m.

11-15-2016 UH Bedford Medical Center Senior Network, Village of Marymount, Garfield Heights, Ohio, 8:30 a.m.

11-16-2016 Professional Association Specializing in Seniors ("PASS"), Lantern of South Russell, South Russell, Ohio, 8:30 a.m.

11-18-2016 Eldercare Professionals of Ohio, Cornerstone of Hope, Independence, Ohio, 9:00 a.m.

11-21-2016 Medina County Senior Services Network's Education Committee, Tres Potrillos, 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](http://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](http://ProtectingSeniorsNews.com).

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The Koewler Law Firm  
P.O. Box 443  
Richfield, OH 44286

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