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Seniors and Special Needs News - January 27, 2016

1 message

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Fri, Jan 27, 2017 at 9:00 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

Special Needs Trust Fairness Act

People with special needs have a new ability to help themselves.

On December 13, 2016, President Obama signed the Special Needs Trust Fairness Act (buried within a larger law titled the 21st Century Cures Act.)

The Special Needs Trust Fairness Act allows someone with special needs to create his/her own Special Needs Trust. (For background on Special Needs Trust, read the [April 2, 2015 installment](#).)

Before adoption of the SNT Fairness Act, only a parent or grandparent of the special needs person or a court could create a SNT. As awful as it sounds, the Congress that first memorialized the concept of a Special Needs Trust must have assumed that all people with special needs lacked the ability to handle their own affairs. Of course, that was a terribly incorrect assumption.

Unfortunately, the law that allows Special Needs Trusts wasn't updated for years. Finally, that oversight is fixed.

So, what does this mean? If a person needs to create a Special Needs Trust, he/she can do it. A parent, grandparent, or court isn't necessary. The person with special needs now has control that wasn't available before.

Here's an example. Some people with special needs have injury claims against someone. (Perhaps the person is the victim of medical malpractice or an industrial accident. Perhaps the injury is even the cause of the person's

disability.) The injury claim can take a long time to pursue through the court system. During the interim, the person may have started to receive Supplemental Security Income for food and housing and Medicaid for medical care. When the court award or settlement payment arrives, it can cause a break in Medicaid coverage (because the new money is "income" during the month it arrives) and long term suspension of SSI payments (because the person will have more "savings" that SSI allows.)

To avoid the loss of these benefits, the person with special needs often places the judgment/settlement award into a Special Needs Trust. Rarely was there a Special Needs Trust waiting for use. The person usually needs a Special Needs Trust set up about the time that the award is going to arrive. Before the SNT Fairness Act, the person needed a parent, grandparent, or court order to create the SNT. Now, he/she can set up the SNT directly.

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

01-26-2017 Connection between #Stress and #Gastrointestinal upset in people with #Autism <http://ow.ly/odww307NH7Z>

01-25-2017 The value, and burden, of the #FamilyCaregiver <http://ow.ly/eX0o307dRHL>

01-24-2017 Making #LongTermCareInsurance less expensive by combining it with other coverage (aka #Hybrid) <http://ow.ly/rhw3307O6OT>

01-23-2017 #PressureSore (aka #BedSore) incidence in #LongTermCare going up <http://ow.ly/c0uQ307O3qd>

01-22-2016 Looking at your #Money in #Retirement <http://ow.ly/lu6T307OyL0>

01-21-2016 What is #EstatePlanning about? <http://ow.ly/Vi4x307OxGI>

01-20-2017 #Ohio #Medicaid changes rules for #Aged #Blind #Disabled program - Change of Heart on Intent to Return #Home <http://wp.me/p47F09-pv>

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

1-31-2016 Jim Koewler will discuss legal issues that people must consider after retirement to prepare for the possibility of long term care, and plan for end of life at Christ United Church in Berea, Ohio as part of Baldwin Wallace University's Institute for Learning in Retirement.

2-8-2016 Jim Koewler will discuss Legal Issues when someone has Dementia at a meeting of the Summit County, Ohio Chapter of Association of Medical Social Workers at Akron Family Restaurant, in Akron, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

2-21-2017 Jim Koewler will discuss how families can get help from Medicaid and/or the Veterans Administration to help pay for long term care as part of a series of seminars on long term care issues by Visiting Angels of Canton, Senior Mortgage Advisors, and The Koewler Law Firm at the offices of Visiting Angels in Canton, Ohio.

2-23-2017 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 at the Family and Community Services Building, Ravenna, Ohio.

3-9-2017 Jim Koewler will discuss legal representation that can help people who need long term care and people who have special needs at a meeting of the Medina County Senior Services Network at the Medina County Department of Developmental Disabilities.

3-21-2017 Jim Koewler will discuss how families can get help from Medicaid and/or the Veterans Administration to help pay for long term care as part of a series of seminars on long term care issues by Visiting Angels of Canton, Senior Mortgage Advisors, and The Koewler Law Firm at the offices of Visiting Angels in Canton, Ohio.

5-2-2017 Jim Koewler will discuss legal representation that can help people who need long term care and people who have special needs at a meeting of the Aging Services Network East at Euclid Hospital in Euclid, Ohio.

5-16-2017 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 the University Hospitals Bedford Medical Center Senior Network at Light of Hearts Villa in Bedford, Ohio.

5-26-2017 Jim Koewler will discuss Ohio's 2016 changes to its Medicaid eligibility rules at a meeting of Eldercare Professionals of Ohio at Chippewa Place in Brecksville, Ohio.

6-19-2017 Jim Koewler will speak at a two-day Continuing Legal Education seminar in Akron, Ohio sponsored by the National Business Institute entitled "Elder Law and Medicaid Planning: Everything you Need to Know." Jim will make three presentations on the first day of the seminar covering Medicaid Benefits and Eligibility Rules, Preserving Family Assets when Qualifying for Medicaid, and Medicaid Application Procedure and Tactics.

6-21-2017 Jim Koewler will speak at a two-day Continuing Legal Education seminar in Cleveland, Ohio sponsored by the National Business Institute entitled "Elder Law and Medicaid Planning: Everything you Need to Know" (repeating the program from Akron.) Jim will make three presentations on the first day of the seminar covering Medicaid Benefits and Eligibility Rules, Preserving Family Assets when Qualifying for Medicaid, and Medicaid Application Procedure and Tactics.

11-21-2017 Jim Koewler will discuss changes in federal and state laws and rules affecting people who need long term care at a meeting of the University Hospitals Bedford Medical Center Senior Network at the Solon Senior Center in Solon, Ohio as part of the Network's Legislative Affairs Committee.

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 (Continuing Education credit available for social workers, counselors, nurses, and 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, and nurses)
- 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

01-27-2017 Eldercare Professionals of Ohio, Walton Manor, Walton Hills, Ohio, 9:00 a.m.

02-01-2017 Stark Senior Services Network, Meyer's Lake Ballroom, Canton, Ohio, 9:00 a.m.

02-01-2017 Richfield Chamber of Commerce luncheon, Days Inn and Suites, Richfield, Ohio, 11:45 a.m.

02-01-2017 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.

02-07-2017 Aging Services Network East, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

02-07-2017 Montrose SeniorCare Networking Group, Panera Montrose, Bath, Ohio 8:30 a.m.

02-07-2017 Stow ElderCare Networking Group, Corner Cup Coffee House, Stow, Ohio, 9:00 a.m.

02-08-2017 Medina County Senior Services Network, Life Care Center of Medina, Medina, Ohio, 8:00 a.m.

02-08-2017 Summit Senior Sales, Administration and Marketing Association, Bath Creek Estates, Cuyahoga Falls, Ohio 2:30 p.m.

02-09-2017 Lorain County Senior Services Network, Location TBA, Ohio, 8:30 a.m.

02-10-2017 Eldercare Professionals of Ohio, Danbury Senior Living, Broadview Heights, Ohio, 9:00 a.m.

02-15-2017 Professional Association Specializing in Seniors ("PASS"), The Weils of Bainbridge, Chagrin Falls, Ohio, 8:30 a.m.

02-20-2017 Medina County Senior Services Network's Education Committee, Yours Truly, Medina, Ohio, 11:30 a.m.

02-23-2017 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.

02-23-2017 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.

02-28-2017 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

02-24-2017 Eldercare Professionals of Ohio, Northfield Village, Northfield, 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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