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Seniors and Special Needs News - February 24, 2017

1 message

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 To: protectingseniorsnewsarchive@gmail.com

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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

Be careful who helps you with Veterans Benefits

The United States Department of Veterans Affairs has created a list of people and organizations that are allowed to help with VA benefits.

(Note: The Department of Veterans Affairs used to be called the Veterans Administration or VA before it was elevated to a Presidential Cabinet level department of the U.S. government. Many people, including me, still often call it the VA for short.)

The people and organizations are "accredited" by the VA to help with VA benefits. A list of VA accredited people is available on the VA's website.

(<https://www.va.gov/ogc/apps/accreditation/>)

Attorneys can be accredited. They are called accredited attorneys. People who are not attorneys can be accredited. They are called accredited agents.

All people who get accredited must keep their training on VA benefits up to date to keep their accreditation.

In addition to the accredited attorneys and agents, a person can help someone apply for VA benefits once. Most often, these one-time helpers are children of the applicants.

In addition to accreditation requirements, no one (accredited or not) is allowed to charge a fee to help someone apply for VA benefits. Put another way, no one is supposed to accept money for help applying for VA benefits.

The applicant isn't supposed to have to pay. The applicant's family isn't supposed to have to pay. The applicant's nursing isn't supposed to have to pay. Plain and simple, it's supposed to be free.

To be sure, certain people work for organizations that help veterans and their families apply for benefits, and, as employees, these people get paid. The organizations, however, don't get paid to help with the applications. For example, in many states, certain state or local government employees are paid to help residents apply for benefits. In Ohio, we have county Veterans Services Commissions. These are government employees that receive a paycheck, but their pay does not depend on the number of people that they help. Similarly, many veterans organizations, such as American Legion, Veterans of Foreign Wars, and Disabled American Veterans, help with VA applications, but they do so at no charge to the applicant. These organizations are supported by donations and fundraisers that are completely separate from the help with VA applications.

There are some non-profit organizations set up to help with VA applications for Pension (more often called Aid and Attendance.) Such organizations can't charge a fee. Some of them, though, explain that they expect a "donation" in return for help with the application. Is this "expected donation in return" a violation of the "no fee for application" rule? I'm not sure. Such a "non-profit" organization once offered to prepare my clients' VA applications in exchange for a certain dollar amount donation per application. That offer didn't pass my personal "smell test."

Now, please remember that the VA Pension benefit is not available to an applicant whose wealth is over a certain limit. (The limit on wealth, comes from a complicated formula rather than a certain dollar figure, so I won't go into detail on the wealth limit in this installment.) Certain non-profit often speak to residents of assisted living facilities about the Pension benefit, offering free help with Pension applications. Then, when a resident meets with the organization's representative one-on-one, the resident is told that he/she has too much money to qualify. The residents who have too much wealth are then referred to someone who can help them become "poor enough" to qualify for the Pension benefit. According to the information I have received over the years, the referrals to help someone become poor enough to qualify are almost always to someone who offers to sell an annuity that the VA won't count as "wealth" because the annuity has a long surrender period.

Now, there is nothing inside current VA rules that indicates that a long surrender period annuity violates VA policy. If the person's income and VA benefit cover his/her care costs for the rest of his/her life, then everything is fine. If the person's care costs exceed the income plus VA benefit, problems can arise.

If the person needs to go on Medicaid to get all of his/her care costs paid, then the money placed in the annuity is now considered for Medicaid eligibility. (Medicaid doesn't ignore annuities with a surrender charge the way that the VA ignores them.) The annuity will probably have to be cashed in, and the surrender charge lost, before the person can get Medicaid coverage. Depending on the age of the annuity, that surrender charge can be huge.

Many elder law attorneys help people who want to get VA benefits, and sometimes that help includes becoming "poor enough" to qualify for VA Pension (in the same way that elder law attorneys can help people become "poor enough" to qualify for Medicaid for long term care.) None of the elder law attorneys that I know use the "bait and switch" tactic that these annuity salespeople use. The elder law attorneys that I know do not get your attention with the "free" help with applications as a way to get your attention.

So, when considering VA benefits (especially VA Pension,) if you want help from someone who does many such applications, look for someone accredited and be wary of "free" help and of organizations that you've not heard of before that have official sounding names.

My thanks to Craig Hannus of Gateway Advisors in Mentor, Ohio for suggesting this topic.

My apologies for not posting last week. I did not have time to prepare something that I considered satisfactory.

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

02-23-2017 Businesses finding ways to become #Autism friendly <http://ow.ly/DCsr309gPpg>

02-22-2017 Activities that a #FamilyCaregiver can offer to #OlderAdult with #Dementia <http://ow.ly/Morj309cPfi>

02-21-2017 Another view on how to buy #LongTermCareInsurance wisely <http://ow.ly/Z4aV309by6W>

02-20-2017 Precautions when visiting #LovedOne in #NursingHome or #AssistedLiving to avoid spreading #Disease <http://ow.ly/UBsx308ULLe>

02-19-2017 #SupremeCourt will decide whether #Arbitration is binding in #NursingHome #Admission agreement <http://ow.ly/lp0Z308URFz>

02-18-2017 #Veterans helping other veterans #AgeInPlace <http://ow.ly/wuX4308UNVx>

02-17-2017 Helping #OlderAdults with managing #Money has risks <http://ow.ly/8rcm3095lw3>

02-16-2017 #Target provides #Shopping cart for children with #SpecialNeeds <http://ow.ly/BmYu308UL2K>

02-15-2017 Important discussions with #AgingParents before they need #LongTermCare <http://ow.ly/ijes308UJus>

02-14-2017 #LongTermCareInsurance payouts for 2016 <https://www.expertclick.com/NewsRelease/Long-Term-Care-Insurance-Industry-Paid-865-Billion-in-Claims.2017105215.aspx>

02-13-2017 Looking at #MemoryCare for an #AgingParent <http://ow.ly/qB2D308KuSq>

02-12-2017 #HuffingtonPost describes #Congress efforts to dismantle #Medicaid <http://ow.ly/u5J3308KwyT>

02-11-2017 #Tax deductibility of #HealthCare costs and a proposal for the future <http://ow.ly/sZXo308KtuM>

02-10-2017 #ABLEaccounts for #Disabled before age 26. Especially useful to maximize #SSI payments. <http://wp.me/p47F09-il>

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

3-2-2017 Jim Koewler will discuss Ohio's changes to Medicaid for long term care at Pearlview Care Center in Brunswick, Ohio.

3-21-2017 Jim Koewler will present a Continuing Education Program at the annual Social Worker Luncheon hosted by the Summit Senior Sales, Administration and Marketing Association Social Worker Luncheon. The luncheon will take place at the Natatorium in Cuyahoga Falls, Ohio, 11:30 a.m. Continuing Education credit will be available for social workers, counselors, and nurses. The topic has not yet been finalized.

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

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

02-28-2017 Professional Networking Group, Montefiore, Beachwood, Ohio,
8:30 a.m.

02-28-2017 Wayne Holmes Senior Service Coalition, Wayne County Care
Center, Wooster, Ohio, 8:30 a.m.

03-01-2017 Stark Senior Services Network, Meyer's Lake Ballroom, Canton,
Ohio, 9:00 a.m.

03-01-2017 Richfield Chamber of Commerce luncheon, The Taverne of
Richfield, Richfield, Ohio, 11:45 a.m.

03-01-2017 Medina County Senior Services Network's Client Services
Committee, Sully's, Medina, Ohio, 3:00 p.m.

03-07-2017 Aging Services Network East, Euclid Hospital's
Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

03-07-2017 Montrose SeniorCare Networking Group, Btookdale Montrose,
Akron, Ohio 8:30 a.m.

03-07-2017 Stow ElderCare Networking Group, Corner Cup Coffee House,
Stow, Ohio, 9:00 a.m.

03-08-2017 Medina County Senior Services Network, Medina County Board
of Developmental Disabilities, Medina, Ohio, 8:00 a.m.

03-09-2017 Lorain County Senior Services Network, Rose Senior Living,
Avon, Ohio, 8:30 a.m.

03-10-2017 Eldercare Professionals of Ohio, Greenbriar Health Center,
Parma, Ohio, 9:00 a.m.

03-15-2017 Professional Association Specializing in Seniors
("PASS"), Punderson State Park, Manor House, Newbury, Ohio, 8:30 a.m.

03-20-2017 Medina County Senior Services Network's Education
Committee, Yours Truly, Medina, Ohio, 11:30 a.m.

03-21-2017 University Hospitals Bedford Medical Center Senior Network, Northfield Village, Northfield, Ohio, 8:30 a.m.

03-21-2017 Summit Senior Sales, Administration and Marketing Association Social Worker Luncheon, Natatorium, Cuyahoga Falls, Ohio, 11:30 a.m.

03-23-2017 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.

03-24-2017 Eldercare Professionals of Ohio, Hamlet Village, Chagrin Falls, 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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