



Jim Koewler <jameskoewler@gmail.com>

Seniors and Special Needs News - March 10, 2017

1 message

The Koewler Law Firm <Newsletter@protectingseniorsnews.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

Medicare, Rehab, and Observation Status

Rehab is expensive. No surprise there. Under the right circumstances, the person getting rehab care sees little or no cost. Under the wrong circumstances, the person getting rehab will get stuck with the entire cost.

Just to be sure we all understand, "rehab" is rehabilitation. An example of rehab is the effort to strengthen the legs after a knee replacement.

In our discussion today, rehab follows a hospitalization. Most often, rehab takes place in a nursing home or in a facility similar to a nursing home that has chosen to focus on rehab services. (There is a trend to rehab at home, relieving the insurer from the room and board cost of a care facility.)

To have Medicare or an Advantage Plan cover rehab, the patient must be admitted to a hospital for a three-day period immediately before the start of rehab. If such a hospitalization took place and the patient has Medicare, then Medicare will usually pick up the entire bill for the first 20 days of rehab and all but \$101 of the costs for any additional days (up to 100.) The patient or supplemental insurance picks up the \$101. If the patient has an Advantage Plan, the plan's rules will control how the costs of rehab will be handled.

Separate from rehab, hospitals have economic pressures to control who gets "admitted" to the hospital. If a Medicare-covered person is re-admitted to the hospital within 30 days, Medicare will penalize the hospital for the first

hospitalization for not treating the patient's malady adequately enough the first time that another hospitalization was needed. The penalty will be a reduction in the Medicare reimbursement for the first hospital stay.

Because the risk of this payment reduction, hospitals tend not to "admit" someone on Medicare if the hospital's staff isn't sure that the patient can be cured. Many chronic illnesses of older adults can't be cured. Perhaps they can be treated, or perhaps the symptoms can be controlled, but the illness may not be curable. The lack of a cure creates a stronger likelihood of the need for more hospital care for the same person for the same medical needs. This risk of more care creates a high risk of a "readmission" for the patient. So, the hospital has a reason to look for a way to avoid admitting someone with an incurable chronic illness or with symptoms that can't be completely diagnosed.

Hospitals have started to use "observation status." Observation status takes place in the hospital in a hospital bed in a hospital room and looks just like an admission to the hospital, but it's not an admission. A person on observation is "outpatient" for billing purposes. Medicare is billed via Part B rather than Part A. Advantage Plans are billed via outpatient billing codes. But, the patient doesn't see a difference.

If a patient goes from observation status to rehab, the rehab will NOT be covered by Medicare. Rehab in a nursing home or rehab center can cost \$10,000 per month. Unfortunately, someone on observation status may not know that rehab won't be covered by Medicare or an Advantage Plan until it's too late.

So, a person on Medicare or an Advantage Plan who is in the hospital (or the person's loved ones) needs to advocate for full admission to the hospital.

When the patient goes into a hospital room (i.e., not in the emergency room any more,) ask if the patient is admitted or on observation status. (Just using the terminology will get the staff's attention.) If not admitted, demand to know why. Demand to know how to get fully admitted Demand to be fully admitted. Talk to the hospital social worker. Talk to the nurses. Talk to the doctors. Talk to the patient ombudsman. Talk to anyone necessary to get a full admission. (It may not happen, but if you don't try, it definitely won't happen.)

Check again everyday. (Status can change at any time.)

Being an advocate isn't fun (for most people,) but it may be necessary.

Follow up to Prior Newsletter

In response to the article in the February 24, 2017 newsletter entitled "Be careful who helps you with Veterans Benefits," I received a comment from

someone with the Academy of VA Pension Planners explaining that VA doesn't care about a surrender period for an annuity. If the person can access the funds, the funds count as wealth in the eligibility determination. I admit that I don't know whether the comment that I received is true or if the position taken by the annuity salesperson that VA won't count an annuity with a surrender charge is true. BUT, I have witnessed an annuity salesperson claim that VA won't count annuities with surrender charges. My concerns expressed in that article about such annuities if the owner would need Medicaid are great enough for me to dislike such an approach no matter VA's position on them.

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

03-09-2017 #Creative ways for a #Community to connect to those with #SpecialNeeds <http://ow.ly/vyz1309DwhB>

03-08-2017 How to #Speak to an #AgingParent <http://ow.ly/GxRt309IPxr>

03-07-2017 3 #LongTermCareInsurance models described: traditional, hybrid with #LifeInsurance, and combined with #Annuity <http://ow.ly/60qx309D0cy>

03-06-2017 Report criticizes federal #Medicaid office for poor data collection on #LongTermCare providers <http://ow.ly/OVZQ309CJy4>

03-05-2017 Advice for #OlderAdults at risk of #FinancialAbuse <http://ow.ly/csB7309B7nr>

03-04-2017 Identifying and Preventing #Financial #ElderAbuse <http://ow.ly/O1g1309Aacj>

03-03-2017 How #CPAs and other #Accountants can help reduce #ElderAbuse <http://ow.ly/wpjT309xszR>

03-02-2017 How #Spouses interact and share workload when they have a #SpecialNeeds child <http://ow.ly/WoSQ309tBWK>

03-01-2017 How #HomeCare can help a #FamilyCaregiver <http://ow.ly/HiQv309lOq2>

02-28-2017 #Medicare won't pay for #LongTermCare. Consider #LongTermCareInsurance. <http://ow.ly/3u8Z309rNQZ>

02-27-2017 Steps for #NursingHome and #AssistedLiving to reduce #Elopement of #OlderAdults <http://ow.ly/GcNu308UMtl>

02-26-2017 Show your #AgingParent that you care <http://ow.ly/JzM0309lQje>

02-25-2017 How #Medicaid #BlockGrants as the #RepealAndReplace for the #AffordableCareAct (aka #ObamaCare) could affect #LongTermCare <http://ow.ly/NrzB309lkFa>

02-24-2017 Be careful who helps you with #Veterans Benefits <http://wp.me/p47F09-pS>

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

3-10-2017 Jim Koewler will discuss the Legal Lessons for Life that apply after retirement at the Cuyahoga County Department of Developmental Disabilities in Cleveland, 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

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.

03-28-2017 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

03-28-2017 Professional Networking Group, The Weils, Chagrin Falls, Ohio, 9:00 a.m.

03-28-2017 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

03-30-2017 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio 8:30 a.m.

04-04-2017 Aging Services Network East, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

04-04-2017 Montrose SeniorCare Networking Group, Brookdale Montrose, Akron, Ohio 8:30 a.m.

04-04-2017 Stow ElderCare Networking Group, Corner Cup Coffee House, Stow, Ohio, 9:00 a.m.

04-05-2017 Stark Senior Services Network, Meyer's Lake Ballroom, Canton, Ohio, 9:00 a.m.

04-05-2017 Richfield Chamber of Commerce luncheon, Richfield Days Inn and Suites, 11:45 a.m.

04-05-2017 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.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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