



# The Anchor

ELDER LAW PRACTICE OF TIMOTHY L. TAKACS ♦ 201 WALTON FERRY ROAD, HENDERSONVILLE, TN  
*Serving Middle Tennessee and the Upper Cumberland Region*

Summer 2010

Issue 35

## Continuing Care Retirement Communities

### Coming Events

#### August 9: MorningLine

Tim Takacs takes viewer calls. 8 a.m. Newschannel 5+ (Check your cable provider for channel details.)

#### September 9: OpenLine

Tim Takacs takes viewer calls. 7 p.m. Newschannel 5+ (Check your cable provider for channel details.)

#### Community Spouse Workshops

Monthly programs for Elder Law Practice clients. Call (615) 824-2571 for dates, times and topics.

#### Early Stage Memory

**Loss Support Group**  
Call (931) 526-8010 for dates, times and locations in the Upper Cumberland area.

#### Mental Health

**Association Events**  
Call (615) 269-5355 for dates, times and locations.

#### Alzheimer's Family Care Network

Call (615) 292-4938, ext. 15 for dates, times and locations closest to you.

#### Caregiver Support Groups

7 p.m. on the third Monday of each month; Mt. Nebo Baptist Church, 416 Clifton Road, Nashville. Sponsored by the Greater Nashville Area Agency on Aging. Call (615) 862-8829 for details.

Continuing care retirement communities (CCRCs) are an emerging option for senior living. How can you tell if a CCRC is right for your loved one? *The Anchor* explains.

### What is a CCRC?

CCRCs offer a variety of housing options in a single location, most often in a campus-like setting or a high-rise. Residents can access everything from independent living units through assisted living and nursing home care all in one place.

### How does a CCRC work?

Generally, a CCRC will expect an older adult to move in when he or she is still healthy enough to live independently. As residents age and their needs change, they can get a greater level of care without having to uproot themselves.

They can also stay within the community and receive short-term nursing care if they need it after an illness or injury, and then move back to independent or assisted living once they recover. CCRCs offer unique advantages to couples. If residents move in as a couple, if one becomes ill and requires much more care than the other, they will be able to remain near each other. In some cases, they will be able to stay in the same apartment.

### Who should move to a CCRC?

A CCRC is a good option for people who value security. Knowing that no matter how their health changes down the line, their needs will be met and they won't have to move can bring peace of mind. A CCRC is also ideal for a senior who is becoming

socially isolated and would welcome an opportunity to make new friends and participate in group activities.

If your loved one values independence over security, a CCRC may not be

the best option. To join such a community often means a large cash

outlay to secure a spot. It also means that CCRC administrators will play a major role in deciding when your loved one needs to move from one level of care to the next.

### How Does Payment Work?

Continuing care payment arrangements vary quite a bit from one community to another. Payment systems can be quite complex. In most cases, residents pay a large entrance fee and then a monthly fee after

**Continuing Care Retirement Communities (CCRCs) offer a variety of residential options in a single location.**

*Continued on Page 2*

## Questions & Answers

**Q** I just got a letter that my husband's Medicaid was approved retroactively to November 1, 2009. He is in a Medicare prescription drug plan. What about the pharmacy balances he has paid since November?

**A** Your husband's retroactive Medicaid coverage also gives him automatic "extra help" with his Medicare prescription drug plan. This means that your husband is due refunds for any premiums, deductibles and copayments (for cov-

ered drugs) that he has paid since November 1, 2009.

**Q** My mother has Medigap Plan J. I heard that it is not going to be sold anymore. What should we do?

**A** It's true that effective June 1, 2010, Medigap plans E, H, I and J will no longer be sold; however people with these plans may keep them. If your mother is interested in switching to another plan, contact the insurance agent or company who sold the policy to discuss options.

**Q** Once I hit the "donut hole" in my Medicare Part D plan this year, what do I need to do to get my \$250 rebate?

**A** Nothing. If you reach the coverage gap (also known as "donut hole"), you will receive a one-time \$250 rebate check if you are not already receiving Medicare Extra Help. Mailing of the checks began mid June and will continue monthly throughout the year as beneficiaries enter the coverage gap. You don't need to provide any personal information to get the rebate check.~



"The first forty years of life give us the text..."

### Continuing Care Retirement Communities

*Continued from Page 1*

that. In some CCRCs, residents are asked to purchase the unit they move in to in addition to the monthly fee. Though the entry costs can be steep, residents can generally be confident that their needs will be met for the rest of their lives.

#### What's Included in the Contract?

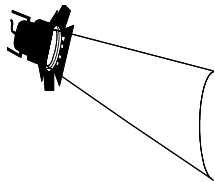
If a resident purchases a life-care contract, everything including housing, meals, medical care, and skilled nursing care will be covered, and the monthly fee should not be

increased as the resident moves from one level of care to the next. The resident can also choose a modified or fee-for-service contract. This is generally less expensive at first, but additional fees will be charged as more care or services are needed. Costs will also vary based on the size of the unit the resident chooses.

A CCRC represents both a long-term commitment and a significant financial investment. Reading and understanding the contract is important in

helping an older adult choose any kind of housing option. Contracts can be long and complex as they detail what will happen as your loved one moves from one level of care to the next. Once you have selected communities that seem appealing, it is a good idea to have knowledgeable professionals help you compare the alternatives as well as review the contract.

If you need assistance evaluating CCRC alternatives for your elderly loved one, call Elder Law Practice at (615) 824-2571.~



## It's Just Stuff

### Going Through Some Things...

#### GUEST COLUMN

Many families gather for reunions over the summer. Some siblings, though, set aside time to manage the personal property of their parents. Although hot and stressful, the chore can be the beginning of the next phase of your lives without adult supervision. As an appraiser, I've been privy to tender moments as well as tense sibling rivalries. I remind families that **it IS just stuff** and not worth damaging a family relationship.

After you have assimilated as much as possible into your homes and passed things to grandchildren and family friends, it is time to make some decisions. Knowing the worth of antiques and personal property is imperative at this juncture, so here are just a few of the most frequently encountered items and their current values.

- ♥ A box of colorful Christmas tree ornaments (circa 1940) can sell for over \$50.
- ♥ An aluminum tree with a working color wheel sells from \$75 to \$150.
- ♥ Hand-stitched quilts start at \$300 and can exceed \$1,000.
- ♥ Early science fiction books are briskly selling in the hundreds.
- ♥ Clothing from the 1940's to present is often cleverly stored in chronological order. Pull out the pieces that scream the era it was made such as the mod 60's shift, hot pants from the 70's, 1950's aprons, and sequined anything. Clothing with a designer label will easily sell over \$50.
- ♥ Typical knit separates from Sears and Castners still haven't hit the "trendy" collectible list, so please donate these.
- ♥ Decorator magazines are slow to sell, but cult favorites or fashion magazines, and select *Life* and *Look* will bring \$5 to \$45 each.
- ♥ Those 50 year old report cards and craft projects have little

market value. So have a giggle, and then let them go.

- ♥ Look for pottery like Roseville, Hull, Weller and pieces marked "USA" or "California." It sells for \$15 to over \$100 and may be hiding beneath plastic flowers.

If a house was occupied for over 30 years by the same family, there is money in those closets and attics. Collectors crave the oddest things, so take your time and determine value before discarding vintage items. It **IS** just stuff, but stuff sells.

*Connie Sue Davenport, ISA AM, is a credentialed antiques & personal property appraiser with 33 years of experience. She is a popular speaker and author who writes 48 columns a year for Tennessee periodicals.*



Contact her at [ConnieSue@ConnieSue.com](mailto:ConnieSue@ConnieSue.com), (615) 672-1992, or visit [www.ConnieSue.com](http://www.ConnieSue.com).~



...the next thirty supply the commentary on it."

-Arthur Schopenhauer

## Basic Facts about the Long-Term Care Community Choice Act of 2008

The Long-Term Care Community Choices Act of 2008 went into effect in March 2010. This new law is restructuring the way long-term care is delivered to Medicaid recipients.

### Background

In 1994, the Federal Government allowed the state of Tennessee to use its Medicaid funding for a statewide health care reform program called TennCare. Tennessee operated its Medicaid program through the TennCare waiver with the exception of long-term care services. For those, Medicaid made payment to the nursing homes for Medicaid recipients.

### What has changed?

Long-term care services are now being integrated within Tennessee's existing TennCare managed care organizations (MCOs), AmeriGroup and AmeriChoice. What was known as Medicaid Nursing Home Benefits in the past is now known as TennCare CHOICES in Long-Term Care or "CHOICES" for short.

### What changed?

Main components of CHOICES are intended to provide improved access and coordination of care along with expanded home and community-based choices and service options.

### Who can enroll?

To be in CHOICES, a person must need the level of care provided in a nursing home and qualify for Medicaid long-term care.

### What else do I need to know?

There are two groups of people in CHOICES: Group 1 is for people of all ages who receive nursing home care. Group 2 is for certain people who receive home care instead of nursing home care. It is only for adults 65 years of age and older or adults 21 years of age and older who have physical disabilities.

### What about home care?

To enroll in CHOICES and receive home care services, the assigned TennCare health plan (or MCO) must be able to safely meet the patient's needs at home and the cost

of home care cannot be more than the cost of nursing home care. This does not mean a person will automatically receive services up to the cost of nursing home care; the amount of care will be based on needs.

As with all new programs, there may be some confusion as new procedures are implemented. Elder Law Practice will continue to help clients and their families through the transition.~



"When the world says 'Give up,' ...

### Helpful Online Tools

Two free online tools are now available:

#### Health Care Reform

See what's new at <http://www.whitehouse.gov/healthreform>.

**Medicare:** View and modify personal information online, including claims, plan enrollment and quality information for your Prescription Drug, Medicare Advantage and other insurance plans. Compare plans, access health management tools and much more. Free and secure. Registration is required. Tour online at [www.MyMedicare.gov](http://www.MyMedicare.gov).~

## Takacs Tidbits

Tim Takacs is one of the co-founders of *Friends of Arts and Literature in Sumner County (FOALS)*, a non-profit organization that supports the arts.

“It all started at a dinner party in 2002,” recalls Tim. “Our city had a variety of needs but we agreed that a new library for Hendersonville was our top priority.”

FOALS embarked upon a \$10 million campaign to construct a state of the art library. With the help of professional fundraisers, FOALS raised \$4 million from the private sector and

made up the difference in matching funds from Hendersonville and Sumner County. The new library opened its doors in 2008.

FOALS is now working on the administration of the pledge cycle for the library and will be ready to look for its next project in a few years.

“Instead of sitting around complaining about what our community was lacking, we decided to do something about it,” says Tim. “We are proof that a small number of people can accomplish very big things.”~

## Health Care Legislation Spawns Scams

Con artists are taking advantage of confusion about the recent health care overhaul by creating scams that use key words of the legislation to sell non-existent insurance policies, or to gather personal financial information for identity theft.

- ♥ Avoid insurers who use the term Obamacare (no such plan exists) or who talk about “death panels.”
- ♥ Don’t pay a scammer to expedite Medicare

drug coverage rebates (the government does not allow this service).

- ♥ Verify that the insurer is licensed by calling the state Insurance Department at (615) 741-2218. Be wary of any company who emails or calls you to sell an insurance product.

If you believe that you have been a victim, call the State Attorney General at (615) 741-3491 to find out what your rights are and to file a complaint.~

## Workshop Series Continues

The *Community Spouse Workshop Series* features free educational programs open to all Life Care Plan clients and their families. Each session includes a brief presentation by Elder Law Practice staff followed by Q&A.

### Nursing Home Advocacy

*Thursday, August 26*  
Elder Care Coordinator Patsy Gentry discusses strategies for insuring quality care.

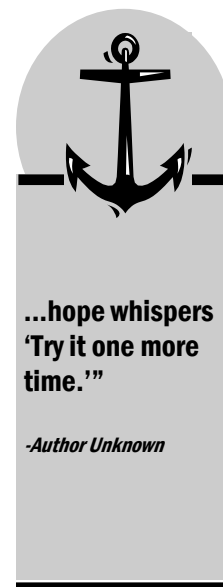
### Understanding Dementia

*Thursday, September 30*  
Elder Care Coordinator Debra King discusses facts and coping strategies for this common chronic illness.

### Now That You’re on Medicaid

*Thursday, October 22*  
Public Benefits Specialist Bryson Eubanks explains what happens after the application is accepted.

Workshops are held at the Elder Law Practice office at 201 Walton Ferry Road in Hendersonville. Call for times. Pre-registration is required. Call (615) 824-2571 to reserve your seat.~



...hope whispers  
“Try it one more  
time.”

-Author Unknown

*The Anchor* is a quarterly newsletter designed to enhance the service we provide to our clients. We hope you enjoy the publication and welcome your feedback.

Elder Law is a unique specialty of law intended to serve the needs of the elderly, disabled, and their families. The costs of utilizing such services are usually offset by the financial benefits gained as well as peace of mind.

Some clients who seek our services might feel like they are being tossed in a storm. Forces beyond one's control can catch a family off guard and easily drift them into a crisis situation. With professional assistance, including careful analysis and strategic planning, costly mistakes can be avoided while enhancing the quality of life for those involved.

While the Elder Law Practice of Timothy L. Takacs cannot stop the storm, we can provide the necessary anchor to help steady families during their season of turmoil.~

Information contained herein may contain general explanations of laws. It should not be considered as legal advice. Please seek counsel from an attorney regarding legal planning.  
Copyright 2010.

**ELDER LAW PRACTICE OF TIMOTHY L. TAKACS**

**TIM TAKACS**

CERTIFIED AS AN ELDER LAW ATTORNEY BY THE  
NATIONAL ELDER LAW FOUNDATION  
CERTIFIED AS AN ELDER LAW SPECIALIST IN TN

**LISA LOVE**

OFFICE MANAGER

**BRYSON EUBANKS**

PUBLIC BENEFITS SPECIALIST

**CAROL MOSELEY, RN**

ELDER CARE COORDINATOR

**DEBRA KING, LMSW**

ELDER CARE COORDINATOR

**PATSY GENTRY, RN**

ELDER CARE COORDINATOR

**BONNIE WOODARD**

MEDICARE SPECIALIST

**BO SILER**

LEGAL ASSISTANT

**CHELLE MCMAHAN**

OFFICE ASSISTANT

**Middle Tennessee**

Phone: (615) 824-2571; Fax: (615) 824-8772

**Upper Cumberland Region**

Phone: (931) 268-5761; Fax: (931) 268-1071

On the web: <http://www.tn-elderlaw.com>

PRESORTED  
STANDARD  
U.S. POSTAGE  
PAID  
NASHVILLE, TN  
PERMIT NO. 259

ADDRESS SERVICE REQUESTED

Hendersonville, TN 37075  
201 Walton Ferry Road

ELDER LAW PRACTICE  
OF TIMOTHY L. TAKACS

Planning Firm



\*\*\*NOTE: If you did not receive this issue by mail but would like to be added to the mailing list for future Anchor issues, please contact (615) 824-2571.\*\*\*