



The Anchor

ELDER LAW PRACTICE OF TIMOTHY L. TAKACS ♦ 201 WALTON FERRY ROAD, HENDERSONVILLE, TN
Serving Middle Tennessee

Fall 2014 Issue 52

Long-Term Care Glossary

Coming Events

October 18

Senior Solutions Expo.
10 am to 4 pm, Hall D, Music
City Center, Nashville.
www.seniorsolutionsexpo.com

October 28

Living Life Well: It's All in
What You Know, a workshop
about end-of-life planning.
5:30 p.m. – 7:00 p.m.,
Foxland/Monthaven rooms,
Sumner Regional Medical
Center, Gallatin.
(615) 328-6690.

November 6

Coffee Connections for Life
Care Plan clients with a
spouse in a long-term care
facility. 2 p.m. Call for loca-
tion. (615) 824-2571.

November 19

Barbara Boone McGinnis
presents "Ten Survival Tips
to Help Seniors" to members
of the Active Older Adults
Program at the Sumner
County YMCA. 12:30 p.m.
(615) 826-9622.

Alzheimer's Association Support Groups

Call (800) 272-3900 or (615)
315-5880 for dates, times
and locations closest to you.

For more events, visit
www.ElderLawEducation.com.

*Dates and times are subject to
change. Visit www.TN-
ElderLaw.com for the latest
information.

The long-term care system can seem like an alphabet soup of programs. This article provides definitions for some of the terms, concepts and programs that an older American and his or her caregivers are likely to encounter.

CHOICES is TennCare's program for long-term care services for the elderly (65 years of age and older) or disabled (21 years of age and older). Long-term care includes help with everyday activities such as bathing, dressing, getting around the home, preparing meals, or doing household chores. Long-term care services include care in a nursing home as well as certain services to help a person remain at home or in the community. These are called Home and Community Based

Services or HCBS.

Dual-Eligible Beneficiaries are people who are jointly enrolled in Medicare and Medicaid and who are eligible to receive benefits from both programs.

Extra Help

refers to a subsidy for Medicare Part D members who meet low income and resources qualifications or who are dual eligible. It helps pay the costs of Medicare prescription drug coverage.

Long-Term Services and Supports (LTSS)

is a category that encompasses a variety of supportive services provided to people who have limits on their ability to perform daily activities, such as bathing or dressing.

Managed Care Organizations (MCOs)

Like HMOs, these companies agree to provide

most Medicaid benefits to people in exchange for a monthly payment from the state.

Managed Care Plans are a type of health insurance. They have con-

The long-term care system can seem like an alphabet soup of programs.

tracts with health care providers and medical facilities to

provide care for members at reduced costs. These providers make up the plan's network. Plans that restrict your choices usually cost you less. There are 3 types:

1. Health Maintenance Organizations (HMO) usually only pay for care within the network. You choose a primary care doctor who coordinates most of your care.
2. Preferred Provider Organizations (PPO) usually pay more if you get care within the network. They

Continued on Page 4

Medicare Open Enrollment Q & A

Q *When is the 2015 Medicare Open Enrollment period?*

A October 15 kicks off the seven-week window when people with private Medicare health plans (known as Medicare Advantage plans) can switch coverage, and people with traditional Medicare can switch into or out of Medicare Advantage or Medicare Part D drug plans. Open enrollment ends on December 7, and elections go into effect on January 1, 2015.

Q *Is the Affordable Care Act Marketplace open enrollment the same thing as Medicare Open Enrollment?*

A No. Medicare beneficiaries do not participate in the health insurance marketplace.

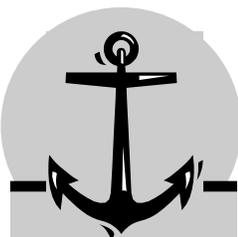
Q *Does open enrollment apply to all Medicare beneficiaries?*

A No. Nursing home residents or people covered by Medicaid, Extra Help or the Medicare Savings Program have a special period and

can make changes throughout the year. Also, anyone new to Medicare is given an initial opportunity to make choices.

Q *I got a call from someone who said that I needed to provide my social security number so I could get a “national health insurance card.” Is this legitimate?*

A No. This is one of the many senior-targeting scams capitalizing on lingering confusion about open enrollment requirements.~



“Behind every stressful thought ...

What is Patient Liability?

Are public benefits beneficiaries ever required to help cover the cost of their care? The short answer is YES, thanks to a concept called “patient liability.”

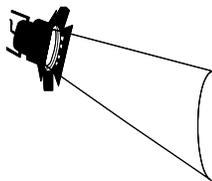
Patient liability is a monthly amount that a person receiving Medicaid-reimbursed Long-Term Services and Supports (LTSS) or hospice services in a Nursing Facility (NF) is required to contribute to the cost of care if his or her income is above certain levels. For dual eligible members (i.e., eligible for Medicare and Medicaid)

who are not Qualified Medicare Beneficiaries (QMBs), patient liability is also used to offset any Medicaid payment for Medicare services in a Skilled Nursing Facility (SNF) (i.e., Medicare deductibles and co-insurance). For QMBs, the Medicaid payment for Medicare deductibles and co-insurance cannot be reduced based on the member’s patient liability obligation.

A person’s patient liability obligation is determined by the Department of Human Services (DHS)

in accordance with federal post-eligibility provisions which take into account the person’s income that is available to help pay for such care after a reasonable allowance for personal needs and other living expenses, allocation of income to a community spouse or dependents, and incurred medical expenses not subject to payment by a third party, as applicable.

Nursing facilities are legally obligated to collect each Medicaid resident’s patient liability. Questions? Contact Elder Law Practice at (615) 824-2571.~



GUEST COLUMN

Ease the Transition to Senior Living

With the senior population in America projected to swell to 72.1 million by 2030, more and more families are in a position to care for elderly family members. As the demand for care increases, so does the toll on the physical and emotional health of caregivers. When the time comes to consider moving an elder out of the home, the prospect can be overwhelming. Ease the transition with the following tips:

TIP 1: Open the lines of communication.

If you have concerns, share them with your loved one. Be open about how these situations have affected you. Use these conversations to open the door for your loved one to identify his or her own needs.

TIP 2: Research senior living options.

Many older Americans have outdated perceptions about senior living options. Today's skilled care facilities (nursing homes) and senior living communities are a far cry from the sterile and

uncomfortable rest homes of old. Senior living communities now offer private suites, Wi-Fi, ice cream parlors, hair salons, and a host of other amenities. Residents may enjoy all the comforts of home without tedious chores and maintenance activities that are a normal part of home ownership. Today's senior living communities can make it easy for seniors to make new friends and enjoy life. When it's time to choose a living option, narrow the field by touring senior living communities in your preferred location, visit the finalists with your loved one, and then let him or her make the final decision.

TIP 3: Help plan the move.

Downsizing is often the first step. Help your loved one select favorite items to keep by going room to room. Encourage him or her to pass cherished keepsakes to family members now. Offer to help coordinate logistics like scheduling the movers and setting up appointments for utility connections. Try to keep the same phone number for your

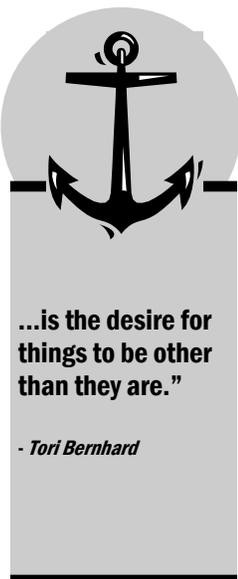
loved one so friends won't lose touch, and complete "I've Moved" notices so friends can visit the senior in the new apartment.

TIP 4: Help to set up the apartment and make it a cozy home.

Personalize your loved one's new home by hanging drapes and displaying family photos, mementos and artwork. Coordinate regular visits with other members of the extended family so your loved one maintains a close connection to the family unit.

With open communication and the right plan, you can make the transition to a senior community an enriching experience for the entire family.

Amy Raines is the General Manager of Park Place Retirement Community in Hendersonville, TN. Park Place has been serving seniors for 30 years offering both independent and assisted living options. Contact Amy at (615) 822-6002 or araines@centurypa.com.



...is the desire for things to be other than they are."

- Tori Bernhard

Staff Spotlight—Bonnie Woodard

Bonnie Woodard has been on staff with Elder Law Practice of Timothy L. Takacs since 1999. As Medicare Specialist, she assists clients and their families with health insurance decisions, questions, appeals, and resolution of problems. She also coordinates the firm's marketing activities and assists with VA claims.

Before joining Elder Law

Practice, Bonnie worked in a variety of roles in the Medicare Part B organization. In 1996, she moved into the managed care field and was instrumental in laying the groundwork for Medicare managed care in Tennessee.

Bonnie is no stranger to caregiving. While working for the firm, she experienced her own long-term



care journey with her late mother, gaining first-hand knowledge of the anguish and challenges that go along with caring for a loved one with dementia. Bonnie also oversaw the care of her late mother-in-law. She considers it all valuable experience because it helps her understand the needs of Elder Law Practice clients and their families.~



Glossary

Continued from Page 1

still pay part of the cost if you go outside the network.

- Point of Service (POS) plans let you choose between an HMO or a PPO each time you need care.

Medicaid is a health insurance program for low-income individuals and families who cannot afford health care costs. Medicaid serves low-income parents, children, seniors and people with disabilities.

Medicare is the federal health insurance program for people who are 65 and older, certain younger people with disabilities, and people with end-

stage renal disease.

Medicare Advantage Plan is a type of Medicare Managed Care Plan offered by a private company that contracts with Medicare to provide Part A and Part B (and sometimes Part D) benefits. On Medicare's web site, it is referred to as a Medicare Health Plan.

Medicare Parts A, B, C, and D: The Medicare program has three components: Hospital Insurance (Part A), Medical Insurance (Part B), and prescription drug coverage (Part D). Medicare Part C (known as Medicare Advantage) specifies the rules under which private health care plans can assume responsibility for, and be compensated for, providing benefits covered

under Parts A, B, and D.

Qualified Medicare Beneficiary (QMB) is a level of help available under the Medicare Savings Program for low income Medicare beneficiaries. It covers Medicare cost-sharing requirements such as premium, deductibles and 20% co-insurance. Medicaid applicants are automatically screened for QMB.

TennCare is Tennessee's Medicaid program. TennCare services are offered through managed care entities. Medical, behavioral and Long-Term Services and Supports (LTSS) are covered by "at risk" managed care organizations (MCO) in each region of the state.~

Takacs Tidbits

Educating the public about elder law and elder care-related topics has always been a passion for Tim Takacs. That's one of the reasons he established the Elder Law Practice's Speakers' Bureau.

For the last 20 years, Tim and members of his staff

have maintained a busy schedule of presentations and workshops throughout Middle Tennessee and the Cumberland Plateau.

Elder Law Practice staff members donate their time to address civic groups, residents of long-term care facilities, financial, insurance and legal profession-

als and many other groups on a variety of topics related to the challenges of aging, long-term illness and disability. Many organizations schedule them to return year after year. To arrange for a presentation to your group, call Elder Law Practice at (615) 824-2571.~

News Briefs

Autumn is Fall Prevention Season

Falls are the leading cause of injury and death among older Americans. Learn more about falls by watching *The Falling Monologues*, a series of video stories reflecting the thoughts, emotions, and lessons learned by older adults after they've fallen, developed as a creative approach to spark interest and start discussion about fall prevention. Watch at stopfalls.org/the-falling-monologues.

Free Medical Eye Exams for Eligible Seniors

EyeCare America, a public service program of the Foundation of the American Academy of Ophthalmology, matches eligible seniors in need with volunteer ophthalmologists who

provide medical eye exams (and up to one year of care) at no out-of-pocket costs to patients. To find out if you or your loved one qualify for this program, visit www.eyecareamerica.org.

Trouble with a Long-Term Care Facility?

If you are having difficulty resolving a problem with a loved one's long-term care facility, help is available. The Long-Term Care Ombudsman program gives residents and their families access to volunteer Ombudsmen, impartial third parties who serve as advocates for residents of long-term care facilities. Ombudsmen's primary purpose is the resolution of problems. All matters are kept confidential. To find an Ombuds-

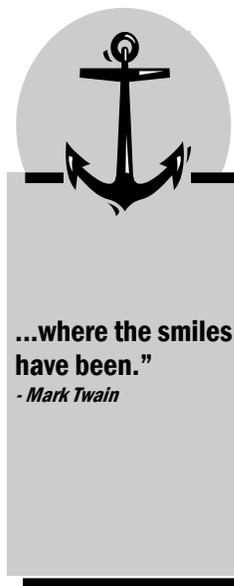
man in Middle Tennessee, contact (615) 452-5259.

Stop Senior Scams

Financial scams targeting seniors are so widespread that they are now considered "the crime of the 21st century." Information on www.stopseniorscams.org will empower seniors and their caregivers with tools, tips and resources.

Hang Up on Robocalls

If you receive a robocall (a phone call from a recording) and you haven't given the caller your written permission to call, it's an illegal call. Hang up and file a complaint with the Federal Trade Commission at www.ftccomplaintassistant.gov. Next, add your phone number to the National Do Not Call Registry at www.donotcall.gov.~



...where the smiles have been."

- Mark Twain



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VISIT OUR EVENT CALENDARS AT

WWW.ELDERLAWEDUCATION.COM AND

WWW.TN-ELDERLAW.COM

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.
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