

P2 / Takacs McGinnis Elder Care Law has several new members. Meet them all in this issue's Team Tidbit.

P3 / How can you tell if a senior living facility has a positive culture? This month's guest columnist explains.

the CONTINUUM

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Takacs McGinnis Elder Care Law, PLLC | 201 Walton Ferry Road, Hendersonville, TN

Will a Medicaid Block Grant Harm Seniors?

The move to radically restructure TennCare by turning it into a block grant program continues to advance. What will this mean for older adults in Tennessee?

In late April, the Tennessee Legislature passed a bill ordering the governor to seek federal approval to transform TennCare, the \$12 billion Medicaid program covering 1.3 million Tennesseans, from an open-ended entitlement program to one where the federal government makes fixed payments.

Under current law, Medicaid reimburses the state a fixed percentage on its Medicaid costs, with Tennessee receiving approximately \$7.6 billion in federal money for its \$12.1 billion Medicaid program, which state Republicans say gives little incentive to keep expenses under control because no state pays more than half the total cost. The new bill — HB1280/SB1428 — would “convert the federal share of all medical assistance funding for this state into an allotment that is tailored to meet the needs of this state and that is indexed for inflation and population growth.”

Tennessee Republican Gov. Bill Lee

indicated he will sign the bill but vowed not to accept any grant that reduces funding for the state.

Should the measure succeed, Tennessee would become the first, and only, state to fund its Medicaid health care program through a block grant.

Supporters of the block grant approach argue it will enable states to design more efficient Medicaid programs that provide better benefits, cover more people, and save money.

But opponents, including providers and patient advocacy groups, warn that capped models like block grants or per capita caps would lead to reduced Medicaid funding over time and require states to cut enrollment, benefits, and payment rates.

Older adults in nursing homes could be especially hard hit. TennCare is projected to spend \$1.07 billion this fiscal year on nursing home care for about 24,000 people, according to an

agency spokeswoman. It is one of the most expensive services TennCare provides. Should Tennessee run out of its annual capped federal funding, it could lead to a political fight for resources among different interest groups.

Opponents also worry that a block grant would deprive older Tennesseans of many protections provided by federal Medicaid law, such as provisions that keep married couples from being driven into complete poverty by one spouse's need for long-term care.

“It is important that our elected officials understand that the Medicaid block grant approach will impact everyone,”

said Barbara McGinnis, Certified Elder Law Attorney and partner at Takacs McGinnis Elder Care Law, PLLC. “It's not just TennCare beneficiaries who are at risk.”

The digital version of this article contains more details and a link to frequently-asked questions about block grants. Find it at <http://bit.ly/2wBgN36>



Team Tidbits

Welcome New Employees!

There are a few new faces at the Takacs McGinnis office!

Associate Attorney Chris Johnson provides legal expertise on a wide range of client issues with a focus on estate planning, VA benefits, and probate. He is a veteran with 19 years of legal and military experience.

Joshua Hunter is one of the firm's Public Benefits Specialists. He focuses on helping clients understand how to get the most from their Medicare coverage. He also guides

veterans and their families through the VA benefits application process.

Paralegal Jennifer Berkon provides legal support to the firm's attorneys in the area of estate planning, trust, and asset protection matters.

The digital edition of this article includes more information about each person along with links to their bios on the Takacs McGinnis website. View it at <http://bit.ly/312eAvz>.



Chris Johnson



Joshua Hunter



Jennifer Berkon



LearningCafé recap

CLIENT EDUCATION SERIES

Irrevocable Trusts

What is an irrevocable trust? This question was the subject of the Learning Café on April 18, 2019.

A trust is a legal way of holding, managing, and distributing property. Irrevocable trusts are an important tool in the elder law and estate planning toolbox, especially when it comes to qualifying an older adult for Medicaid or Veterans pen-

sion benefits. Setting up and administering a trust is a five-step process that involves 1) trust creation, 2) tax recognition of the trust, 3) funding of the trust, 4) administration of the trust, and 5) distributions from the trust.

The digital edition of *The Continuum* includes a video recap by Certified Elder Law Attorney Barbara

McGinnis along with a more detailed explanation of each step of the five-step trust process. View it at <http://bit.ly/2Z0kUSo>.



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If you know someone who might benefit from this publication, we encourage you to share it.

Guest Column

The Three C's of Culture

How can you tell if a senior living community has a positive culture?

What comes to mind when you think of business culture? Is it a consistent customer experience that makes a business immediately recognizable? Apple, with its sleek minimalist approach to technology; Google, with its corporate offices that look like an adult playhouse, and Disney, well, it's known as the happiest place on earth. But those cultures didn't just happen overnight.

If you're in the market for a senior living community for an elderly loved one, culture is more than just the feeling one gets when walking through the front door. It's an experience that has to bleed from every pore of the establishment. From the smile of the housekeeper to the cleanliness of the kitchen, culture is manifested from it all.

So, what's the secret? How do you determine whether a facility has a positive culture? A good guide I've found is to follow the three C's of Culture.

#1: Compassion

Have you ever watched someone work who had so much compassion for what they do that it becomes contagious? These are the people companies want to hire even if their skills aren't perfect at the beginning. Skills are teachable. Compassion is not, but the value of a compassionate and engaged employee is monumental. It can spread like wildfire and bring life to a senior

community where there once may have been complacency.

#2: Cultivation

Everyone wants to feel valuable. Everyone yearns for a sense of purpose. Nothing fills that void more than when a person is given the autonomy to move themselves forward in their career or the power to learn a new skill. When employees at senior communities are given the tools and the power they need to succeed, they create a culture that makes residents and their families feel welcome and comfortable.

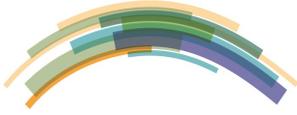
#3: Change

No, not change! No one likes it, but inevitably, change is what the best senior communities leverage to create a successful culture. In the senior housing world, change often inspires fear. Even a change in the menu can cause tremendous stress for residents. But change can be a good thing, especially for senior living communities that want to exceed the expectations of current residents and family members, as well as prospective residents. For example, it took me years, but I finally got all of my team members to stop saying the "F" word: facility! When I hear the word "facility," I think of hospitals, nursing homes, government buildings, and the like. The reality is that we are in the hospitality business now, so we use words like

"Community," "Campus," and "Property." It sounds much nicer, right? That little change made a world of difference in how we perceived our own workspace, and it gradually brought more pride to our team. Our residents and their families noticed it, too.



Jake Rightmyer, an Executive Director for Life Care Services, An LCS® Company, has been a member of the Life Care Services team since 2013. He provides operational management for Clarendale at Indian Lake in Hendersonville, Tennessee. Prior to joining Life Care Services, Jake worked for senior living properties in Oklahoma, Georgia, and North Carolina. For more information, contact Jake at (615) 826-9223 or rightmyerjake@lscnet.com.



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The Continuum is a quarterly newsletter designed to enhance the service Takacs McGinnis Elder Care Law, PLLC provides to clients. Please direct feedback, questions and comments to continuum@tn-elderlaw.com.

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