



The Anchor

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

Spring 2013 Issue 46

Medicaid Expansion in the News

Coming Events

May 16
Caregiver Support Group.
6:00 p.m. Hearth of Hendersonville, 419 E. Main St., Hendersonville. (615) 829-0277.

May 16
Trust School for Elder Law Practice clients. 3:30 p.m. Park Place Retirement Community, Hendersonville. (615) 824-2571.

June 10
Tim Takacs takes viewer calls on MorningLine. 8 a.m. Newschannel 5+. (Check your cable provider for channel details.) *

July 23
Dementia Caregiving Conference. 9:30 a.m. - 3 p.m. Trevecca Nazarene University (615) 519-5399

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

Alzheimer's Family Care Network
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.

Even though Medicaid has helped millions gain access to health care, many low-income people have been left out. In March, Tennessee governor Bill Haslam made an important announcement about the state's decision on the expansion of its Medicaid program. What does this mean?

FINANCING

Today, generally speaking, each state receives matching dollars from the federal government, and those matching rates vary across the states from 50 to 76 percent. This means that, for every dollar a state spends on Medicaid, the federal government contributes between \$1.00 and \$3.17. Federal matching rates are based on the per capita income of the states, so states with lower per capita incomes get higher matching rates.

In 2014, the Affordable Care Act gives states the opportunity to expand their Medicaid programs to cover all individuals with incomes at or below 138 percent of poverty. That will extend coverage to many low-income adults currently left out of the program and simplify eligibility determinations across the program.

ELIGIBILITY

Federal law requires states to cover certain categories of people in Medicaid. In general, there are six categories of so-called mandatory individuals including the elderly and disabled. Eligibility levels vary by income.

States have the flexibility to increase these income limits to allow more people to qualify for Medicaid.

The Affordable Care Act

requires states to maintain the Medicaid eligibility levels, policies, and procedures that were in place in March 2010 (the date the Affordable Care Act was enacted)

Unlike most states that said "yes" or "no" to Medicaid Expansion, Tennessee's governor said "maybe."

until the state has an operational exchange.

In 2014, states can expand their Medicaid programs to cover virtually all individuals under the age of 65 with incomes below 133 percent of poverty. Income eligibility for those over 65 will remain unchanged. For those newly eligible through this expansion, the federal government will cover 100 percent of costs for 2014 through 2016, gradually falling to 90 percent in 2020. The federal contribution will remain at 90 percent thereafter. States have the option to implement this expansion sooner.

Continued on Page 2

Questions & Answers

Q *How should I sign when acting as an Attorney-in-Fact?*

A The exact wording is not important. Just make sure you indicate that you are signing for your Principal, not for yourself; for example: Rachel Wilson, by Howard Carver as her Attorney-in-Fact.

Q *My mother is a member of a Medicare Advantage Plan and was just approved for*

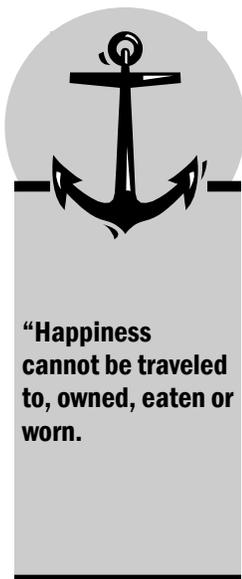
Medicaid. If I want to switch her back to original Medicare, do I have to wait until the fall open enrollment period?

A No, your mother is entitled to a Special Enrollment Period. Don't forget that you may need to also enroll her in a Medicare drug plan when switching.

Q *My husband was admitted to a nursing home for skilled care. How do I know how many*

days he has left in skilled care?

A The number of skilled days are measured by "benefit periods" and by the patient's medical need for skilled care. Medicare requires nursing homes to provide advance written notice to the patient/family when they believe skilled days are about to end. The notice will also contain appeal rights if you don't agree.~



"Happiness cannot be traveled to, owned, eaten or worn."

Medicaid Expansion in the News

Continued from Page 1

In states that expand Medicaid, the historic federal Medicaid matching formula will still apply to individuals who meet the Medicaid eligibility criteria in place as of December 1, 2009.

BENEFITS

Today, federal law requires states to provide a minimum benefit package in Medicaid that includes physician, hospital, and nursing facility services. States are permitted to provide coverage for certain other health care services that are approved by the federal government. In

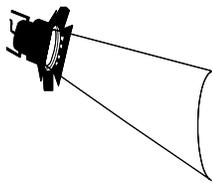
states that take advantage of the Affordable Care Act's Medicaid expansion, there are specific benefit requirements for those who are newly eligible. For those individuals, states must provide a set of essential health benefits.

Unlike most states, which said either "Yes" or "No" to expansion, Governor Haslam said "Maybe." He explained that his Administration was in talks with the federal government about how to expand Medicaid through the health insurance exchange that will be

operational beginning January 1, 2014.

That is, Governor Haslam is pursuing a different option for expansion, one that would enable low-income Tennesseans to gain access to health care via private health insurance (funded with federal Medicaid dollars), rather than via the state's Medicaid program.

The Obama Administration has indicated a willingness to be flexible on states that have asked for a similar option. The outcome of these talks may not be known until later this summer.~



GUEST COLUMN

Changes in the Home Make it Easier to Age in Place

Aging at home is the goal for most seniors, who often feel a great sense of pride when they tell friends “we are still at home and doing just fine.” However, from the perspective of their adult children, the reality is often a bit different.

Aging in place is hard for adult children to imagine when they are confronted with the reality of their parents’ living conditions. Cluttered rooms filled with trip hazards along with increased risks due to failing eyesight and decreased mobility do nothing to ease adult children’s concerns. And when the senior is resistant to change, the goal to age in place becomes much more difficult to achieve.

So what can adult children worried about parents’ safety and well-being do to manage this difficult situation?

Awareness of how loved ones interact with their own home offers important clues that may make it easier to modify

the home or introduce the use of assistive devices. Helpful hints include:

- ♥ Agree upon realistic parameters. Remaining at home is only feasible as long as the home is functional, comfortable and safe.

- ♥ Reverse negative mindsets. Canes,

rails, ramps, etc. are not typically viewed as expressions of independence, but really, they are. Sometimes it’s good to be reminded that the willingness to adapt helps to preserve autonomy.

- ♥ Lay out a short list of reasonable objectives. Avoid making any decisions for loved ones; instead present just a few simplified options and allow them to choose.

- ♥ Be assertive. Some home modifications and assistive technology benefit caregivers too. Loved ones may be more agreeable to changes if they under-

stand how those changes would lessen the strain on others.

- ♥ Seek expertise. Seniors may think family input is biased. They may be more receptive to making changes in the home if suggestions are deliv-

ered by a trained professional.

Each situation is different. Speaking with a Home Livability Consultant is a great first step toward creating a safe and comfortable home that promotes the physical, social and financial well-being of elderly loved ones and their caregivers.

Jason Biddle is the Community Relations Manager for A Better Nest, a Nashville-based company dedicated to helping individuals and families make their home environments simpler, safer, and more livable. For more information, contact Jason at (615) 624-0954 or jason@abetternest.net.



With the right planning, aging at home is a very real option for seniors.



It is the spiritual experience of living every minute with love, grace and gratitude.”

- Denis Waitley

Important Information for the “Dual-Eligible”

Please read if your loved one receives both Medicaid and Medicare benefits

People who are recipients of both Medicare and Medicaid are often referred to in the industry as *dual eligible*. Once on Medicaid (also known as TennCare and CHOICES in Tennessee), the individual is assigned to a managed care organization who administers Medicaid benefits such as United Healthcare or Amerigroup.

As dual eligible, individuals automatically receive:

1. “extra help” with their Medicare Part D prescription plan; and
2. a Medicare “special enrollment period.”

The special enrollment period means that the individual does not have to wait until the Medicare fall open enrollment period to make Medicare changes such as switching from a Medicare Advantage Plan to Original Medicare, or changing Medicare drug plans.

About Medicare Advantage Plans

Because the new dual eligible recipient is entitled to a Medicare special enrollment period, health plans take this opportuni-

ty to market Medicare Advantage Plans. A Medicare Advantage Plan is a type of health plan offered by a private company that contracts with Medicare to provide all Medicare Part A and Part B benefits. Most Medicare Advantage Plans in Tennessee will be either a Health Maintenance Organization (HMO), Preferred Provider Organization (PPO), or Special Needs Plan from companies such as Healthspring, Amerivantage (Amerigroup), Blue Cross or Humana. *If a person enrolls in a Medicare Advantage Plan, Medicare services are covered through the plan and are not paid for under Original Medicare.*

Members of Medicare Advantage Plans must abide by certain rules that are not required by Original Medicare, such as using network providers and getting referrals through a primary care provider.

About Special Needs Plans

One type of Medicare Advantage Plan is designed especially for dual eligible individuals who reside in a facility. This is known as a Special Needs Plan.

A Special Needs Plan might

offer benefits not provided by Original Medicare such as routine vision and dental coverage; credits to purchase everyday health items like vitamins, first aid supplies, and dental care products; and transportation to medical appointments.

For family members who have a loved one that is dual eligible, the Medicaid transition can be a confusing time. When a family member is subsequently approached by a telemarketing caller or a direct mail flyer about a new health plan offering additional benefits, the confusion can increase.

If your loved one is approached about a new health plan, the most important thing to ask is this: *Is it a Medicare Advantage Plan?* Remember, a Special Needs Plan is a type of Medicare Advantage Plan.

See www.medicare.gov for more information and a complete listing Medicare Advantage Plans. And, as always, Elder Law Practice staff members are available to answer client questions.~



"Life is like photography.

Takacs Tidbits

Did you know that Elder Law Practice of was one of the first elder law firms in the nation with a credentialed social worker on staff?

Debra King, a Licensed Master Social Worker and one of the firm's elder care coordinators, was recognized in March during National Professional Social Work Month. Her social work training cou-

pled with experience as a former discharge planner with a major Nashville hospital gives her a special understanding of the needs and challenges facing the elderly and their families.

Though Elder Law Practice is one of only a few firms in the state to offer this important perspective to clients, more firms are following suit, recognizing that the discipline of-

fers a unique way of responding to changing environments that may limit individuals, families and communities. "Social workers like Debra strive every day to help people function better in the face of limiting experiences like long-term illness and disability," said Tim in a press release. "Debra is making a daily difference in the lives of our clients and their families."~

Helpful Tools

Elder Care Training Modules

These informative workshops are open to all Life Care Plan clients and their families. Each session includes a brief presentation by staff members followed by audience Q&A. Upcoming topics include Special Needs Trusts, caregiving and Alzheimer's disease. Workshops usually start at 3:30 p.m. and are held at locations in the Hendersonville area. Invitations will be sent prior to each workshop. Pre-registration is required.

Coffee Connections

Join other at-home spouses of Elder Law Practice clients on the first Thursday of every other month for

educational gatherings. For more information, call the office at (615) 824-2571.

Check Beneficiaries

Make an annual check of your beneficiary designations part of your household routine. Don't forget to update after major life changes or when making changes to an estate plan.

Five Tornado Tips

Get ready now before the storm strikes.

1. Have a family tornado plan in place, based on the kind of dwelling you live in.
2. Practice a family tornado drill at least once a year.

3. Assemble an emergency kit that includes medicine and supplies.
4. When a tornado watch is issued, think about the drill, check to make sure supplies are handy, and stay alert for warnings.

Get the Tornado App

The American Red Cross has created an app that puts emergency preparedness in the palm of your hand. It also sounds an alarm when NOAA issues a tornado warning for your location, even when the app is closed. Check it out at apps.usa.gov/tornado-app.shtml.~



You need the negatives to develop."

--Source Unknown



**ELDER LAW PRACTICE
OF TIMOTHY L. TAKACS**
Life Care Planning Firm

201 Walton Ferry Road
Hendersonville, TN 37075

ADDRESS SERVICE REQUESTED

***** 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. *****

PRESORTED
STANDARD
U.S. POSTAGE
PAID
NASHVILLE, TN
PERMIT NO. 3731

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

BARBARA BOONE MCGINNIS, ASSOCIATE ATTORNEY

LISA LOVE, OFFICE MANAGER

BRYSON EUBANKS, PUBLIC BENEFITS SPECIALIST

EMILY MCCORD, LMFT, ELDER CARE COORDINATOR

DEBRA KING, LMSW, ELDER CARE COORDINATOR

PATSY GENTRY, RN, ELDER CARE COORDINATOR

BONNIE WOODARD, MEDICARE SPECIALIST

ANN ELISE WALSTON, LEGAL ASSISTANT

CHELLE MCMAHAN, LEGAL ASSISTANT

MIDDLE TENNESSEE

PHONE: (615) 824-2571 | FAX: (615) 824-8772

UPPER CUMBERLAND REGION

PHONE: (931) 268-5761 | FAX: (931) 268-1071

CALL TOLL-FREE AT (866) 222-3127

ON THE WEB: WWW.TN-ELDERLAW.COM

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.
Copyright 2013.