

ElderLaw Advisor

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SPECIAL REPORT: 2008 BLAINE HOUSE CONFERENCE ON AGING

The Blaine House Conference on Aging took place on October 15, 2008 at the Augusta Civic Center with Governor John Elias Baldacci speaking to the 300 delegates attending. The Conference concluded with the adoption of 22 action resolutions that will be carried forward and implemented by the Post-Conference Action Committee.

Governor Baldacci highlighted the need for all Mainers to work together as a family in order to solve the challenges facing Maine's aging population. The Governor also emphasized the need for Maine to decrease its dependence on foreign oil and pledged to implement short-term and long-term energy plans to do so.

The following 22 action resolutions were overwhelmingly adopted by the conference delegates:

Caregivers of Long Term Care Services

- Modify current MaineCare rule regarding compensation payment to family caregivers currently treated as a gift for the purposes of determining MaineCare eligibility.
- Ask that LD-519, an act to help family caregivers, friends, and neighbors who provide home care to senior citizens, continue. Make "pilot" into permanent program.
- Increase overall reimbursement to providers

to cover costs and establish caps on fees such as background checks, transportation checks, and other associated fees.

- Establish an incentive program (similar to G.I. Bill) to provide support to paid and unpaid caregivers for training to upgrade skills and credentials to improve quality of care of individuals and to retain caregivers.
- Develop a K-12 Task Force on Aging (use existing national model).

Community Involvement and Volunteerism

- Promote volunteerism by developing a centralized and comprehensive marketing strategy including the education of State leadership and industry.

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"What lies behind us and what lies before us are small compared to what lies within us."

- Ralph Waldo Emerson



JOHN NALE

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MARK NALE



Special Report, *continued from p1*

- Develop a State resource center on volunteerism that includes promoting www.volunteermaine.org as a source for information and referral.
- Promote recruitment, education, training and continuing support and recognition of volunteers.

Creative Housing/Services

- Restore Healthy Housing Communities Program.
- Advocate for public policy changes that promote funding for home-based and community services versus institutional care, in consideration of consumer need and choice.
- Promote more flexibility in funding streams for creative housing/services by providing real incentives for public/private partnerships in order to enable people to remain independent in their own homes and communities, including the promotion of aging-friendly architectural features in new buildings and residential dwellings.
- Bring back our sense of community by promoting education, awareness and volunteerism.

Elder Abuse

- Increase awareness and education.

Employment

- Hold a high priority Blaine House conference with political clout to focus on employment of older workers, the outcome of which will be an action plan.
- Design and implement targeted services in Career Centers focusing on employment related education and support for older workers.
- Design and implement targeted outreach to employers for the recruitment and retention of older workers.

Healthy Aging

- Demand Maine congressional delegates resubmit and support Medicare drug price negotiation.

- Require insurance companies to fund prevention and health promotion through legislation, financial incentives, community programs, worksite wellness programs, and tiered coverage for the underinsured and uninsured.
- Redefine “Long-Term Care” to focus on earlier planning and staying healthy longer.

Transportation

- Provide a transportation system for seniors who have limited transportation resources with local, regional and state support.
- Review existing transportation documents, including the Maine Department of Transportation Transit Operations Plan Executive Summary, Maine Transportation Directory, and Greater Portland Council of Governments transit subcommittee to develop a comprehensive senior transportation plan and system.
- Integrate senior transportation options into community transportation systems, publicize, and education service providers, community organizations and the public.

The Post-Conference Action Committee will now advocate for funding of programs, enactment of legislation and policy changes necessary to implement these resolutions, all in an effort to improve the quality of life and quality of care that our seniors deserve and are entitled to receive. We will continue to update you regarding all progress made throughout the upcoming legislative sessions.

ElderLaw Advisor is written by John E. Nale, Esq. & Mark J. Nale, Esq. This newsletter is published as a service of Nale Law Offices, 44 Main Street, Waterville, ME 04901. This information is for general informational purposes only and does not constitute legal advice. For more information please consult Nale Law Offices at 873-4304 or visit our website at www.nalelaw.com.



MEDICARE ENROLLMENT PERIOD IS NOW

It's that time again! Between November 15th and December 31, 2008 those eligible for Medicare have the option to change existing Medicare Advantage Plans and/or Medicare Part D. This period is called the Annual Election Period or AEP. Once a year, Medicare allows enrollees to opt in or out of Medicare Part D and their Medicare Part C Advantage Plan. With the Medicare Part C Advantage Plan, Medicare pays a private insurance company to take over and administer someone's Medicare benefits. That person is still part of the Medicare system. He or she doesn't leave the system, but simply receives benefits from a private company, not the government.

There is also another period of time from January 1, 2009 through March 31, 2009 that is called the Open Enrollment Period or OEP. During OEP, a person can enroll in an Advantage Plan but cannot change Part D status.

So why the big deal? Why does someone need to be aware each year of what's going on? The reason is the insurance companies that sponsor Medicare Advantage Plans and the Part D Plans have the option to change what they offer each year. Changes come as a result of directives from Medicare, from previous years' claims experience, or from a multitude of other reasons.

Medicare Part C Advantage Plans and Medicare Part D can be a great fit for many Medicare enrollees. However, as with anything, one size does not fit all. During the periods when changes can be made, people owe it to themselves to evaluate their options and choose the Part C and/or Part D plans that are best for you.

GIFT AND ESTATE TAX UPDATE

Beginning January 1, 2009 the annual gift tax exclusion will increase to \$13,000.00 per year. This is the amount a person can gift to any one person per year without gift tax consequences. Gifting more than \$13,000.00 per year results in a reduction of a person's lifetime gift exclusion amount of \$1 million. Depending on the size of your estate, this may or may not be a problem. Although this type of gift does not result in a gift tax, it may result in penalties or periods of ineligibility assessed by the Department of Health and Human Services under the MaineCare Long-Term Care program. Gifting of assets should only be done after consultation with an experienced elder law attorney.

Beginning January 1, 2009, the United States estate tax exclusion amount increases to \$3.5 million. This is the amount a decedent can leave tax free to heirs other than a spouse. A decedent can leave an unlimited amount to his/her spouse, but only \$3.5 million to others. The Maine estate tax exemption will remain at \$1 million. A person or a couple with assets in excess of \$1 million should seek estate planning advice in order to greatly reduce or avoid any United States and/or Maine estate taxes.



LEARN - TEACH - SERVE

John E. Nale will serve on the **Blaine House Conference on Aging Post-Conference Action Committee**. The Committee's purpose is to implement the 22 Resolutions adapted at the Blaine House Conference on Aging.

John was also appointed to serve on the **Maine State Prison Industries Program Reform Commission**. The Commission's purpose is to reform the Maine State Prison inmate work program, making it a meaningful work program for inmates and a profitable venture for the State.

Mark J. Nale was the faculty speaker at the **Maine State Bar Association's Legal Year in Review** speaking on recent changes in Elder Law.

Mark was also elected to the **Alzheimer's Association of Maine**.

Mark will also serve as second Vice President of the **Hospice Volunteers of Waterville**.

MORE MAINERS TO QUALIFY FOR HEATING ASSISTANCE

More Mainers will qualify for a federal program that provides heating oil assistance for low-income households. The benefit is not limited to seniors, but all households meeting eligibility requirements.

The federal government expanded the Low Income Home Energy Assistance Program (LIHEAP) this year, and of the \$5 billion being distributed nationwide, Maine will get nearly \$80 million, a 72 percent increase since last year. At the same time, Maine has relaxed eligibility requirements, making it easier for more households to qualify for assistance. **New state regulations increase the income eligibility level to \$20,800 per year for an individual.** Additional aid for the elderly and those with very young children is available for households at up to \$23,520 income per year. The average benefit will increase almost \$200. If you think you

might qualify, contact your local Area Agency on Aging at 1-877-353-3771 to find out more.

WHAT CAN WE DO FOR YOU?

We frequently provide lectures for various groups in central and mid-coast Maine. A few suggested topics include estate planning, long-term care planning, MaineCare benefits, long-term care insurance and reverse mortgages. If your group is interested in any of these topics, please contact Angela Jenney at 207-873-4304 or sign-up at our website at www.nalelaw.com.

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 - Learn - Teach - Serve
 - More Mainers To Qualify For Heating Assistance

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