ElderLaw Advisor

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Vol. VII No. 3 | Member, National Academy of Elder Law Attorneys | May 2009

FOUR ELDER JUSTICE BILLS BEFORE CONGRESS

There are four Elder Justice Bills making their way through the U.S. House and Senate. The four bills have bipartisan sponsors and support. Each bill calls for funding to further a goal or objective that assures and enhances the frail elders' quality of life. The four bills are: 1) The **Elder Abuse Victims Act,** which calls for funds for education and prevention of elder abuse; 2) The **Silver Alert Bill,** which calls for funds to prevent and find missing elders; 3) **Patient Safety and Abuse Prevention Act,** which would require criminal background checks on all people applying for caregiving jobs; and 4) The **Elder Justice Act,** which calls for increased funding to Adult Protective Services agencies throughout the country. The Adult Protective Services agencies investigate and prosecutes complaints of elder abuse. With the new administration and balance of power, it is likely that all bills will pass with funds appropriated. We will keep you updated.

MAINE'S "CIRCUIT BREAKER" PROGRAM OFFERS REFUNDS UP TO $2,000

Nearly 200,000 Maine households qualify for a property tax or rent refund! Here's how. If you: 1) owned or rented a home in Maine for all 12 months of 2007 and occupied that home for at least 6 months of 2007; 2) lived alone and your income was less than $60,000, or married with income less than $80,000; and 3) paid more than 4% of your income in real property tax or 20% or more for rent.

Seniors age 62 and above do not have to meet these requirements when their income is less than $13,600 for those living alone or not more than $16,800 when living with a spouse or dependent.

"We have two ears and one mouth so that we can listen twice as much as we talk."
~ Epictetus, Greek slave turned philosopher and advisor to Greek Emperors

JOHN NALE

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KAISER STUDY FINDS FEW MEDICARE ENROLLEES CHOOSE LOWEST COST PRESCRIPTION DRUG PLAN

The Kaiser Family Foundation explored the financial implications of Part D choices made by Medicare beneficiaries in 2006 and found that **most Medicare beneficiaries are not optimizing their savings in the program.**

Using sample data from 55,000 individuals who had a Part D claim in 2006, the study estimated the total for premium costs and expected out-of-pocket costs for prescriptions for each Medicare beneficiary. The results indicate that only between 6 and 9 percent of enrollees chose the lowest-cost Part D plan. Those who did not choose the lowest-cost plan could have saved between $360 and $520 if they had chosen a plan based on their actual prescription drug use. Five percent of Part D enrollees could have saved $1,360 or more. **Under the "best matched" model, enrollees could have saved an average of 30 percent if they had chosen the lowest-cost plan, and 5 percent could have saved an average of 58 percent or more.**

Survey results also indicated that many beneficiaries were confused by their enrollment options, with 73 percent of them indicating that the Medicare prescription drug benefit was too complicated. The same opinion was shared by 91 percent of pharmacists and 92 percent of doctors. **The findings of this study indicate that, contrary to the expectations of proponents of the market-based Part D program, beneficiaries faced with choices across a wide range of plan options may not be making decisions in their own best interests.**

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.

SOCIAL SECURITY

The American Recovery and Reinvestment Act of 2009 contains provisions relating to Medicare, Medicaid, the Administration on Aging (AoA), and Social Security, including a one-time **payment of $250 to each of the more than 60 million Social Security and Supplemental Security Income (SSI) beneficiaries.** Below are some of the details of the Recovery Act's provisions relating to these programs.

The $250 one-time payment for Social Security and SSI beneficiaries will be delivered in the same manner as the individual's monthly benefit payments and should arrive by late May 2009. Anyone who has not received the payment by June 4 should contact the Social Security Administration.

It is important to note that these payments will not count as income for purpose of determining eligibility for or amount of benefits under any Federal or federally funded program, such as SSI, Medicaid, Food Stamps or Housing Assistance. Also, it does not count toward the resource limit for SSI or any other Federal or federally funded program for 9 months following the date of receipt.

What is Elder Law?

Nale Law Office is an elder law firm. We represent older persons, disabled persons, their families, and their advocates. The practice of elder law includes estate planning, estate and trust administration, powers of attorney, advance medical directives, titling of assets and designations of beneficiaries, guardianships, conservatorships, and public entitlements such as Medicaid/MaineCare, Medicare, Social Security, SSI, VA disability planning, care management, and fiduciary services.

THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 CALLS FOR $100 MILLION FOR MEALS AND NUTRITION SERVICES

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA). The legislation contains key investments that will prevent the loss of health coverage, promote prevention programs and lower health care spending for our nation during these challenging economic times. The legislation also includes $100 million for meals and nutrition services to help older Americans maintain their health and independence.

The $100 million is allocated as follows:

- $65 million for congregate nutrition services;
- $32 million for home-delivered nutrition services;
- $3 million for Native American nutrition services.

These funds will assist communities and the national aging services network that have been hit hard by rising food costs, rising demand, rising numbers and declining dollars. The funds will provide meals to seniors in need of food, restore nutrition services that have been cut and restore positions which may have been eliminated or reduced.

Awards to States are available as of mid-March. The ARRA funds will be distributed to States by a population-based formula that takes into account the Older Americans Act funding formula minimums, and the 60+ population of each State. States are required to obligate all ARRA funds on or before September 30, 2010 and must expend all funds by December 30, 2010.

State match requirements of 15% can be met through both cash and in-kind sources. There is no specific requirement for cash match or for a percentage of the non-Federal share to come from State sources. Examples of such in-kind contributions include, but are not limited to:

- volunteer services;
- donated time of employees of other organizations;
- donated supplies and loaned equipment;
- utilities; and
- space.

Maine's share of the $100 million will be $650,000, with $350,000 obligated to congregate meals, $150,000 obligated to home delivered meals (Meals on Wheels Program), and $147,000 to the Senior Employment Program. Unfortunately, the funds are a "one shot deal" required to be spent within the next 18 months. Once spent, we'll be back to operating these programs on the "shoestring" budget that these programs regularly operate on.

THANK YOU FOR THE REFERRALS

We are very grateful for the trust you place in us as your elder law attorneys and we are also grateful for the family and friends that you refer to us for help as well. We appreciate the opportunity to work with so many good Maine families in caring for their elders and loved ones.

Thank you!

LEARN ~ TEACH ~ SERVE

John and Mark attended the 5-day National Academy of Elder Law Attorneys Conference in Washington, D.C. where they attended the Advanced Elder Law Practitioners course and numerous sessions on Medicare, Medicaid, long-term care and estate planning.

John was guest speaker at Healthcare Advance Directive day sponsored by Spectrum Generations and Inland Hospital and was also guest speaker at Women's Legislative Council, speaking on estate planning and new ideas for a new Maine.

Famed criminal defense attorney, F. Lee Bailey, has joined John's effort to reform the Maine State Prison Industries Program.

Mark was guest speaker at Kennebec Valley Organization's Clear Path to Health Care.

Mark is hosting a fundraiser dinner to benefit Alzheimer's Association, Maine Chapter.

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 N. Jenney at 207-873-4304 or sign-up at our website at www.nalelaw.com.

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MAY ISSUE ARTICLES:

- Four Elder Justice Bills Before Congress
- Kaiser Study Finds Few Medicare Enrollees Choose Lowest Cost Prescription Drug Plan
- Social Security
- The American Recovery and Reinvestment Act of 2009 Calls for $100 Million for Meals and Nutrition Services

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