

This past week, I attended the Elder Law Institute in Harrisburg. This annual, premier event, gathers experts in the many different areas of elder law and updates, energizes, and inspires the attendees to come home and help their clients face the challenges of aging either themselves or their family members. I have provided updates, facts, tips, suggestions, and commentary. If you would like additional information in a certain area, please send me an email: maureen@mkroll.comcastbiz.net. I will respond as soon as possible. I look forward to hearing from you and helping you navigate this time of life that all of us must face. I want to help you preserve assets but receive the best care possible.

Here goes:

Our population is aging. By 2050, there will be 80 million people over the age of 65 as compared to 37 million in 2005.

The life expectancy has increased from age 75 to 86 years of age.

Long term nursing care costs continue to rise. Pennsylvania monthly nursing home care averages over \$10,000/month.

Medicare does not cover nursing home care costs; it only covers the first 20 days and then 80 more days, but only if you are showing improvement will those additional days be covered by Medicare.

I am only a fan of long term care insurance, if you can afford it. Otherwise, the costs are so high and continue to rise each year. That is why Medicaid is the primary way to pay for long term care in this country.

Pre-planning is the best way to ensure asset preservation and financial assistance when facing long term care, but most people wait until they are in a crisis.

The spouse who is in the community may retain some of the institutionalized spouse's income so that they are not impoverished and can maintain their residence.

There is a 5-year look back period regarding assets that were transferred, but a product such as an Irrevocable Trust may help to shelter assets from a penalty for a transfer of property for less than fair market value. You really should check with an elder law attorney before making transfers of any size.

Spending down your assets and speeding up your eligibility benefits is possible. A product that can achieve this goal is a Medicaid compliant annuity.

We are fortunate that in Pennsylvania, IRA's, and other retirement accounts, are not countable as available resources for the community spouse's care. That means, the spouse still living at home keeps these resources for themselves.

If you have been denied Medicaid, an elder law attorney can help evaluate the problem and get you back on track. The nursing home personnel are well intended and helpful but not always trained in the legal strategies that are available. Plus any attorney fees for consultation in this area would count toward a spenddown of assets for the loved one facing a nursing home admission.

Veteran benefits can really help care for family members in your home or theirs. It is an available benefit still under-utilized. My dad, a WWII veteran, passed away before he was awarded any aid and attendance benefits. They are not given to the estate of the deceased, only given to a living veteran.

If you are nearing age 65 and eligible for Medicare, apply 3 months before your birthday or 3 months after. Of course, doing it ahead of time is better so that you are ready for coverage when you turn 65. Not applying in a timely fashion will induce a permanent penalty payment on future payment for Medicare coverage.

An ABLE (Achieving A Better Life Experience) account is a plan to save money without jeopardizing your benefits with supplemental Social Security income (SSI) or Medicaid. \$15,000/year total can be put into an ABLE account by anyone for the designated beneficiary.

If one has not been deemed eligible for SSI or SSD which satisfies the blind or disabled requirement for ABLE, then a disability certification may be established by a physician.

No Pennsylvania inheritance tax is assessed in an ABLE owner's account at death.

When a beneficiary turns 21, he can request and get ownership and control of an ABLE account that someone else opened for him.

Pennsylvania ABLE account is not subject to repayment to PA Department of Human Resources, but if account ends up in the beneficiary's estate, it will be subject to estate recovery.

Ask me about setting up a Special Needs Trust for beneficiaries with a substance abuse or mental health disorder.

When spending down to qualify for medical assistance coverage while in a long term care facility, you can prepay property taxes for the first year. Also, the community spouse can get dental work done as a way to spend down resources.

On your Medicaid application, ALWAYS check the box that you intend to return home.