

Patricia E. Kefalas Dudek & Associates

**Passionate Advice and Advocacy
for all Stages of Life**

August 2020



Michigan COVID Resources

COVID-19 Resources for Home Help Individual Caregivers and Clients

The Michigan Department of Health and Human Services (MDHHS) is writing to share COVID-19 resources that may be available to individual caregivers and clients in the Home Help program.

Personal Protective Equipment (PPE) for the Home Help Client

Clients may be eligible for PPE. The client's physician may order the home delivery of PPE if it is medically necessary. If you see a need for PPE, please encourage the client to check with his/her physician.

Call 211 for Quarantine Care Kits and Other COVID-19 Resource

MDHHS is working with Community Action Agencies around the state to deliver Quarantine Care Kits to eligible households with incomes below 200 percent of the federal poverty level. One kit includes food. Another kit includes hygiene and cleaning products, home goods, and masks. The priority is to serve people who are in quarantine or isolation because of COVID-19 or are vulnerable to COVID-19 due to their age or underlying medical conditions.

The supply of Quarantine Care Kits is limited. They may not be available in all counties. Call 211 to check availability and get information about COVID-19 resources and supports in your county.

Lost your health insurance during the coronavirus pandemic? Here are your options in Michigan.

“You’re living during an unprecedented coronavirus pandemic, and you just lost your employer-sponsored health insurance. What do you do?”

This is a question 222,000 Michiganders may have already asked themselves from February to May this year. That figure was estimated in a recent National Center for Coverage Innovation report, which explained the number of those without health insurance in Michigan rose from 485,000 in 2018 to 707,000 or 46% during the pandemic.”

“Although it may be difficult to exactly calculate how many Michiganders are uninsured as a direct result of the coronavirus pandemic, a recent study from Michigan Department of Health and Human Services showed that residents are avoiding the hospital, resulting in a 62% increase in out-of-hospital deaths in some cases. Iovan believes this may stem from the fact they lack health insurance.

Both Iovan and Anita Fox, director for Michigan Department of Insurance and Financial Services, provided tips for those who lost their employer-sponsored health insurance and or had their work hours reduced.”

[Click Here to Read the Full Article](#)

Special Needs Trusts and ABLE Accounts: Improving Quality of Life While Protecting Benefits

NBI - National Business Institute: LIVE VIDEO WEBINAR
New and Changing Planning Options for Beneficiaries with Special Needs

Special needs planning has undergone some significant changes in the past couple years, with new opportunities opening up for improving the beneficiaries' quality of life. Get a firm grip on how to effectively use SNTs and ABLE accounts separately or together. Maximize the use of the grantors' funds to improve the lives of beneficiaries with special needs. Register today!...

- Determine the current qualifications for SNT grantors, beneficiaries and assets.
- Hear the latest news on the use of ABLE accounts and the state programs available.
- Understand recordkeeping requirements for both SNTs and ABLE accounts to ensure compliance.
- Explore how SNTs and ABLE accounts can be used together to complement each other.
- Clarify what constitutes "qualified disability expenses."

This legal guide is designed for attorneys. Accountants, trustees and paralegals will also benefit.

[Click Here for Additional Information & Registration](#)

REMINDER: Take Action Today! Tell Congress to Say NO to Immunity for Nursing Homes and Other Long-Term Care Facilities

Last week, Senate Majority Leader, Mitch McConnell, introduced a bill that would have devastating consequences on nursing home residents. The legislation, called the [Safe to Work Act \(S 4317\)](#), would remove a nursing home's liability for all negligent care that harms or results in the death of residents from 2019 until 2024 - including harm totally unrelated to COVID-19. Congress could make a decision about immunity at any time. **Please act now to urge your members of Congress to strongly oppose this bill.**

Over 62,000 residents of long-term care facilities have died from COVID-19 since the pandemic began. Countless other residents have fallen victim to short-staffing and inadequate care during the same time. These numbers continue to grow every day, and, in some states, COVID-19 infections are growing exponentially in nursing homes.

At a time when residents of nursing homes need more protections than ever, this bill would rob them of their right to pursue justice through the courts. It would also remove one of the last remaining protections for nursing home residents. With family, friends, and residents' advocates banned from visiting, and state survey agencies rarely present in facilities right now, judicial recourse is the last avenue available to residents to hold facilities accountable. Without accountability there is nothing to deter facility practices and actions that harm residents.

Please use our advocacy tool to tell Congress to say NO to granting immunity to nursing homes and other long term care facilities. Send your Representative and Senators a message that you will not tolerate removing protections for nursing home residents during the middle of a pandemic that has had such a

Bill to Shield Caregivers From Employment Discrimination Is Introduced in Senate

In the best of times, those who care for a family member while also working can face difficulties balancing work and caregiving duties, and the service disruptions caused by the COVID-19 pandemic have made things substantially more challenging. New legislation introduced in the U.S. Senate would make it illegal for employers to discriminate against a worker because of their caregiving responsibilities.

The "Protecting Family Caregivers from Discrimination Act" aims to safeguard people who may need to change their work situations -- such as shift their work hours or take time off -- in order to care for family members with disabilities. The bill would protect spouses, parents, grandparents, siblings and others who care for a relative of any age with special needs.

[Click Here to Keep Reading..](#)

Financial Brokers Must Now Act in Your 'Best Interest.' What Does That Mean?

A new standard established by the Securities and Exchange Commission may sound better than it actually is, consumer advocates say.

The next time you shop around for financial advice, more investment professionals will be able to assure you that they're acting in your "best interest." But what's really in your best interest is understanding precisely what that means.

A Securities and Exchange Commission rule that took effect on June 30 created a new standard for brokers to live up to: Those who sell financial products must act in their customers' best interest. But consumer advocates say investors could be led to believe they're getting more protections than the rule delivers.

[Click Here to Continue Reading..](#)

What To Do About Contracts During Covid-19

Good friends just cancelled – well, postponed – their wedding. Because of Covid-19 restrictions, they are unable to hold a gathering of more than 25 people, and they had invited several hundred family members and friends to their wedding. Amidst their own disappointment at postponing their celebration, they have also had to deal with contracts with the venue, the photographer, the caterer, and the hotels where we were all scheduled to stay. They have been fortunate; everyone has been flexible and agreed to perform in a year. So, their renegotiation was easy and straightforward.

But that has not been true for many others whose plans have been disrupted by the pandemic.

In fact, many people are fighting quite bitterly about all kinds of contracts, ranging from weddings to conferences to leases to factory output.

What will happen to all of these contracts?

It turns out that we can't be sure, explain Cathy Hwang, who teaches at the University of Virginia Law School, and David Hoffman, who teaches at the University of Pennsylvania Carey Law School, in a [new paper](#).

[Click Here to Read the Entire Article](#)

Can You Transfer Your Medicare and Medicaid Plans When You Move to Another State?

If you plan to move states, can you take your Medicare or Medicaid plans with you? The answer depends on whether you have original Medicare, Medicare Advantage, or Medicaid.

[Click Here to Read More..](#)

Children should be protected from unreasonable restraints, seclusion and searches, ABA House says

The well-being and rights of children and youth were addressed in three resolutions approved by the ABA House of Delegates at the annual meeting on Monday.

[Resolution 103](#) urges governmental bodies to adopt and enforce legislation and educational policies that prohibit school personnel from using seclusion and mechanical or chemical restraints on students in preschool through 12th grade.

The resolution, sponsored by the Commission on Disability Rights and Section of Civil Rights and Social Justice, also urges jurisdictions to bar personnel from physically restraining students unless they pose a danger to themselves or others. If other less intrusive interventions are deemed inappropriate or fail and physical restraint is used, the resolution says personnel should not place students face-down or in any position that hinders their ability to breathe or communicate distress.

Leslie Margolis, managing attorney of Disability Rights Maryland, who spoke in favor of the resolution, shared the story of a 7-year-old child in foster care who had been restrained more than 147 times by his school's staff. As his attorney, she saw a video recording of the child being dragged down a hallway by his arms and placed in a seclusion room, where he was found 10 minutes later sitting in a pool of blood with an injury to his nose.

[Click Here to Keep Reading..](#)

Child Support and Special Needs: Six Important Questions

Parents of a child with special needs know that they must plan for the child's care and support way into the future. This is especially so if the individual is unlikely ever to be able to earn an income.

But what happens in cases of divorce? How does the issue of child support come into play, now and in the future, when the child is no longer a minor? Before you start the separation process, be sure to understand the answers to the following key questions. [Click Here for the Questions and Their Answers..](#)

Disability Rights Advocates Push for End to SSDI Waiting Periods

More than three dozen disability rights groups are urging Congress to end two burdensome waiting periods, including a two-year wait for Medicare, that [Social Security Disability Insurance](#) (SSDI) recipients must currently endure. The groups sent a [letter](#) to both the Democratic and Republican party leaderships in June urging passage of pending legislation.

[Click Here to Read the Full Article..](#)

How Will the Coronavirus Pandemic Affect Social Security?

The coronavirus pandemic is having a profound effect on the current U.S. economy, and it may have a detrimental effect on Social Security's long-term financial situation. High unemployment rates mean Social Security shortfalls could begin earlier than projected.

With unemployment at record levels due to the pandemic, fewer employers and employees are paying payroll taxes into the trust fund. In addition, more workers may claim benefits early because they lost their jobs. President Trump has also floated a suspension of payroll taxes as a form of economic relief, which could negatively affect Social Security and Medicare funds.

Some experts believe that the pandemic could move up the depletion of the trust fund by two years, to 2033, if the COVID-19 economic collapse causes payroll taxes to drop by 20 percent for two years. Other experts argue that it could have a greater effect and deplete the fund by 2029.

[Continue Reading...](#)

When Planning Your Estate, Don't Let the Perfect Be the Enemy of the Good

There are many unknowns when planning an estate, but you can't let the uncertainties get in the way of creating any kind of plan. Having an imperfect plan is usually better than having no plan at all.

When planning an estate you want to be able to consider all the angles, but there are inevitably a number of "known unknowns" that can make planning difficult. These include: [Click Here to Continue Reading](#)

Say It Loud: Fight Over James Brown's Estate May Finally Be Drawing to a Close

Litigation over James Brown's estate has been dragging on for 14 years, but the case took a big step towards resolution when the South Carolina Supreme Court ruled that the woman claiming a spousal share in Mr. Brown's estate was never legally married to him.

Mr. Brown, known as the Godfather of Soul, married Tommie Rae Hynie in 2001. At the time, Ms. Hynie did not disclose that she was already married to Javed Ahmed. When Mr. Brown discovered the previous marriage in 2003, Ms. Hynie filed a claim to annul the marriage to Mr. Ahmed on the basis that Mr. Ahmed was already married. Mr. Ahmed did not appear at the annulment hearing, and the court granted the annulment, finding the marriage was void. In 2004, Mr. Brown filed a claim to annul his marriage to Ms. Hynie, but he eventually dropped the annulment proceeding. He died in 2006 without having the marriage formally annulled and leaving the majority of his estate to a charitable trust.

[Click Here to Continue Reading..](#)

CAN WE BRING A HOSPITALIZED FAMILY MEMBER HOME RATHER THAN ADMIT HER TO A NURSING HOME AS THE HOSPITAL WANTS TO DO?

My sister was transferred to a hospital from a nursing home, and then subsequently involuntarily discharged. The nursing home refused to readmit her, and now the hospital wants to discharge her to a new local nursing home, in the midst of the COVID-19 pandemic. Our family wants to bring my sister home with necessary home health services in place to take care of her and to reduce her exposure to the coronavirus. The hospital is putting pressure on our family to admit her to the nursing home rather than be cared for at home. What are our rights?

[Click Here For the Answer..](#)

For more news and information about Patricia and Patricia E. Kefalas Dudek & Associates please visit us online.

www.pekdadvocacy.com

www.pattidudek.typepad.com/

www.facebook.com/Patricia-E-Kefalas-Dudek

Patricia E. Kefalas Dudek & Associates

30445 Northwestern Highway, Suite 310 Farmington Hills, MI 48334

Tel: [248-254-3462](tel:248-254-3462) Fax: [248-928-9233](tel:248-928-9233)

pdudek@pekdadvocacy.com

If you would like to add anyone to or be removed from the e-mail list please notify the editor. dwelsh@pekdadvocacy.com

This e-newsletter is a publication of Patricia E. Dudek & Associates. The legal information presented in this e-newsletter is intended for information purposes only and is not a substitute for consultation with a legal professional.