

Families Tell Their Stories About Medicaid

The National Academy of Elder Law Attorneys (NAELA) released the publication linked below. It contains stories from three different families about the crucial assistance they received from their attorneys, which aided them in successfully navigating the complicated and often confusing Medicaid regulations.

<https://bcsnelllaw.net/wp-content/uploads/2016/05/Families-Tell-their-Stories-about-Medicaid.pdf>

Flint Families Can Get Nutritious Food at Mobile Pantry in August

Flint families may get nutritious food that can limit the effects of lead exposure during mobile food pantry hours set for August at locations throughout Flint. Families receive shelf-stable items that include tuna, baked beans, mandarin oranges, cereal, tomatoes and more. Farm fresh produce in August will be sweet corn, yellow squash, watermelon, peppers, eggplant, carrots, kale, cucumbers, zucchini and green beans.

[Click HERE](#) for additional details and schedule

MSU Scholar Uses Federal Grant to Study Bullying in Autistic Youth

A Michigan State University education scholar will use a \$400,000 federal grant to study friendship and bullying in middle school students with and without autism and intellectual disability.

"Studies say that students with disabilities are more likely to be bullied than their typically developing peers. Is this true? If so, why?" said Marisa Fisher, assistant professor of special education.

Fisher developed a four-year study with these questions in mind, and with the ultimate goal of creating an intervention to help reduce bullying of students with disabilities in schools.

[Click Here](#) to Continue Reading

Why JFK Said Avoiding Taxes is Patriotic & Good for America

John F. Kennedy stated, "My fellow Americans, ask not what your country can do for you, ask what you can do for your country." He also said that "Every dollar released from taxation that is spared or invested will create a new job and a new salary."

You, the business owner, are the only one that creates real jobs. The more you avoid taxes, the more jobs you can create. If you are the employer, you expand your business. Every Entrepreneur desires the best and biggest business. They sink every dollar into growth.

Businesses such as Google, Apple, and General Electric invests 10 cents to save \$1 in taxes. This why these firms tax rate is half of small businesses. For example, if you are paying \$100,000 a year in taxes, your tax planning budget is \$10,000. By the way, the \$10,000 is deductible and is \$5,000 after-tax expense to save \$100,000 in taxes.

[Click Here](#) for the Full Article

Medicare finalizes fiscal year 2018 payment & policy changes for skilled nursing facilities

On July 31, 2017, the Centers for Medicare & Medicaid Services (CMS) issued a final rule [CMS-1679-F] outlining Fiscal Year (FY) 2018 Medicare payment rates and quality programs for skilled nursing facilities (SNFs).

Policies in the final rule continue to build on CMS' commitment to shift Medicare payments from volume to value, with continued implementation of the SNF Value-based Purchasing (VBP) program.

The fact sheet discusses major provisions of the final rule, including policies related to the SNF Value-Based Purchasing Program and the SNF Quality Reporting Program. The final rule also finalizes an updated performance period for the National Healthcare Safety Network (NHSN) Healthcare Personnel (HCP) Influenza Vaccination Reporting Measure included in the End Stage Renal Disease (ESRD) Quality Incentive Program (QIP) for Payment Year 2020 and other key elements.

[Click Here](#) for the Fact Sheet

Transferring Assets to Qualify for Medicaid

Congress has established a period of ineligibility for Medicaid for those who transfer assets. For transfers made prior to February 8, 2006, state Medicaid officials would look only at transfers made within the 36 months prior to the Medicaid application (or 60 months if the transfer was made to or from certain kinds of trusts). But for transfers made after February 8, 2006, the so-called "look-back" period for all transfers is 60 months.

Transfers should be made carefully, with an understanding of all the consequences. People who make transfers must be careful not to apply for Medicaid before the five-year look-back period elapses without first consulting with an elder law attorney. This is because the penalty could ultimately extend even longer than five years, depending on the size of the transfer.

[Click Here](#) for the Full Article

Court Certifies Nationwide Class in "Observation Status" Case

Decision in *Alexander v. Price* Means Medicare Patients Could Gain Right to Appeal Placement on "Observation Status" and Avoid Large Medical Bills

Eighty-four-year-old Nancy Niemi of North Carolina was hospitalized for 39 days earlier this year after her doctor sent her to the emergency room. It took weeks to stabilize her blood pressure and she experienced serious complications. But unbelievably, Ms. Niemi was categorized as an *outpatient* on "observation status" for her entire hospitalization, and she therefore lacked the three-day *inpatient* stay Medicare requires for coverage of her subsequent, very expensive care at a nursing home. Ms. Niemi's son tried to help her challenge her lengthy placement on observation status, but Medicare does not allow beneficiaries to appeal this issue. She still owes thousands of dollars to the nursing facility. However, due to the [federal court decision issued July 31, 2017](#), she is now a member of a nationwide class of hospital patients who may gain the right to appeal their placement on observation status.

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Irrevocable Trust Belonging to Medicaid Applicant's Spouse Is Available Asset

A Michigan appeals court rules that assets placed in an irrevocable trust by a Medicaid recipient's spouse are countable assets because the principal in the trust can be paid to spouse.

The Michigan Court of Appeals ruled that when states make an initial eligibility determination, "an institutionalized individual's assets includes not only those that he or she has, but also those that his or her spouse has." According to the court, because "there was a 'condition under which the principal could be paid to or on behalf of the person from an irrevocable trust,' the assets in the trusts were properly determined to be countable assets."

[Click Here](#) for the Full Article

Society continues to isolate disabled people

Windhoek-The Deputy Minister of Disability Affairs in the Presidency, Alexia Manombe-Ncube, is concerned that despite positive legislative framework many people with disabilities are still disempowered and isolated from society.

On July 18, 2017 Manombe-Ncube spoke at the opening of the disability stakeholders consultative workshop at the University of Namibia (Unam). The article linked below has an overview of her speech where she praises the university for the steps they have made toward universal inclusion, but also conveys that there is still work to be done.

[Click Here](#) for the Speech Overview

Proper Planning Is Necessary to Protect Your Child's Settlement

When your child is born with preventable birth defects due to medical malpractice, or suffers a catastrophic injury that leads to a lifelong disability, the resulting lawsuit can often take years. The end result of this long and arduous process will hopefully be a settlement or jury award designed to compensate your child for his injury.

Even when the lawsuit is successful, the settlement often is not nearly enough to provide your child with the care and financial support he needs throughout his life. In these cases, it is important that the settlement is structured in such a way that it will allow your child's caregiver to access the settlement funds while at the same time allowing him to qualify for important government benefits like Supplemental Security Income (SSI), Medicaid and Section 8 housing that will provide for his ongoing living expenses and care.

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Retired parents don't have to pay \$205K bill for care of adult autistic son, Pa. court rules

Clarence and Barbara Schutt should be thankful they live in New Jersey, not Pennsylvania. Because they live in the Garden State, the retired couple don't have to pay more than \$205,000 for the care of their 31-year-old autistic son, a Pennsylvania Superior Court panel ruled this week.

New Jersey laws shield couples, like the Schutts, who are over 55 from having to pay for the care of disabled adult children who are eligible for public assistance, Pennsylvania law does not.

[Click Here](#) for the Full Article

Son Did Not Breach Contract With Mother's Nursing Home by Not Retrieving Improperly Transferred Assets

An Illinois appeals court rules that a son who signed a nursing home admissions agreement on behalf of his mother as the responsible party was not responsible for retrieving improper transfers the mother made before the son signed the contract. *St. Clara's Manor v. Mayo* (Ill. App. Ct., 4th Dist., No. 4-16-0651, June 2, 2017).

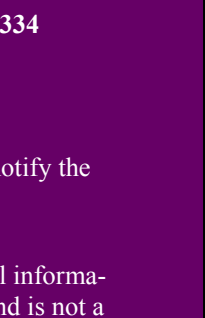
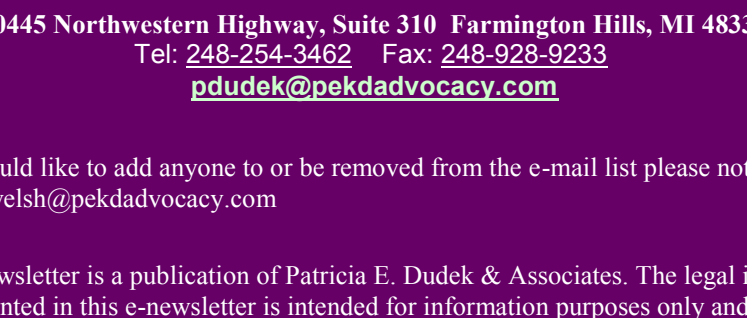
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The Capitol Insider for the Week of July 31st

From the Arc. This issue of Capitol Insider is devoted to a review of the Senate's consideration of the effort to repeal/replace the Affordable Care Act.

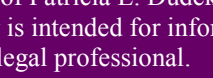
[Click Here](#) to Read the Newsletter

My girls and I hope you are enjoying your last moments of summer.



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