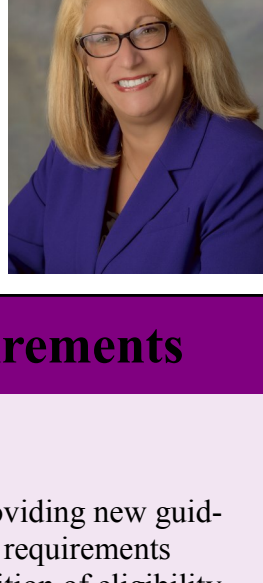
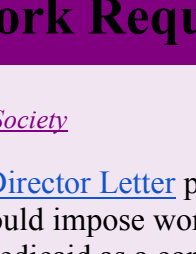


Passionate Advice and Advocacy for all Stages of Life

February 2018



Update on Medicare Work Requirements

From the [Autism Society](#)

On January 11, CMS issued a [State Medicaid Director Letter](#) providing new guidance for Section 1115 waiver proposals that would impose work requirements (referred to as “community engagement”) in Medicaid as a condition of eligibility. The guidance describes the potential scope of requirements that could be approved and presents the case for how these policies promote the objectives of the Medicaid program. CMS has already approved a work requirement waiver in Kentucky (a [class action lawsuit](#) against the KY waiver was announced yesterday). Eight other states (AR, AZ, IN, KS, ME, NH, UT, and WI) have pending waiver requests that would require work as a condition of eligibility for expansion adults and/or traditional populations (see [Kaiser Family Foundation Waiver Tracker](#)).

Twenty-nine Senate Democrats, led by Senate Finance Committee Ranking Member Ron Wyden (D-OR), sent a [letter](#) to Acting Health and Human Services (HHS) Secretary Eric Hargan expressing serious concern with recent administrative actions and calling into question the Administration’s authority to approve state Medicaid waivers that violate the statutory intent of the program to provide health care to Americans who lack the resources to afford necessary medical services. Congressman Jamie Raskin (MD-08) joined with 127 members of Congress to send a [letter](#) to Secretary of Health and Human Services, Alex Azar expressing their concern that linking health care coverage with work requirements will diminish access and quality of care.

While the work and community engagement requirements do not apply to individuals eligible for Medicaid based on a disability, CMS notes that some other Medicaid-eligible individuals could have an illness or disability as defined by other federal statutes that could affect their ability to comply with Medicaid work and community engagement requirements. Advocates in States seeking these waivers must make sure individuals are not denied Medicaid due to any inability they may have to comply with the requirements. People with disabilities in these states will need help navigating the system to obtain an exemption for which they qualify and end up losing coverage.

For more details, see [Six Reasons Work Requirements Are a Bad Idea for Medicaid](#) by Families USA, an [issue brief](#) by the Center on Budget and Policy Priorities, an [analysis](#) by the National Academy for State Health Policy, the [Ohio Medicaid Proposed Work Requirements](#), [Fierce Healthcare](#) and [New York Times article](#).

HHS’s Invitation to Impose Punitive Work Requirements Lacks Support

In an unprecedented move, HHS today issued a letter announcing its intention to approve state requests to impose work requirements on Medicaid enrollees. The National Health Law Program (NHeLP) responded swiftly, submitting a letter to the Centers for Medicare & Medicaid Services (CMS), explaining why the radical shift in Medicaid policy is procedurally and substantively flawed.

NHeLP Legal Director Jane Perkins said CMS is seeking to reverse longstanding policy in an unorthodox manner. “The Trump administration is on wobbly legal ground in trying to limit Medicaid enrollment by imposing onerous work requirements,” Perkins said. “As our letter explains, the administration is making an about face in its efforts to overturn established HHS policy against work requirements without public comment.”

Former Assistant Secretary for Aging Kathy Greenlee is interested in connecting with people in Kansas and Missouri who are working on issues related to elder abuse and financial exploitation. Kathy is now the VP for Aging & Health Policy at the Center for Practical Bioethics in Kansas city. She’s eager to meet people in the region who share her passion about the issue. She can be reached at kgreenlee@practicalbioethics.org.

—> [Click Here to Continue Reading](#)

How Will the New Tax Law Affect You?

While most of the new tax law – the Tax Cuts and Jobs Act – has to do with reducing the corporate tax rate from 35 percent to 21 percent, some provisions relate to individual taxpayers. Before we get into the details, be aware that almost everything listed below sunsets after 2025, with the tax structure reverting to its current form in 2026 unless Congress acts between now and then. The corporate tax rate cut, however, does not sunset.

—> [Click Here for the Full Article](#)

Students Design Wheelchair-Friendly Snow Removal Prototypes

Approximately 500 Michigan State University students took on the challenge of designing a prototype that would allow Michael Johnson, a sports car racer who uses a wheelchair, to remove snow from his driveway.

The first-place winner, freshman Chloe Alverson, created a prototype in which a sprinkler system would distribute salt to the four corners of Johnson’s driveway with heaters that would line the driveway.

—> [Click Here to Read Further](#)

Two Popular Medigap Plans Are Ending. Should You Enroll While You Can?

If you will soon turn 65 and be applying for Medicare, you should carefully consider which Medigap policy to enroll in because two of the most popular plans will be ending soon. In 2020, Medicare beneficiaries will no longer be able to enroll in Plans F and C.

Between copayments, deductibles, and coverage exclusions, Medicare does not cover all medical expenses. Offered by private insurers, Medigap (or “supplemental”) plans are designed to supplement and fill in the “gaps” in Medicare coverage. There are 10 Medigap plans currently being sold, identified by letters. Each plan package offers a different combination of benefits, allowing purchasers to choose the combination that is right for them.

—> [Click Here to Continue Reading](#)

Spending Down Assets to Qualify for Medicaid

Medicaid has strict asset rules that compel many applicants to “spend down” their assets before they can qualify for coverage. It is important to know what you can spend your money on without endangering Medicaid eligibility.

In order to be eligible for Medicaid, applicants must have no more than \$2,000 in “countable” assets (the dollar figure may be slightly more, depending on the state). In addition, Medicaid also has strict asset transfer rules. If an applicant transfers assets for less than market value, the applicant will be ineligible for Medicaid for a period of time. Applicants for Medicaid and their spouses may protect savings by spending them on non-countable assets.

—> [Click Here for the Full Article](#)

Pooled income trusts can help with the bills

What can be done when a disabled elderly or nonelderly person finds he or she has enough monthly income to cover all personal living expenses except for the cost of necessary home healthcare?

People in that position might want to consider participating in a pooled income trust, which allows them to receive Medicaid health services but continue to cover their own nonhealth expenses with their own income.

—> [Click Here to Continue Reading](#)

Invisibility of disabled people in the media

Celia Thomas and Rebecca Butler respond to Frances Ryan’s article on the missing piece of the diversity puzzle, while Jill Jones writes about the need for a British Sign Language Act.

Is Frances Ryan’s article ([Diversity is in Vogue, but not yet for women with disabilities](#), 8 January) a call to arms addressed to directors of communications, or is it symptomatic of a wider problem to do with disability?

—> [Click Here to Read Further](#)

Discharged Student Loan Debt No Longer Taxable Under New Tax Law

Among its many other provisions, the newly enacted Tax Cuts and Jobs Act offers significant tax savings for people forced to default on their student loan debt due to a disability.

Prior to the new tax law, the Internal Revenue Service treated this discharged debt the same as income. Students whose loans were forgiven due to disability were hit with a one-time tax bill on the discharged income, sometimes in the tens of thousands of dollars. For some people, this increase in reported income would make them ineligible for means-tested government benefit programs, such as Medicaid and Supplemental Security Income.

The new tax bill eliminates this scenario. Starting January 1, 2018, discharged student loan debt will no longer be treated as income, meaning that these students will no longer have to pay any taxes on this discharged debt. The change however, will expire at the end of 2025, unless renewed by an act of Congress. Both public and private student loans are subject to the new rule.

—> [Click Here to Keep Reading](#)

Federal Law Now Requires States to GPS Track Disabled People Who Use Attendants

People with disabilities have a constitutional right to live in our own homes and communities and make decisions about our lives, established in the Supreme Court ruling *Olmstead v. L.C.* But now that right is under attack from an unexpected source. In 2016, Congress passed the 21st Century Cures Act. It was designed to streamline the approval of new medications and medical devices, but they slipped in another policy change many people didn’t know about. It’s called electronic visit verification (EVV). It requires all Medicaid funded personal care programs to implement a system for verifying a PCA’s identity and the date, time and location where personal care services were provided. If states fail to implement EVV by 2019, they lose up to 1 percent of Medicaid funding.

I live in a state that has yet to implement electronic visit verification for the waiver program I use. However, I am extremely concerned about the potential impact of EVV on my life and the lives of millions of other people with disabilities. Some states are already rolling out their systems, outsourcing them to private companies that are collecting our GPS locations and biometric identity data. These companies, notably Sandata Technologies, lobbied to have EVV tacked on to the 21st Century Cures Act. Now they stand to profit handsomely by invading the privacy of people with disabilities and our personal care assistants.

—> [Click Here for the Entire Article](#)

Are Workers' Comp Benefits Ever Taxable?

In the vast majority of cases, workers’ compensation benefits are fully tax exempt, at the federal, state and local level. But this is not always the case where the workers’ comp beneficiary is also receiving Social Security Disability Insurance (SSDI) benefits.

—> [Click Here to Continue Reading](#)

AARP Sues California Nursing Home Over Resident Dumping

The legal wing of the AARP is suing a California nursing home that refused to readmit a resident whom the nursing home had sent to the hospital. The nursing home’s actions are part of growing trend of resident dumping, according to the AARP.

Gloria Single and her husband were both residents of the same nursing home. When Ms. Single, who has Alzheimer’s disease, became aggressive, the nursing home sent her to the hospital for a psychological evaluation. The hospital immediately determined that nothing was wrong with Ms. Single, but the nursing home refused to readmit her.

—> [Click Here for Full Article](#)

Statement of Consortium for Citizens with Disabilities Rights Task Force and Collaboration to Promote Self-Determination on Withdrawal of Justice Department Guidance on the ADA’s Integration Mandate and Employment Services

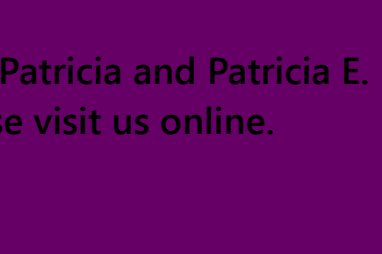
On December 21, the U.S. Department of Justice rescinded its Statement on Application of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.* to State and local Governments’ Employment Service Systems for Individuals with Disabilities. The statement, which was issued last year, described the obligations of states to administer their employment services for people with disabilities in the most integrated setting appropriate. Evidence-based supported employment services help people with disabilities secure and maintain competitive, integrated employment. They are critical to achieving the ADA’s goals of independent living and economic self-sufficiency.

—> [Click Here for the Full Letter](#)

The National Council on Disability

The National Council on Disability will release and discuss the results of a national study on college sexual assault policies and federal research as they pertain to student victims with disabilities during a policy briefing sponsored by the American University Sexual Assault Working Group. The briefing will take place at American University

—> [Click Here for the results](#)



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

