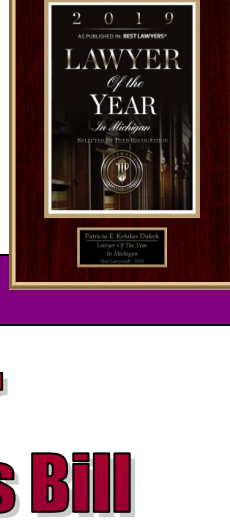




February 2019



Supporters Push for Long-Term Care Savings Bill

Washingtonians are urging lawmakers to pass legislation designed to help folks save for their care when they need it. AARP and other organizations want legislators to support the Long-Term Care Trust Act. The bill would fund long-term services through a payroll fee of just over half of 1 percent, with lifetime benefits capped at \$36,500.

The median savings for people over 65 is less than \$150,000, while the lifetime cost for care averages about \$260,000, according to a U.S. Government Accountability Office report from 2015. The Long-Term Care Trust Act has passed through health committees in the House and Senate and is scheduled to be heard by the House Appropriations Committee Monday.

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

How Well MI Supports People With Developmental Disabilities

Michigan is among the nation's best states when it comes to supporting people with intellectual and developmental disabilities, but Michigan has fallen several spots in the rankings. That's according to a new report published Thursday by the American Network of Community Options and Resources, known as ANCOR, and United Cerebral Palsy.

In the annual report, "The Case of Inclusion," the authors assess every state based on 30 measures that they say illustrate how well state programs serve people with developmental disabilities. The metrics are broken down into five key areas: promoting independence, promoting productivity, keeping families together, serving those in need and tracking health, and safety and quality of life. The "promoting independence" category accounted for half of all possible points because, the authors stressed, "if a person is living in the community, it is a key indicator of inclusion."

Michigan ranked 13 in the country and fell from No. 4.

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



Recent Changes to Michigan's Paid Medical Leave Requirements

On December 14, 2018, Governor Snyder signed into law the Paid Medical Leave Act ("PMLA"), which requires certain Michigan employers to provide paid medical leave to eligible employees.

The PMLA will become effective at the end of March 2019. The PMLA made substantial changes to the Earned Sick Time Act ("ESTA"), which was enacted in September 2018. The PMLA requirements are less onerous on employers than the requirements of the ESTA.

—> [Click Here to Read about the Changes](#)

Children with Special Needs Fund receives \$50,000 grant; families can apply

Children with special needs will have better access to their homes and communities through the purchase of ceiling and stair lifts thanks to a Rollin M. Gerstacker Foundation grant.

The Michigan Department of Health and Human Services Children with Special Needs Fund is receiving the \$50,000 grant and will be awarding funds twice this year. Applications received by May 23, 2019, will be reviewed in June, and applications received by Aug. 22, 2019, will be reviewed in September.

—> [Click Here for More Information](#)



New Advocacy Group Seeks Realistic Solutions for People with Severe Autism

Against a backdrop of increasing challenges for individuals with autism and their families nationwide, leading advocates have announced the formation of the National Council on Severe Autism (NCSA). The new organization is created to address pragmatically the many serious challenges in services, housing, and policy facing families, caregivers and individuals affected by severe forms of autism and related disorders.

"Autism is often romanticized and sugar-coated in the media and social media," said Jill Escher, NCSA President. "In contrast, our efforts will be guided by pragmatic realities. For countless families devoted to the well being of their disabled loved ones, the daily challenges can be overwhelming, and the prospects for the future extremely bleak. We will work to increase capacity and a range of new options for this population."

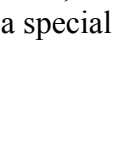
—> [Click Here to Continue Reading](#)

Bipartisan Bill Gives Explicit Right to Care in the Community Rather than an Institution

People with disabilities would have an explicit legal right to receive services in the community rather than in an institution under new legislation backed by a bipartisan group of senators and representatives. The legislation, introduced January 15, would if passed represent the most comprehensive civil rights bill for people with disabilities in a generation.

"Right now a person who needs long-term services and support has a very limited choice where they can receive services and it's irrational and expensive," Senate Minority Leader and lead bill sponsor Chuck Schumer (D-N.Y.) said at a recent event with disability advocates, quoted by Disability Scoop. "This bill is ultimately a civil rights bill. At its core it's about one simple thing, people with disabilities must be treated equally to those without."

—> [Click Here for More Information](#)



The Gift of Shared Grief

We live in a culture that celebrates youth and vitality far more than it prizes age and experience. Much as we might prefer to avert our eyes from the inevitable, we are mortal beings, and there is no escaping death, others' or our own. Writing a condolence letter is an act of shared humanity. It needn't be perfect, and it needn't be a tome. It's enough to say: "I'm so sorry. I know how much you loved her. I miss her, too."

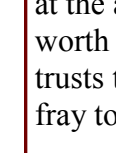
—> [Click Here for the Full Article](#)

This New Medicare App Is a Godsend for Seniors

Want to see if Medicare covers a procedure you're considering? There's an app for that.

On Monday, the Centers for Medicare & Medicaid Services launched "What's Covered," a new app that allows beneficiaries with Original Medicare to quickly research whether the program will pay for a given medical item or service. Seeking acupuncture or massage therapy? Then you're responsible for the full cost, since those are a non-covered services. But if your doctor has prescribed a special bed for your wound care, then Medicare will pay for it.

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



Also follow the link below to another article on the subject.
[A Breakdown of CMS' New What's Covered App](#)

Am I Legally Required to Support My Adult Child with Disabilities? Maybe.

Understanding your state's legal requirements for parental support of adult children may be difficult. The law on this subject can be complicated and confusing. There are a variety of approaches across the states, and sometimes even within states, depending on the circumstances.

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

What Is an ABLE Account? An Introduction

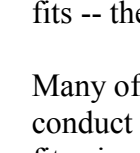
Since the passage of the [Achieving a Better Life Experience \(ABLE\) Act](#) in 2014, tens of thousands of people with disabilities have opened up new, special tax-free savings accounts to save for disability-related expenses. These accounts, popularly known as ABLE accounts, allow many people with disabilities or their families to save while the account owner remains on government assistance. The accounts can be used in creative ways, either alone or in conjunction with other planning tools, to make a big difference to families with special needs children.

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

Aretha Franklin's Estate Remains In Dispute

The death of a loved one in California can bring out surprising claims on an estate, especially if the loved one was "Queen of Soul." Aretha Franklin, the celebrated performer known as the "Queen of Soul," passed away in August 2018 at the age of 76 after a battle with pancreatic cancer. Despite having an estate worth millions of dollars and a valuable music catalog, she left behind no will or trusts to disperse her assets. As a result, relatives and others have jumped into the fray to make a claim on the estate.

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



The Federal Government Will Spend Half Its Budget On Older Adults in Ten Years

In 10 years, the federal government will spend half its budget (not counting interest on the debt) on those aged 65 and older. The inexorable aging of the Baby Boom generation means that a growing share of federal spending will be used to support older adults—mostly for health care and retirement benefits.

As CBO importantly notes, it is misleading to think of this trend simply as a transfer of tax dollars from younger people to older people. Without this federal spending, the burden of caring for parents would fall even more heavily on their children. In effect, we are socializing some of the costs of aging. That was an important choice the US made when it created Social Security in the 1930s and Medicare in the 1960s. But it also has critical implications for US fiscal policy as the Boomers continue to age.

—> [Click Here for More Information](#)

SSA Proposes to End the Option to Appeal a Benefits Denial in Person

The Social Security Administration (SSA) initially rejects many applications for [Supplemental Security Income](#) (SSI) and [Social Security Disability Insurance](#) (SSDI). If an application is rejected -- or a beneficiary is denied further benefits -- they can appeal and have a hearing before an administrative law judge.

Many of these hearings are conducted in person, but now the SSA is seeking to conduct essentially all appeals for people denied Social Security disability benefits via video conference, despite concerns from advocates that many claimants will not be able to participate by video.

"The proposed rule by SSA would . . . allow the agency to determine the method of hearing for claimants and remove claimants' ability to opt out of video hearings," the group Justice in Aging wrote in a [news release](#). "This could have significant negative effects on many claimants who, for various reasons, sometimes due directly to their disabilities, are not able to effectively participate in a video hearing."

—> [Click Here to Read Further](#)

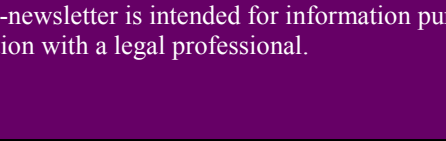


ADA applies to assisted living, judge says; Brookdale case continues

The Americans with Disabilities Act applies to Brookdale Senior Living's assisted living communities in California, a federal judge ruled Friday in allowing a discrimination case against the country's largest senior living operator to continue.

Attorneys originally [filed the lawsuit](#) against Brookdale in July 2017 and said at the time that it could be the first class-action lawsuit against an assisted living operator to be brought under the ADA. Potential damages could exceed \$45 million because the lawsuit is seeking a minimum of \$9,000 for each affected resident, and more than 5,000 residents of Brookdale communities in California could become part of the class, one of the plaintiffs' attorneys said at the time.

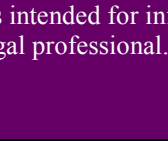
—> [Click Here for the Full Article](#)



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

www.pekdadvocacy.com

www.pattidudek.typepad.com/



Patricia E. Kefalas Dudek & Associates

30445 Northwestern Highway, Suite 310 Farmington Hills, MI 48334

Tel: 248-254-3462 Fax: 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.