



Elder Counselor

A newsletter for professionals serving seniors and those who love them.

VOLUME 6, ISSUE 4

JULY 2015



UPCOMING EVENTS

Sept. 1, 10:00-11:00 am

“Legal Issues for
Caregivers”
with Attorney
Amelia Crotwell
Adult Day Services
600 N Daisy Street
Morristown, TN

October 12, 5:30 – 7:00 pm

“The Dynamics & the Business of Elder Law” with
Attorney Amelia Crotwell
Tennessee Society of Certified Public Accountants
(TSCPA)
Rothschild Catering Center
8807 Kingston Pike

*For more information about locations and participating in events, contact **Connie Taylor** at 951-2410 or connie@elderlawetn.com.*

QUICK LINKS

[Elder Law of East Tennessee](#)
[Blog](#)
[Contact Us](#)

Marriage Equality and Estate Planning

"No union is more profound than marriage, for it embodies the highest ideals of love, fidelity, devotion, sacrifice, and family. In forming a marital union, two people become something greater than once they were." Thanks to the June 2015 Supreme Court ruling in *Obergefell vs. Hodges*, which legalized same-sex marriage in all 50 states, same-sex couples are no longer "condemned to live in loneliness, excluded from one of civilization's oldest institutions," as Justice Kennedy wrote in the majority opinion. They are now eligible for all the same financial and legal benefits as their heterosexual counterparts. In many cases, this may mean that same-sex couples need to reevaluate any estate planning and financial planning which was put in place prior to the ruling. In other cases, newly-married same-sex couples may need to consider for the first time their financial and legal rights and responsibilities toward one another and consider creating sound estate planning documents to meet their unique wishes.

Prior to the ruling, elder law attorneys and financial planners often had to create unusually complicated legal documents for same-sex clients to grant them rights and privileges similar to those enjoyed by their heterosexual counterparts. For instance, estate planning documents might have been written to explicitly afford a same-sex partner hospital visitation rights or the right to make financial or medical decisions on behalf of an incapacitated partner. Normally these rights would have been routinely offered to a heterosexual spouse. In light of the Supreme Court ruling, complicated language which previously ensured the maximum possible rights or privileges may now create confusion or conflict in some circumstances. In addition, new beneficiary designations may need to be added to some documents, and couples may need to consider establishing trusts or using other financial planning strategies and protections afforded to married couples to meet their financial goals in the event that one spouse passes away and the other spouse inherits the estate. Same-sex couples who established their estate plans prior to the ruling should take time to review their estate plans and decide if the documents need to be updated.

Couples who were previously unable to marry and who have not already created their estate plans also need to consider how estate planning can help them to meet their goals in terms of both finances and health care. Since the surviving spouse will now automatically inherit their husband or wife's estate, both partners need to be aware of the tax implications. Some legal and financial planning strategies, such as certain kinds of trusts, are available to ensure that inherited money or property does not disqualify a surviving spouse from public benefits programs such as Medicaid. Also, since married partners are now afforded rights such as hospital visitation or decision-making in the event that one spouse is incapacitated, couples should discuss their specific wishes and make sure that they have an Advance Directive and/or Living Will in place. If for any reason one spouse does not want the other to make financial or health care decisions for him/herself (for instance, in a case where one partner suffers from dementia), he or she should work with a qualified attorney to develop documents which make that decision explicit and designate an alternative agent to act.

Estate planning has become much less complicated for both attorneys and clients in light of the Supreme Court decision. But because of the changes for couples living in states which previously did not recognize their right to marry, it is especially important for same-sex couples to seriously consider estate planning and to make sure the estate plan they have in place accurately represents their individual goals and their goals as a married couple.

Continued on Page 2



ELDER LAW OF EAST TENNESSEE

Elder Law of East Tennessee uses a unique approach to Elder Law called Life Care Planning. Attorney Amelia Crotwell and her team of legal, public benefits, and care professionals work to address legal issues while designing a comprehensive long-term care plan that maximizes quality of life and independence for the older adult.

Caring and planning for the future can be burdensome and overwhelming, but Elder Law of East Tennessee can help in many ways. A consultation with Elder Law of East Tennessee is your first step toward the assurance that only a specialized Life Care Plan can provide.

Call 865-951-2410 or visit our [website](#) to get started today. Elder Law of East Tennessee is conveniently located at 903 N Hall of Fame Dr., Knoxville, TN 37917.

QUICK LINKS

[Elder Law of East Tennessee
Blog](#)
[Contact Us](#)

Client Profile: “She’s Going Down, and You’re Going Down With Her”

"I have good friends, wonderful children, and a lovely wife. I couldn't ask for more. I know what love is, and I have it all around me."

Occasionally you meet a person who infuses every interaction with positivity. At Elder Law of East Tennessee, we have been blessed to build a relationship with Tom, a long-term life care planning client. Tom's positive attitude, generosity, and compassion make him an inspirational client and caregiver.

Several years ago, Tom's life changed when his high school sweetheart and wife, Mary Ann, was diagnosed with Alzheimer's. Tom became Mary Ann's primary caregiver and retired from volunteer work at Rhea of Sunshine, an agency serving special needs adults, to care for his wife full time. When Mary Ann's care at home became too much for Tom to handle, their three children suggested that Tom seek guidance at Elder Law of East Tennessee. His son observed, "She's going down, and you're going down with her." Before that could happen, Tom wisely sought the help he needed. When he met with Amelia Crotwell at ELET, he felt relieved by her genuine concern and thorough understanding of the options available for Mary Ann's care. He was grateful to find a holistic practice which could meet his needs and was full of "people who seem to care how and what I'm doing."

In 2014, ELET found Mary Ann a new residence in a secure dementia unit and helped her become eligible for Medicaid benefits. The shift to nursing home residence ensured that Mary Ann received the care she needed while giving Tom respite as a caregiver. "She still greets me like she hasn't seen me for a week, and it just makes my heart flip over," says Tom about his frequent visits to see Mary Ann. While the separation was not easy, Tom befriended the staff and residents of the facility and has built a new network of friends and supporters through this transition.

Tom's background working with developmental disabilities at Rhea of Sunshine prepared him with a unique perspective and set of caregiving tools. Yet he still faced common challenges of long-term caregiving: becoming overwhelmed by trying to meet his wife's increasing needs and feeling guilty for never being able to do enough. Tom participated in the Powerful Tools for Caregivers course facilitated by Michael Mailahn and Connie Taylor of ELET. This course gave him confidence as a caregiver and helped him understand that he "didn't do so bad after all." He found a community of fellow caregivers with whom to share challenges and find the unexpected joys in caregiving. To Tom, caregiving has become a way to meditate on and demonstrate how much Mary Ann means to him every day.

Clients like Tom remind us that despite the tremendous stress of caregiving, there may also be a silver lining. By reaching out for needed support, Tom has built bridges for himself and his wife and also helped to support others in similar circumstances. At ELET, we encourage all of our clients and potential clients to ask for help before they reach a crisis, and an important part of what we do is help people to make these connections so that they, like Tom, can enjoy greater peace of mind.

Continued on Page 3



Elder Counselor is a bi-monthly publication serving professionals in elder law, senior service providers, and caregivers and families of the elderly and disabled.

To subscribe to our e-newsletter, send an e-mail to info@elderlawetn.com with the subject "NEWSLETTER." We will not share your contact information with other parties.

View other archived issues on our website: www.elderlawetn.com/newsletter.

Qualifying for Medicare Savings Programs

If you need help paying for Medicare coverage but are too young or too healthy to qualify for Institutional or Categorically Needy Medicaid, you may be eligible for a Medicare Savings Program. These programs are funded by Medicaid under TennCare and provide varying levels of assistance for Medicare recipients in low income and asset brackets. For someone living on less than \$1,000 per month, for example, avoiding the donut hole for prescription medications and having out-of-pocket medical costs covered by the program make a world of difference in a monthly budget.

There are three types of Medicare Savings Programs available to individuals: Qualified Medicare Beneficiary Program, Specified Low-Income Medicare Beneficiary Program, and Qualifying Individual Program.

The Qualified Medicare Beneficiary (QMB) Program covers the Medicare Part A and B premiums and deductibles, 20% coinsurance, cost sharing for Medicare Advantage, and full extra help for Part D plans. To qualify, an individual or couple must earn below the federal poverty line and have limited assets (see chart with figures for 2015 qualification). The income limit for this plan is 100% of the federal poverty level and increases slightly every year.

The Specified Low-Income Medicare Beneficiary (SLMB) Program is available to individuals or couples who earn up to 120% of the federal poverty level (see chart). This program covers only the Part B premium and full extra help for Part D plans. Individuals and couples must meet the same asset value qualifications as the QMB Program. Individuals or couples who earn up to 135% of the federal poverty level may be eligible for the Qualified Individual (QI) Program, which also pays for the Part B monthly premium and full extra help for Part D plans. Those receiving QI benefits must reapply every year, and applications are granted on a first-come, first-served basis. Priority is given to those who received QI benefits in the previous year.

2015 Income and Asset Limits for Medicare Savings Programs		
Program	Monthly Income Limit	Asset Value Limit
QMB	\$1,001 individual; \$1,348 couple	\$7,280 individual; \$10,930 couple
SLMB	\$1,197 individual; \$1,613 couple	\$7,280 individual; \$10,930 couple
QI	\$1,345 individual; \$1,813 couple	\$7,280 individual; \$10,930 couple

For QMB, SLMB, and QI qualification purposes, assets that may be counted include money in bank accounts, stocks, and bonds. Assets which do not count include the house in which the applicant lives, one car, a burial plot and up to \$1,500 in burial expenses, furniture, and household and personal items. Asset transfers do not result in a penalty period for these programs, and there is no estate recovery for these programs either, so there are planning opportunities available for families that may not at first glance meet the asset requirements. For help determining whether or not you may qualify for one of these programs, get in touch with a Medicare planner, financial planner or elder law attorney who is familiar with public benefits programs.

QUICK LINKS

[Elder Law of East Tennessee](#)
[Blog](#)
[Contact Us](#)