



Elder Counselor

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

VOLUME 5, ISSUE 1

JANUARY 2014

WE'RE MOVING!

The offices of Elder Law of East Tennessee will relocate to **903 N. Hall of Fame Dr.** at the end of February and reopen in the first week of March. Watch for a special edition of our newsletter next month for specific dates and directions to our new location. We look forward to welcoming friends and clients in our new home!

UPCOMING EVENTS

February 13, 11:30 am
"Elder Law Updates"
Roane Co. Health
Care Providers
RSVP: Kathy Parks
376-5874

February 19, 1:00 pm
"Getting Your Legal and
Financial House in Order"
Amelia Crotwell & Kevin
Denning
Strang Senior Center

March 4, 6:30 pm
"Elder Law Basics"
Canterfield of Oak Ridge
RSVP: Casey Duncan
425-9966

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

Caring for an Abusive Parent

by **Connie Taylor, LCSW**

An article recently published in *The New York Times* blog, "[A Risk in Caring for Abusive Parents](#)," describes the correlation between depression and providing care for an aging abusive parent. Adult children who choose to provide care for abusive or once-abusive parents are at higher risk than other caregivers of experiencing depression or other negative effects on their health. This article sparked a lot of conversation in the elder law and elder care communities about how adult children respond when their abusive parents require assistance as they age.

Adult children who are faced with care decisions for abusive parents react in many different ways, ranging from withdrawing completely and refusing to have any contact to working even harder than most to provide care in the hope of finally getting their parent's approval. A lot of the time I work with adult children who have reached a point of general ambivalence: they don't actively wish their parent to come to harm, but they can't stand to be the one providing care for their abuser. In some instances, when their roles are reversed and the adult child is in the position of making decisions on behalf of an abusive parent, the pattern of abuse is also reversed, and the embittered child becomes the abuser.

As an elder care coordinator, I often find myself in the middle. In cases where the elder is a former or current abuser, I do my best to provide support for the abused child or children while still ensuring that the elder receives the care he or she needs. I may be the one to attend care planning meetings or serve as an advocate for the elder so the child doesn't have to; I serve as a nonjudgmental sounding board when the child is conflicted about care issues; and I always provide an objective voice throughout the problem-solving process. I also do my best to link the adult child with the [supports](#) he or she needs to handle the abusive parent's aging process in whatever way he or she chooses: I can recommend hired caregivers, assist with placement in a care facility, help to enroll in caregiver courses, and help to find caregiver support groups. My presence in the middle can ensure that everyone gains access to the support systems they need while minimizing the emotional impact on the family of the abuser. It allows the adult child to remain as distant as he or she wishes while still knowing that his or her relative is getting the care they need.

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 Elder Care Coordinator Connie Taylor, LCSW, work as a team 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 428 E. Scott Avenue, Knoxville, TN 37917.

QUICK LINKS

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[Blog: Care Conversations](#)
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Outsiders are often judgmental when faced with an adult child who does not immediately run to the aid of his or her aging parent. Although children are not obligated to take care of their parents in their old age, many people (elders and caregiving professionals in particular) more or less expect it. Experience has taught me that when a child does not run to the rescue of a parent in need, there is usually a good reason for it. Professionals in elder care, elder law, and other fields related to aging adults should do their best not to judge and should keep an eye open for signs of abuse or other underlying causes. In cases where abuse, either past or present, is suspected, it may be wise to engage a social worker, licensed counselor, or other qualified professional to help the child and the rest of the family cope with the situation at hand. It is not the time to try to repair a broken relationship, but it is important to ensure that everyone involved gets the care and support they need.

More Changes for CHOICES in 2014

CHOICES Group 3 Extended

In the past two years we have published a [newsletter](#) and several [blogs](#) related to changes in who was eligible for what type of care under TennCare/CHOICES. Prior to July 2012, there were two categories (Group 1 and Group 2) of people who qualified for care under CHOICES. Group 1 was for people who received services in a nursing facility; Group 2 was for those who received home and community-based services (HCBS). To qualify for either group, an individual only had to be unable to perform one activity of daily living without assistance.

Beginning in July 2012, CHOICES recipients were divided into three groups: Group 1 for those receiving services in a nursing facility; Group 2 for those receiving comprehensive HCBS; and Group 3 for “at-risk” individuals who could receive HCBS valued at up to \$15,000 per year. To qualify for either Group 1 or Group 2, an applicant had to score between 9 and 26 on TennCare’s need acuity assessment. Group 3 was for those who scored below a 9 but who, due to specific types of disabilities, were deemed “at risk” of needing care in a nursing facility if they did not receive extra care in the community. From the beginning, Group 3 was meant to be a temporary measure which would expire at the end of 2013.

In recent months, TennCare has undergone further reform. In 2013, as the scheduled date for ending Group 3 approached, the Center for Medicare and Medicaid Services announced that CHOICES Group 3 enrollment would cease for everyone *except* SSI recipients effective January 1, 2014. This would have extended enrollment only for people who could [qualify for SSI](#): those with income less than \$720 per month who were also A) aged 65 or older or B) permanently and totally disabled according to Social Security. However, TennCare sent a request to CMS for an extension to keep Group 3 open through the end of June 2015. The request was approved on January 1st this year. As a result, open enrollment for CHOICES Group 3 continues and is not limited to only people who are eligible for SSI. It remains to be seen whether Group 3 enrollment will close at the end of June 2015 or be extended for some applicants beyond that time.

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.

To comply with the U.S. Treasury regulations, we must inform you that (i) any U.S. federal tax advice contained in this newsletter was not intended or written to be used, and cannot be used, by any person for the purpose of avoiding U.S. federal tax penalties that may be imposed on such person and (ii) each taxpayer should seek advice from their tax advisor based on the taxpayer's particular circumstances.

The information contained in this newsletter is not offered for or on behalf of an exchange.

QUICK LINKS

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[Blog: Elder Law Insights](#)
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New TennCare/CHOICES Application Process

For many years, applying for Medicaid/CHOICES/TennCare has been a 45-day process in which the applicant's file was submitted to a Department of Human Services (DHS) case worker who would review the file and request additional documentation to support the application during a follow up meeting. However, the Bureau of TennCare is attempting to streamline and standardize the way these applications will now be handled. As of January 1, 2014, we are looking at an entirely new process for applying for TennCare through the newly created Tennessee Health Connection center in Nashville.

The new application, called the [Long-Term Services and Supports \(LTSS\) Application](#), is filed in a central office in Nashville through a government contractor, Cognosante. The local DHS office will no longer handle applications. The new application is longer than before and requests information about the entire household in which the applicant resides; however, much of this newly requested information is relevant to the decision on the application. All information provided in the application must also be supported by documentation. According to TennCare, specialized LTSS case workers will be assigned to review applications from specific counties, much as DHS case workers used to do. One of these case workers may contact the applicant during the review process to resolve questions or fill gaps in information.

A lot is still unknown about the new process. Among the things we still don't know are where to file appeals when financial applications are denied (DHS, TennCare, or a contractor). Furthermore, the Medicaid Manual which has served as a guide for DHS case workers and professionals has been removed from the [TennCare website](#). If and when TennCare re-publishes it and provides a written guide for new applications and policy, perhaps some of the mysteries will be solved. Until then, we are finding our way through a network of shared experiences among the elder law community.

The new application process is intended to cut costs. We are hopeful that it will also be a successful gateway for efficient and fair approval of applications. That is yet to be seen. Professionals who are helping clients to apply for TennCare will have to watch closely for updates and announcements related to the change.

Conclusion

Seeking help when confronted with difficult issues related to elder care is one of the most important steps toward reaching emotional stability, financial security, and overall peace of mind. Elder Law of East Tennessee helps all kinds of families to find care solutions that work for them. We provide support not only for our clients, but also for family members and other caregivers. We can also walk our clients through the process of applying for TennCare or other public benefits programs to help them get help financing care. If you have questions about elder care or legal issues, get in touch. We would love to help you find the answers and care tools you need.