



Missouri Chapter NAELA

Helping Missouri Families with Special Needs and Elder Law

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Conversations with the Department of Social Services

In November, 2013 and February, 2014, a small group of MoNAELA members met with Gerald Meyr of the Department of Social Services, establishing an avenue of informal communication with the agency and obtaining information about recommended procedures to speed up processing of our submittals to the agency. If you want to review the minutes of those important meetings, click on the following links

[November 1, 2013 Meeting](#)

[February 28, 2014 Meeting](#)

[Medicaid Applications in Missouri – 2014](#) - Helpful guidelines for the submission of Medicaid applications handled by Attorneys

Reestablishing those lines of communication after Gerald Meyr left his post, a group of four MoNAELA members (Julie Berkowitz, Maureen McHugh, Samantha Shepherd, and Mike Weeks) met on March 9, in Jefferson City with DSS representatives Alex Daskalakis** (Special Counsel for Income Maintenance and Blind Programs at DSS); Tristin Cinu (Asst. Special Counsel Div. of Legal Services at DSS). Two other MoHealthNet representatives were present by phone, Shellie Bledsoe (DFS-MoHealth Net Vendor Policy Liaison- Miller County DFS office); and Dawn Rising (DFS - supervisor of Miller County DFS office). Click [here](#) for the notes of the March 9, meeting, thanks to Julie Berkowitz.

** Mr. Daskalakis was one of the presenters at the Missouri Bar CLE Webinar on Community Long-Term Care Alternatives on March 15, 2016.

ABLE Accounts

In case you missed this exchange on the MoNAELA listserv, here is an update on an important topic:

On April 28, 2016, Reg Turnbull posted:

"For those of you who do special needs planning, Frank Morgan, the General Counsel for the State Treasurer, said that the Treasurer's Website has some information about Achieving a Better Life Experience (ABLE) accounts. I don't think that the program is completely ready to go yet; however, he has sent me an email that says:

This is just a quick e-mail to let you know that Missouri State Treasurer Clint Zweifel's website dedicated to the Missouri ABLE Program is now online. On that website, you can read a list of [FAQs](https://www.treasurer.mo.gov/content/achieving-a-better-life-experience/able-faq) --related to ABLE and the Missouri ABLE Program. There is a [page listing different websites](https://www.treasurer.mo.gov/content/achieving-a-better-life-experience/ablersources) --with information on ABLE. You can also [sign up for e-mail updates](https://www.treasurer.mo.gov/emailus/AbleSignUp.aspx) -- regarding the program's progress in Missouri."

On April 29, 2016, Samantha Shepherd added the following:

"When I first heard about the act I had trouble understanding where the funds would be held. Similar to 529s, an entity such as Fidelity, American Century or Prudential is behind the scenes. Given the \$14,000 limitation (which can add up to \$100,000 after 7 years if the money is not needed by the beneficiary), I can't see many of these entities eager to serve as the investors.

Of all the features, I see the most possibilities with the ability to use the funds for room and board without penalty. If a parent is careful and clever with funding the 529a (Able) with just enough to cover the amount that their child is short for room and board, the child can use the Able account to pay his/her room and board and keep all the SSI without the reduction. I say "just enough" because money left in the Able account is subject to a payback."

National Speakers

We are fortunate to have so many experienced and talented Missouri NAELA members willing to address us at our various meetings and education seminars. But did you know that we are also one of the NAELA chapters with the highest number of programs featuring national speakers? (You may recognize many of the names if you subscribe to the national Listserv, and you might know some from their positions with professional advocacy organizations.) In this regard, we owe a special thanks to Martha C. Brown for contacting her extensive local and national network of colleagues and convincing them to help educate us. She has continued to serve as co-chair of the Education Committee for the last several years and here are just some names of those she has obtained as speakers.

Terry Berthelot, MSW , JD , Attorney with the Center for Medicare Advocacy, who spoke on Medicare Appeals: A Primer (January 2014)

Rebecca C. Morgan, Professor of Elder Law, Stetson University College of Law, Gulfport, FL, who gave a Case Law Update for the Special Needs Trust Program (June, 2014)

Hyman Darling, Massachusetts Attorney with the law firm of Bacon Wilson, P.C. who, in August of 2014, discussed A Tax Day in the Life of an Estate (EINs, Sec. 645 elections, and filing a 706 in taxable and non-taxable estates)

Kevin Urbatsch, a San Francisco attorney, who discussed the Affordable Care Act and Special Needs Trusts in May, 2015, who has authored several books on special needs trusts

Ron M. Landsman, of Rockville, Maryland, a founding member of the National Academy of Elder Law Attorneys, who presented a case law update in July of 2015

Ruthann Lacey, CELA, CAP (Council of Advanced Practitioners of NAELA), of Tucker Georgia who discussed the Ethics of Being a Fiduciary for Clients in December, 2015

Rob Swearingen, Consumer Law Attorney with Legal Services of Eastern Missouri spoke about Defending Consumer Cases of our clients (January, 2013).

Ron was recently featured in a St. Louis Post Dispatch article at http://www.stltoday.com/business/local/when-a-nonprofit-health-system-outsources-its-er-debt-collectors/article_826b26bf-0c85-5ae4-9af1-a1f9f9591539.html

Martha has shown us that networks, particularly the NAELA network, work.

Fun with Statistics

...from the St. Louis Business Journal, April 15-21, 2016.

Assets in IRAs and 401(k)s totaled *14 trillion dollars* at the end of 2015 (stats from the Investment Company Institute).

An average of 10,000 people will retire each day for the next 15 years and many of them could outlive their retirement income because of high fees charged on their retirement assets.

The Labor Department issued new regulations it said could save retirees \$4 billion a year.

- The new regulations require financial advisors to move most clients from retirement accounts that charge high commissions on stock and bond trades to accounts that charge lower annual fees.
- Instead of being charged an average of 3.4% on commission trades, those affected by the regs will be paying an average of 1% – 1.5%, which will make a big difference over a lifetime of investing.

CAVEAT FOR CLIENTS: The client can sign a contract specifically authorizing high, commission-based fees and the advisor will then be exempt from the regulations (some might call this a “loophole.”)

How to Write a Legislator

We are fortunate to have MoNAELA member Reg Turnbull to keep us up to date on the activities of the Missouri legislature on issues of importance to us. Some suggestions from Reg bear repeating:

1. The Missouri house bill tracking system is easier to use than the senate’s; to check any bill go to <http://house.mo.gov/billcentral.aspx?pid=26> and type the abbreviation for any house or senate bill without a space, e.g. “hb1565”
2. Let your representative or senator know your views on any bill in which you have an interest. Remember that you speak not only for yourselves but also for your clients with disabilities and those who are elderly (and the families of both groups).
3. To quickly find and email your elected Missouri representatives (both house and senate) go to the Legislator lookup, and type in your home address. The Legislator lookup is at http://www.senate.mo.gov/LegisLookup/default.aspx/leg_lookup.aspx

BONUS in using this site: it lists ALL representatives, state and federal, as well as other statewide elected officials; sending a message is only one click away.

One example of an informative, personalized, and succinct email message was one recently sent by Paul Gantner about HB1565 (increasing the MoHealth Net participant’s resource limit); relevant parts are:

“[The resource limit] is \$999 for a single person and \$2,000 for a married couple. The bill [HB 1565], which has already passed the House with strong support would move the limits to \$2,000 and \$4,000 on July 1, 2017, with further small increases.

This is not Medicaid for people that could otherwise work or anything of that nature. This is for all the middle class families that we help, when they enter a nursing home at the end of their lives with all of the money they worked hard for all of their life disappearing at a clip of about \$8,000/month. The change may seem insignificant to double it from nothing to almost nothing . . . but it may be the difference between being able to get their hair done TWICE /month instead of once. (They only get to keep \$50/month once on Medicaid) It may be the difference between being able to continue to pay the insurance and taxes on their house and car (which they are allowed to have, but have no way to pay to maintain).”

PLEASE CONTRIBUTE!

[Ask a Question!](#)

Do you have a comment to make about the newsletter?

A link to share?

5 Questions to Answer?

An article to publish?

Suggestions?

An expert with an opinion we ought to hear?

[Send it to us](#) for publication in the next issue.

Visit our [Member Sites](#)

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Update on resource limits: House Bill 1565 was Truly Agreed to and Finally Passed. Sponsored by Representative Kevin Engler, R-Farmington, the bill will increase the resource limit for adult persons applying for MO HealthNet who are permanently and totally disabled, aged (at least age 65), or blind from \$999.99 to \$2,000.00 on July 1, 2017, for a single person, and from \$2,000.00 to \$4,000.00 for a married couple. Then, July 1 of each year for four (4) more years, the single person limit will increase by \$1,000.00, and the married couple limit will increase by \$2,000.00. After \$5,000.00 is reached for a single person and \$10,000.00 for a married couple, the limit will continue to increase by the cost of living. The bill was approved by the Governor on June 9, 2016.

Miller Trusts

Update on "MILLER TRUST" discussion: After the March 9, meeting with the agency, where Miller trusts were mentioned, an article appeared in the St. Louis Post Dispatch (www.stltoday.com/24a50782178998021a88b8cd4c8dcd8/a) discussing the availability of Miller Trusts in Missouri, and prominently featuring our own Vonne Karraker. Vonne had brought this planning technique to MoNAELA at the July, 2015, meeting, and has, since that time, assiduously followed up and continued to work with the Agency about the details for establishing Miller trusts. Vonne reports that, although there are no formal rules yet, the agency is considering, in the future, uploading a template for Miller trusts, as has been done in other states such as New Jersey. Guidance should be forthcoming.

Look for a more detailed article in the next MoNAELA Newsletter.

Summer Meeting

Please plan on attending the 2016 Summer Membership Meeting and CLE Program on July 29th, 2016, in Columbia, MO. More information to come.

(If you missed the 2015 Summer Meeting you missed the discussion about Miller Trusts!)