

**Attorney Timothy P. Crawford, CPA, CELA\*, CAP\*\***  
wanted to share this information with you.

**HEALTH REFORM LAW OFFERS A NUMBER OF  
ASSISTS TO ELDERLY**

**GREATER MILWAUKEE AREA OFFICES IN BROOKFIELD, GLENDALE, MILWAUKEE, OAK CREEK & RACINE**

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After a year of legislative wrangling and premature forecasts of death, historic legislation overhauling the nation's health insurance system has passed the Congress and been signed into law by President Obama. The measure that finally prevailed, the Patient Protection and Affordable Care Act, is the same legislation the Senate had approved on Christmas Eve of 2009, although it was amended somewhat by a separate "budget reconciliation" measure that President Obama also signed into law.

The new law contains a number of provisions affecting the elderly and disabled, including several that will significantly improve the Medicaid options available for individuals with chronic needs. Perhaps most significantly, the law includes the establishment of a national long-term care insurance program, the Community Living Assistance Services and Supports (CLASS) Act, which the late Sen. Edward M. Kennedy (D-MA) had introduced and shepherded through Congress in his final years of life. The law also contains a version of the Elder Justice Act, which will establish an "Elder Justice Coordinating Council" in the Department of Health and Human Services and in the Justice Department and provide federal resources to support state and community efforts to fight elder abuse.

The law's Medicaid provisions include:

- Spousal impoverishment protections for spouses of all individuals receiving home and community-based services (HCBS) waiver and certain state plan services (provision starts in 2014 and sunsets in five years);
- A new program that will provide states more money to cover HCBS;
- A new Community First Choice Option for individuals otherwise eligible for Medicaid institutional coverage;
- An enhanced HCBS state plan benefit authorized by the Deficit Reduction Act of 2005;

- Authorization of the Money Follows the Person program through 2016; and
- Additional funding for Aging and Disability Resource Centers.

### **Nursing Home Protections**

The law will help protect nursing home residents and other long-term care recipients from abuses and give families of nursing home residents more information about the facilities their loved ones are living in or considering moving to.

The law: requires the government to implement a system to collect and report information about how well nursing homes are staffed, including accurate information about the hours of care residents receive, staff turnover and retention rates, and how much facilities spend on wages and benefits; requires facilities to publicly disclose all individuals and entities that own, govern, operate, finance, provide services to, or control them; sets up a nationwide program for national and state background checks of long-term care employees who have direct contact with patients; and requires civil monetary penalties against facilities to be held in escrow pending appeals, ending the current practice of allowing nursing homes to delay payment indefinitely while they file appeals.

The law's Medicare provisions could affect quality of care for nursing home residents in that it cuts Medicare reimbursements to nursing homes by about \$15 billion over the next decade. While nursing homes get only about 13 percent of their revenue from Medicare, the industry says it relies on the money to make up for low Medicaid reimbursement.

Finally, the law will eventually close the Medicare Part D coverage gap known as the "doughnut hole."

One thing that the final law does not include is any end-of-life provision, aka "death panels." A provision in the original House health reform bill said that if a Medicare recipient wanted to discuss end-of-life care with her doctor -- and learn about things like advance directives, palliative care and hospice care -- Medicare would pay for such counseling. But thanks to the death panel scare tactics, this provision was dropped from the Senate bill and was not reinserted by the House in its Reconciliation Act.

### **“Those Who Plan Ahead Win. Those Who Don’t Plan Ahead Lose.”**

This article is for informational purpose only and is not intended as legal advice. It is recommended that you call Timothy P. Crawford for a free conference to discuss your situation in more detail. Attorney Crawford can be reached at 1-262-634-6659. Please refer to this article when you call.

\*Attorney Timothy P. Crawford is a Nationally Board Certified Elder Law Attorney (CELA). He has been Board Certified by the National Elder Law Foundation which has been approved as the Sole Certifying Organization for Elder Law Attorneys by the American Bar Association.

\*\*Timothy P. Crawford was invited to join the Council of Advanced Practitioners (CAP) of the National Academy of Elder Law Attorneys (NAELA) in August of 2005. CAP is a small group of premier elder law attorneys, all of whom

have been members of NAELA for at least 10 years, are certified as elder law attorneys by the National Elder Law Foundation, and are AV rated by Martindale Hubbell, a service that provides an independent rating of the quality of attorneys, as one of the top attorneys in the nation.

Attorney Timothy P. Crawford has been selected as a **Fellow** of NAELA. **Fellow** is the highest honor bestowed by the Academy. Selection as a **Fellow** signifies that his peers recognize the lawyer as a model for others and as an exceptional lawyer and leader.

Attorney Timothy P. Crawford has a superb rating of 10 out of 10 with A V V O.

A V V O has awarded to Attorney Timothy P. Crawford the A V V O Client's Choice Award.

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**"Helping Families in Wisconsin for Over 40 Years  
to Protect Their Assets from Nursing Home Care Cost"**

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