



The Elder & Disability Law Firm
of Victoria L. Collier, PC

VICTORIA'S VOICE: COMFORT NEWS TO USE CONFIDENCE . COMFORT. CARE.

It is the mission of The Elder & Disability Law Firm of Victoria L. Collier to EMPOWER not impoverish our clients.

Third Quarter Edition 2015



AUGUST 21st is **NATIONAL SENIORS DAY**

Am I an INPATIENT or an OUTPATIENT? CHANGES TO HOSPITAL OBSERVATION STATUS

This should soon become an easier question to answer for Medicare beneficiaries due to recent legislation (H.R. 876 Notice of Observation Treatment and Implication for Care Eligibility (NOTICE) Act) that passed the US Senate on July 27, 2015. This legislation now awaits President Obama's signature to become law and create guidelines for how hospitals inform individuals that they are receiving services as an outpatient in observation status, rather than as a hospital inpatient. This notification is important to Medicare beneficiaries treated at hospitals for a couple of reasons:

1. Medicare Part A does not cover services provided to an individual as an OUTPATIENT at a hospital. Instead, services are covered under Medicare Part B; leading to the a 20% copay for all individual services rather than a one-time deductible for the entire hospital stay.
2. Time in the hospital as an OUTPATIENT does not count toward the required three day inpatient stay that is necessary to get Medicare coverage for subsequent services at a skilled nursing facility.

In the past, patients who were unaware of their status as an outpatient during a hospitalization have spent thousands of dollars on hospital and skilled nursing services that they thought were covered by Medicare. Now hospitals will be required to notify all patients of their OBSERVATION status any time they receive OUTPATIENT services at the hospital for longer than 24 hours. Hopefully, this new regulation will lead to improved communication between hospitals and patients and more informed health care decisions.

****Seeking****

NEW RECEPTIONIST

*Must be Warm, Kind,
Energetic, Outgoing,
Customer Service
Oriented and able to
answer phones.*

*Send resume and cover
letter with salary
requirements to*

Victoria@elderlawgeorgia.com

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MARRIAGE PROTECTIONS FOR ALL

June 26, 2015 was a significant day for the gay community. The United States Supreme Court ruled that prohibiting two people of the same sex from marriage was discriminatory and violates the Constitution of the United States. Regardless of personal opinions, this ruling has significant legal ramifications, mostly positive, for same sex couples who choose to marry.

Intestacy Laws: Forty to 50% of people die without a will. When that happens, state laws determine the amount of inheritance that next of kin receive from the estate. Legally married spouses can inherit from one-third to 100% of the estate, depending on state residency, even without a will.

Health Care Laws: No one has legal authority to obtain medical records or make non-life threatening medical decisions other than an individual for him or herself, a specifically named health surrogate in a power of attorney for health care, or a guardian. Spouses do not have an inherent right to make these decisions. However, in a life or death situation, laws do allow next of kin to make medical decisions. A spouse is the closest next of kin and, therefore, would be the one making life or death decisions if an individual does not have a power of attorney for health care that names a specific health surrogate.

Wrongful Death & Personal Injury Claims: The law allows for certain "interested" parties who can bring a wrongful death claim or attach to a personal injury claim. A spouse is one of them. Partners who are not legally married would be unable to be a party to these lawsuits, which can be potentially very beneficial from a financial standpoint.

Social Security Benefits: Upon the death of a spouse, a widow or widower may claim Social Security benefits based upon the deceased spouse's record, if his or her record will pay out the most income. Even if a marriage results in divorce, as long as the marriage lasted 10 years, an individual may claim Social Security on a deceased ex-spouse's work record in order to receive a higher level of income.

VA Benefits: Veterans who sustain a service connected disability of 30% or more will be paid a higher monthly benefit amount if they are married. Wartime veterans, who do not have service connected benefits, may qualify for pension benefits. Eligibility for pension benefits does consider both spouses' income and assets in determining eligibility for a veteran. However, upon the veteran's death, the widow or widower may also obtain the income benefit from the VA as a survivor.

Medicaid Benefits: Though the assets of both spouses are considered for nursing home Medicaid eligibility, the strategic planning tools available to married people to preserve assets while qualifying for Medicaid are much more beneficial than the strategies available to single individuals.

There are many more legal advantages and disadvantages of being married (that go well beyond the love and bond between two people). Each couple is different, each situation is different, and thus, each plan should be customized and different. Contact our office for a consultation to determine the right plan for you.

CLIENT

TESTIMONIAL

"When mom passed away, Dad already had Alzheimer's and we were left to try to take care of Dad and his business affairs without a clue of how to go about it. After about a year, someone recommended that we call Victoria Collier. Once the call was made, she told us exactly what we needed to do, and she guided us all along the way. Disaster was averted and the very best of a bad situation was made. I wish we had called sooner!"

- B.C.

AGING LGBT COMMUNITY—HELP IS ON THE WAY!

By: Lisa Stewart, RN, Aging Life Care Manager – *SeniorCare Options*

Maybe it's just me being "me" and the fact that I turned 50 this year, but every time I turn around, I'm barraged with advertisements and warnings about things like retirement benefits, long-term care insurance, home health services, senior living communities, financial planning, and...the list goes on and on. Somehow I try to pretend that all of those aging issues will take care of themselves, but every day I go to work, I am reminded that most people need help navigating the complexities that often accompany the gift of living longer.



You see, I am an Aging Life Care Manager (ALCM), which means I am a certified medical professional who acts specifically as a guide, advocate, and resource for people and their families seeking help maneuvering through the gauntlet of options, offers, and decisions facing an aging population. ALCMs utilize assessment tools, education, planning experience and problem-solving to provide sound guidance to people with age-related or chronic disabilities, putting the individual at the center of all solutions. I am also gay...which makes me very sensitive to the special concerns in the elderly LGBT community and how aging can be a scary place for many of us.

As noted in a recent article in The Huffington Post, aging can be tougher on gays for several reasons. Studies suggest that, in general, as we age we rely more on our adult children for care. No doubt that's true as I'm contacted weekly by adult children worried about "Mom's forgetfulness," "Dad's decline since his stroke" or their parents' need to downsize and "we don't know where to start." However, LGBT elders are four times less likely to be parents, so what happens if you're like me and you don't have children? Who is going to take care of me if my finances are not sufficient or I lose the capacity to make executive decisions? And even if you do have adult children, do you wonder how comfortable they will be when speaking to a professional service representative about their gay parent?

Poverty and social isolation is widespread in the aging LGBT community, largely because of a lack of traditional family structure when needed most. Individuals are forced to seek assistance from local or government agencies for their care needs. Many LGBT elders experience peer discrimination at senior centers and encounter professionals at doctors' offices, hospitals, rehabilitation centers, and retirement communities that are simply not comfortable dealing with gays. In fact, according to the latest national SAGE (**S**ervices & **A**dvocacy for **G**ay, **L**esbian, **B**isexual and **T**ransgender **E**lders) survey, almost half of the LGBT elders polled expressed fear of financial problems and being alone.

Am I the only one who wonders about finding appropriate housing or in-home care as an aging LGBT? Having been a nurse in healthcare for many years, I continue to witness the familiar behaviors in the LGBT community when outside resources are a necessity. People "de-gay" the house before home care or hospice providers arrive to provide personal care. Longtime partners use the term "roommate" for one another so as not to make anyone uncomfortable with their relationship. And the Trans elder who has to choose between "de-transitioning" or being ridiculed by his new senior community neighbors is often put in an excruciating position. LGBT elders often enter a retirement community, assisted living, independent living, or nursing home, under the presumption they are heterosexual, and many return to the closet for fear that disclosing their sexual orientation or gender variance will make them vulnerable to discrimination—even abuse.

If any of these scenarios sound familiar or you privately question how to navigate the healthcare arena as an elder LGBT... **you are not alone.**

SeniorCare Options can provide you with an Aging Life Care Manager who understands your concerns and is culturally sensitive to your needs. We are familiar with gay-friendly agencies and can direct you to multiple resources that will treat you with compassion and understanding. We can also advocate for your right to "be yourself" in a new environment and experience the dignity all aging seniors deserve.

SeniorCare Options is an independently owned and operated business and a longstanding member of the AGLCC (Atlanta Gay and Lesbian Chamber of Commerce). Services are customized to the needs of the client and costs are contained by proper navigation of resources. Contact: **SeniorCare Options** at 770-579-9177 or visit www.SeniorCareOpt.com for more information.



September 13th is
NATIONAL
GRANDPARENTS DAY

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The Elder and Disability Law Firm of
Victoria L. Collier, PC
315 W. Ponce de Leon Avenue
Suite 600
Decatur, Georgia 30030

UPCOMING EDUCATIONAL WORKSHOPS at Our Office

There is no fee to attend the workshops, however due to a limited number of reservations available, you are required to call the office to secure a seat.

Wednesday, August 12 @ 3:00PM—5:00PM

Tuesday, August 25 @ 10:00AM—12:00Noon

Tuesday, September 15 @ 10:00AM—12Noon

Wednesday, September 30 @ 3:00PM—5:00PM

Tuesday, October 13 @ 10:00AM—12Noon

Wednesday, October 28 @ 3:00PM—5:00PM

CONTACT US

Give us a call for more information about our services and products .

***The Elder and Disability
Law Firm of
Victoria L. Collier, PC
315 W. Ponce de Leon
Avenue
Suite 600
Decatur, Georgia 30030
(404) 370-0696***

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