



Elder Law Notes

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Winter 2009

**DON'T MISS THIS
MEETING; 3 HRS OF
CLE REQUESTED!!**

**Tuesday
January 12, 2010
11:30 a.m. to 4:00 p.m.**

Held at the United Cerebral
Palsy Center, B'ham



CLE Topic
Guardianship &
Conservatorship

CLE Speakers
Sidney C. Summey, Esq.
Judge Sherri C. Friday
Richard E. Powers, MD

**SIGN
UP
TODAY!**

Lunch will be catered

**DO NOT REPLY
TO THIS E-MAIL**

(See pages 2 and 3 for
directions, bio, and
registration information.)

Allowances Remain Unchanged in 2010

The Center for Medicare & Medicaid Services has announced that effective January 1, 2010, the Maximum Spousal Resource Allowance of \$109,560 and the Minimum Monthly Maintenance Needs Allowance of \$1,821.25 (until July 1, 2010) will remain the same as the current 2009 figures.

Attorney Liable on Conservator's Bond

An attorney who signed a "joint control agreement" required by Hartford, the surety, when obtaining a conservator's bond was held liable to the ward for improper expenditures and investments made by the conservator. Line v. Ventura ___ So.3d ___, 2009 WL1425993 (Ala. May 22, 2009).

Alabama Medicaid's Treatment of Tax Credit

As a result of the American Recovery and Reinvestment Act of 2009, also known as the Economic Stimulus bill, some people will receive additional income. For tax years 2009 and 2010, eligible individuals will receive a tax credit for the lesser of the following amounts: 6.2 per cent of earned income or \$400 for an individual return (or \$800 in the case of a joint return).

A payment from the tax credit will be treated as a refund. Any credit or refund allowed will not count as income for any Medicaid program. For Medicaid programs that consider resources, the stimulus tax credit or refund amount will not count as a resource in the month it is received and for the two months following.* Any income from the tax credit that is held longer than the time allowed will be added to the amount of resources already owned. Any amount given away during this exemption period will not be considered a transfer of a resource. However, any amount given away after the exemption period will be considered a transfer of a resource and will be subject to a penalty.

*Medicaid programs that count resources include the Nursing Home, ICF/MR or other institutional programs; Waiver programs; and SSI-related programs such as Disabled Adult Child; Widow/Widower, Pickle or Continuous Medicaid or Grandfathered Children programs.

Tax credit info from http://www.medicaid.state.al.us/documents/apply/2B-Qualifying/Stimulus_Bill_Impact_on_Elig_5-29-09.pdf

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The meeting is at **Hand In Hand (The Children's Facility)** which is the second UCP building on Oslo Circle. 120 Oslo Circle, B'ham, AL 35211 (205.944.3939)

If you are traveling I-65 South (from Downtown Birmingham)

1. Take the Lakeshore Drive Exit.
2. Turn *right* and go about 3.6 miles.
3. After you pass Cook's Pest Control on the left, take the next *left* onto Sydney Drive (at the light).
4. Turn *right* onto Oslo Circle.
5. Continue on Oslo Circle and bear to the right. Park in front of building.

If you are traveling I-65 North:

1. Take the Lakeshore Drive Exit.
2. Turn *left* at the light and go about 3.6 miles.
3. Follow directions above, beginning at #3.

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Dr. Richard E. Powers M.D.
Associate Professor of Neurology and Pathology (UAB)

In 2001, Dr. Powers was inducted into the Alabama Health Care Hall of Fame, which was founded in 1997 with the purpose to recognize those persons, living or deceased, who have made outstanding contributions to, or rendered exemplary service for healthcare in the State of Alabama. As a psychiatrist, geriatric psychiatrist, and neuropathologist, Dr. Richard Powers has had a profound impact on the lives of elderly citizens in Alabama.

His leadership as Director of the Department of Mental Health and Mental Retardation Bureau of Geriatric Psychiatry has resulted in a continuum of care within Alabama communities that include community mental health centers and Alzheimer's support groups; a mass-scale education program for Alzheimer's caregivers; and the development of a state-of-the-art geriatric psychiatry hospital -- the Mary Starke Harper facility in Tuscaloosa. This facility provides short-term treatment to individuals over 65 with dementia and serves as a teaching hub for students, families, and the community.



CLE REGISTRATION

To register for the CLE, send your name(s) to:

Jennifer Q. Griffin
 (205) 977-9045
 (205) 977-9049 (fax)
jgriffin@wealthprotectionlaw.com

Registration is free for Elder Law Section Members.
 \$25 for others.



New Medicare Figures for 2010

- 1) Part A deductible \$1,100
- 2) Part B premium* \$96.40 or \$110.50/mo.
- 3) Part B deductible \$155/day
- 4) Co-ins for hospital stay \$275/day (days 61-90)
- 5) Co-ins for hospital stay \$550/day (days 91+)
- 6) Co-ins skilled nursing \$137.50/day (days 21-100)

*Medicare Part B premium is based on the annual income of the beneficiary(ies). See the table below. Due to a "hold harmless" provision in the law, 73% of beneficiaries who paid \$96.40 as their premium in 2009 will continue to pay \$96.40.

Single Income	Married file tax jointly Income	Monthly Premium
\$85,001-\$107,000	\$170,001-\$214,000	\$154.70
\$107,001-\$160,000	\$214,001-\$320,000	\$221.00
\$160,001-\$214,000	\$320,001-\$428,000	\$287.30
\$214,001 or more	\$428,001 or more	\$353.60



Sidney C. Summey, Esq.

Shareholder in the firm of White Arnold & Dowd P.C.

With over 30 years experience in the practice of Probate Law, Mr. Summey is recognized in the probate and civil courts in Alabama in the fields of probate litigation, wills, trusts and estates, guardianships and conservatorships.

His primary practice involves assisting litigators in settling cases involving decedent's estates and incapacitated persons, the representation of conservators of the estates of minors who have received personal injury awards and other disabled persons, structured settlements, special needs trusts and elder law.

In February of 2008, Mr. Summey was appointed to serve as the Jefferson County Conservator and Guardian. In this position, Mr. Summey serves as a Conservator, Guardian, Trustee or Payee appointed by the Probate Court, the Circuit Court, the Department of Veterans' Affairs or the Social Security Administration. He is responsible for marshalling assets, managing estate funds, overseeing nursing home placement, Medicaid eligibility and overseeing the payment of a wards' various day-to-day needs and expenses.