



## The Difference Between Medicaid & Medicare

Medicare is a government run health insurance program. To qualify for Medicare the senior must be:

- Age 65 + or disabled
- Legal resident or citizen

Either applicant or spouse has worked in Medicare covered employment for at least 10 years.

**Medicare Part A** pays for hospitalization, rehabilitation at a nursing facility, some home health care and hospice. There is usually not a premium for this insurance. Seniors are automatically enrolled when they are receiving Social Security retirement benefits at age 65.

**Medicare Part B** pays for doctor's visits and out patient hospital care. There is a premium for this insurance that is usually deducted directly from the persons social security benefit. The initial enrollment period for an applicant is 3 months before the person turns age 65 through 3 months after the person turns 65. If a person does not enroll in Medicare Part B and does not have comparable insurance from an employer then the person will have an increased premium when the person does enroll at a later age. This is called the premium penalty.

**Medigap/Medicare Supplemental Insurance** – this is private insurance that a senior can buy to cover the deductibles and co pays owed under Medicare Parts A& B.

**Medicare Part D** – is private insurance all seniors are required to purchase to cover the cost of prescription drugs.

**Medicaid** – is a federal program that is administered by the States. Each state has its own program. Massachusetts Medicaid program is called **MassHealth**. **MassHealth** is health insurance for low income and disabled individuals. There are many different types of programs including programs for low income children, disabled adults, pregnant women, low income seniors, seniors in need of nursing home care. In order to qualify for MassHealth you must apply and meet certain income and asset qualifications.

For Seniors there are three types of MassHealth that a person may qualify for. These are MassHealth Standard, MassHealth Standard with a Frail Elder and/or Community Based Spousal Waiver, and Long term MassHealth.

**MassHealth Standard** is health insurance for low income seniors. The applicant's income must be less than or equal to 100% of the federal poverty guidelines. The applicant must have less than \$2,000 in countable assets. This program is health insurance for low income seniors. It may pay the Medicare Part B and D premiums for the senior. It picks up the costs of most co-pays and deductibles. There are no transfer penalties for this community.

There are no transfer penalties imposed on transfers between spouses. Therefore it is often simple to transfer all the assets to the non-applicant spouse bringing the applicant under \$2,000 asset limit without incurring any transfer penalties.

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**Long Term MassHealth** is insurance that pays for the cost of long term custodial care in a nursing home. There is an asset limit of \$2,000 in countable assets for the applicant and an asset limit of \$109,560 in countable assets for the community spouse. Please see last months newsletter on the Medicaid qualification rules for more details.

### **Paying for Nursing Home Care**

Medicare Parts A, B & Supplemental do not pay for long term custodial nursing home care. Medicare does pay for all of the first 20 days of rehabilitative care if the senior has been in a hospital for 3 days or more before going to the nursing home for rehabilitation. After Day 20 up to Day 100 Medicare pays for 80% of the costs of rehabilitative care. The balance (20%) is either privately paid or is paid by the Medicare Supplemental Insurance. The co-pay for the balance is currently \$126 a day. If at any point a person's status changes from short term rehabilitation to long term custodial care Medicare stops paying for the care.

Long term MassHealth is the only government run insurance program that pays for skilled nursing home care.

**Mark Your Calendars For These Upcoming Events in September**  
**Estate Planning 101 presentations! Call 1-800-929-0491 to reserve your seat! You can also register by going on-line to: [www.myfamilyestateplanning.com](http://www.myfamilyestateplanning.com)**

### **Is it Time to get your Ducks in a Row?**

**Tuesday, September, 14th (code: Cape) 1:30pm-3:00pm**

Cape Cod Island Assoc. of Realtors Conference Center, 22 Mid Tech Drive, West Yarmouth, MA 02673

**Thursday, September 16th (code: Sunrise) 6:30pm-8:00pm**

Sunrise Assisted Living, Slocum Road, North Dartmouth MA

**Thursday, September 23rd (code: Kimwell) 6:30pm-8:00pm**

Kimwell Nursing and Rehab Center, 495 New Boston Road, Fall River MA

#### **Here's What You'll Learn...**

- How living trusts avoid probate, why wills don't and what good trust planning costs.
- How your Healthcare Proxy, Living Will and the new HIPAA release must work together.
- How to avoid death taxes, guarantee IRA stretch outs and plan for disabled kids or grandkids.
- How to "bulletproof" your children's and grandchildren's inheritances from their divorces, debts, lawsuits, medical expenses, irresponsible life styles and transfers out of your bloodline.
- How to protect your home and savings from \$8,300/month nursing home bills and Medicaid without buying long-term care insurance – even if you or a loved one is in a nursing home now.
- How qualified veterans and their spouses can get up to \$1949/month for at-home health care or assisted living costs from a little-known VA benefit for non-service connected disabilities.



Elder Law Attorneys Reveals the Legal Steps You Should Consider Right Now If Your Loved One Is In a Nursing Home Or About To Enter One Soon.

*Elder Law Today is produced by Robert L. Surprenant, of counsel, Daniel M. Surprenant & Michelle D. Beneski, Attorneys at Law. This newsletter is published as a service of Surprenant & Beneski, P.C., 35 Arnold Street, New Bedford Massachusetts 02740 and 336 South Street, Hyannis, MA 02601*



**Senior Resource Alliance's 3<sup>rd</sup> Annual  
Celebrate Grandparent's Day !!!  
at Eastover Farm  
131 Hiller Road, Rochester, MA  
Sunday, September 12, 2010  
1:00pm-4:00pm  
Free Admission & Free Parking  
Fun For the **WHOLE** Family:  
Tractor Wagon Rides, Pony Rides, Kids Games with  
Prizes, Face Painting, Kids Craft Table,  
Family Photos, Putt Putt Golf, Clowns,  
Balloons, Refreshments and lots more !!!  
Music by "The Relics" !  
**Bring your lawn chair and enjoy great music!****



Directions: Take 195 to EXIT 20, towards ROCHESTER. Turn LEFT onto MA-Rt. 105 and continue to follow MA-105 for 2 miles. Turn RIGHT onto WALNUT PLAIN RD. Follow for .5 miles to a stop sign and turn RIGHT onto MARY'S POND RD. Go .6 miles and turn LEFT onto HILLER RD. In .2 miles you will be at 131 HILLER RD!

Sponsored by Senior Resource Association:

Providing specialized Services by professionals focused on seniors, including Integrated Solutions (financial), Tender Hearts Home Health Care (home care), Sunrise Assisted Living (senior living), Surprenant & Beneski, P.C. (legal), Active Day of Fairhaven (adult day care), Direct Finance Corporation (reverse mortgage), Tremont Rehabilitation and Skilled Nursing Care, EasCare Ambulance, Shifting Sands Transition (senior moving), First Congregational Church of Wareham, Medical Alarms USA (emergency response), Neves & Cashman Realty, Hospice & Palliative Care of Cape Cod.

alzheimer's  association®

**Important Information from the Southeastern Partnership of the Alzheimer Association!**

- The Annual Memory Walk is scheduled for **Sunday, September 26th** from Bristol Community College in Fall River! Registration is at 8:00am! Plenty of parking available.
- The S.E. Partnership has also put together a cookbook book from family members. Surprenant & Beneski, P.C. is helping raise money for the partnership by selling the cookbooks at our office. The cost is \$12.00, so stop in and get your copy today!
- Last year the partnership did a series of presentations in the community to educate families about the resources available to care for someone with Alzheimer's. The discussions included a nursing home representative, adult day care, assisted living, home care agency, and an elder law attorney. This series is being repeated on Wednesday, November 10 at 4:30 pm at the Fairhaven Council on Aging, Saturday, November 13th at 9:30 am at Bayview in Fall River and Wednesday, November 17th at 4:30 pm at the Alzheimer's Association office in Raynham. If people are interested in going please leave your name and phone at our office **508-994-5200** and we will get you registered and send you directions if needed!

# *Elder Law Today*

www.myfamilyestateplanning.com



**SURPRENANT & BENESKI**  
*Estate, Tax, Medicaid and Disability Planning*

***Thank YOU for recognizing our efforts by  
sending your friends & family!***

Hawthorn Medical

Theresa Pimental

Judy Andrade

Mike Kennedy

Maria Connor

Lakeville Council on Aging

Maureen and Jerry Saunders

Custom Tours

Brooklawn Senior Center

Dartmouth Council on Aging

Jacqueline Brown

Brenda Mc Gowan

We invest 100% of our time & energy to delivering first-class service to our clients. As a result, our valued clients, partners, & friends refer their family, clients, friends & associates to us. We build strong, lifelong relationships, one person at a time!

**HAPPY LABOR DAY**  
from the  
entire staff of  
**Surprenant & Beneski,**  
**P.C.!**

**Our office will be closed  
Monday, September 6th  
and will re-open on  
Tuesday, September 7th!**

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*Estate, Tax, Medicaid and Disability Planning*  
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