

Offices in  
Suffolk and  
Virginia Beach, Virginia  
Tel: 757-399-7506  
Fax: 757-397-1267  
Web: [www.oasthook.com](http://www.oasthook.com)



MEMBER

MEMBER



*Special needs require special lawyers.*

### INSIDE THIS ISSUE

- Waiting for Medicare
- Ask Allie
- Announcements
- Distribution of This Newsletter

Editor  
Sandra L. Smith,  
Certified Elder Law Attorney

## WAITING FOR MEDICARE

A recent Kaiser Health News article addresses the issue of Medicare and persons younger than 65 years of age who have disabilities. Under current federal rules, such persons are not eligible for Medicare until two years after they start receiving Social Security Disability Income. Persons with amyotrophic lateral sclerosis (also known as ALS, or Lou Gehrig's disease) have no waiting period, and persons with end-stage renal disease have a waiting period of three months or less, depending on treatment. Congress created the waiting period in 1972 when Medicare was expanded to cover persons with disabilities. The waiting period was designed to control costs and to ensure that only those with ongoing, severe disabilities received Medicare coverage. According to the Kaiser Family Foundation, approximately seventeen percent of Medicare's 47 million beneficiaries receive disability benefits.

Many patients waiting for Medicare face financial hardship. They may be currently unable to get health insurance because of their conditions. Some patients may receive coverage through a spouses's insurance plan, or continue to pay for their employer-sponsored coverage through COBRA, the federal law that allows laid-off or disabled workers the opportunity to purchase insurance for 18 months. Workers with disabilities are eligible to extend COBRA coverage for an additional 11 months, although the price of COBRA coverage can be prohibitive.

The new health care overhaul will provide some relief to patients with disabling conditions, according to Joe Baker, president of the Medicare Rights Center. Starting in 2014, insurers will not be able to bar patients with disabilities from purchasing insurance because of their pre-existing conditions. The coverage is also expected to be more comprehensive as a result of the new federal requirements. The patient groups are continuing to press for the end of the waiting period, because nearly 39% of patients are uninsured for at least part of the waiting period, while another 26% have no insurance for the entire two years.

The Medicare Rights Center is leading a coalition of over 65 organizations pushing Congress to eliminate the waiting period. This effort has stalled because, according to the Congressional Budget Office, eliminating the waiting period would cost an estimated \$113 billion over ten years. This cost takes into account a corresponding \$32 billion decrease in federal spending on Medicaid that would result from moving persons with disabilities from Medicaid to Medicare. Many people with disabilities receive Medicaid benefits during the waiting period. Edmund Haislmaier, a senior policy research fellow at the Heritage Foundation, said that eliminating the waiting period “is always going to be an issue in Congress. Some of it is money, some of it is politics, too. For members of Congress, irrespective of party or where they stand on the issue, it’s kind of all-or-nothing because if they did it for some diseases, they’re immediately going to be inundated with ‘Why didn’t you do it for us?’” Some groups, however, such as the Huntington’s Disease Society of America, are asking Congress for specific waivers from the waiting period for their diseases. They believe it may be more politically feasible to press for relief for specific diseases, because the cost of doing so would be less than the cost of across-the-board relief.

Further developments on this issue will be covered in future editions of the *Oast & Hook News* as they occur.

The attorneys at Oast & Hook can assist clients with their life care, estate, financial, insurance, veterans benefits, and special needs planning issues.

#### **Ask Allie**

O&H: Allie, we’ve heard about another extraordinary cat who was an ASPCA Cat of the Year. Please tell us about her.

Allie: Sure! Libby, at the time a ten-year-old orange tabby, was named the ASPCA’s 2008 Cat of the Year. She was an intuitive and extraordinary cat guide for a disabled dog. Libby became the eyes and ears for Cashew, the family yellow Labrador Retriever and Shar Pei mix, as Cashew slowly began losing her sight and hearing as she aged. Cashew was seven years old when Libby and her littermate Lucy became part of the family. Libby and Cashew bonded over the years, and as Cashew aged, Libby took on the role of personal guide. She started sleeping in Cashew’s kennel and followed Cashew everywhere she went, including the trail in the woods where the family walked the dog every day. Libby would assist the dog by nuzzling her shoulder, steering her away from bumping into things, and at mealtimes, Libby would push Cashew to guide her toward her food and water dishes. After Cashew passed away, Libby wandered in and out of the kennel that they shared, but eventually she stopped searching for her friend. Libby is warming up to the new family pup, a large but gentle black Labrador Retriever named Bessie, and she still gets along with Lucy and another family cat named Gracie. According to the ASPCA, Libby and Cashew’s special relationship shows that cats and dogs can get along. That’s a great story! I got along OK with Mr. Oast’s dog Charlie when I worked at Oast & Hook, except when he would come in and try and eat my food! Time to check the window at the front door and see if any visitors have stopped by. See you next week!

### Announcements

Oast & Hook attorney Andrew Hook will speak on the topic of health reform and seniors from 3:00 p.m. to 5:00 p.m., Tuesday, September 21st to financial planners at Ameriprise Financial located at 249 Central Park Avenue, Suite 300, Virginia Beach, Virginia 23452. For more information about this presentation, please phone Linda Wheeler at 757-306-0528.

Oast & Hook attorney Letha McDowell will speak on the topic of health reform and seniors from 6:00 p.m. to 8:00 p.m, Monday, September 27th at the United Way office located at 2515 Walmer Avenue, Norfolk, Virginia 23513. For more information on this presentation, please phone Jennie Dell at 757-399-7506.

### Distribution of This Newsletter

Oast & Hook encourages you to share this newsletter with anyone who is interested in issues pertaining to the elderly, the disabled and their advocates. The information in this newsletter may be copied and distributed, without charge and without permission, but with appropriate citation to Oast & Hook, P.C. If you are interested in a free subscription to the *Oast & Hook News*, then please e-mail us at [mail@oasthook.com](mailto:mail@oasthook.com), telephone us at 757-399-7506, or fax us at 757-397-1267.

### Copyright © 2010 by Oast & Hook, P.C.

*This newsletter is not intended as a substitute for legal counsel. While every precaution has been taken to make this newsletter accurate, we assume no responsibility for errors, omissions, or damages resulting from the use of the information in this newsletter.*

*This newsletter is produced to be sent electronically. If we currently fax you a copy of the Oast & Hook News but you prefer to receive it by e-mail, then please contact us at: [mail@oasthook.com](mailto:mail@oasthook.com).*

*If you would like to be removed from our Oast & Hook News distribution list, please e-mail us at [mail@oasthook.com](mailto:mail@oasthook.com), telephone us at 757-399-7506, or fax us at 757-397-1267.*