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## REPORT FROM THE 2006 NAELA SYMPOSIUM AND THE SPRING SNA CONFERENCE

Two weeks ago, Andrew Hook and Sandra Smith attended the 2006 Symposium of the National Academy of Elder Law Attorneys (NAELA), and Mr. Hook attended the spring meeting of the Special Needs Alliance (SNA). Both meetings were held in Washington, D.C.

During the NAELA Symposium, Mr. Hook and Ms. Smith attended seminars on Medicare Part D, Veteran's Services Available for the Elderly or Disabled Client, Planning Your Own Retirement, Guiding Your Client to get the Best Break in Caregiving, and the Case Law Update. Future editions of the *Elder Law News* will cover the highlights from the seminars. Ms. Smith also attended a presentation by Judith Schneider entitled "How Congress Really Works," which provided an insider's humorous yet sobering view on the legislative process. Ms. Smith also attended the Health Care Special Interest group breakfast, featuring speaker Debbie Bushnell, the guardianship attorney for Michael Schiavo. Ms. Bushnell provided an interesting perspective on the entire Terri Schiavo case, including an overview of the legal processes involved and her personal observations.

As expected, a good deal of the focus of the Symposium was the impact of the Deficit Reduction Act of 2005 (DRA) on long-term care planning, particularly Medicaid planning. One general session included a panel presentation and discussion on the specific DRA provisions and interpretations of their impact. The states have to develop their regulations and procedures to implement the DRA provisions, so it is unknown at this point how the DRA will be specifically implemented in Virginia through the Medicaid Manual. The Symposium also included breakout sessions where attendees could discuss alternate planning strategies in light of DRA implementation.

During the Special Needs Alliance meeting, Mr. Hook heard presentations by policy advisors for both the Social Security Administration (SSA) and the Center for Medicare and Medicaid Services (CMS). The overall conclusion by both speakers was that the states will be regulating and evaluating self-settled special needs trusts concerning their effect on Medicaid eligibility, and therefore the law in this area may become more state-specific, rather than being centrally regulated by CMS. The CMS representative stated that he was working on a letter to the state Medicaid directors giving guidance about the DRA that will be made public on the CMS website: [www.cms.gov](http://www.cms.gov). Oast & Hook predicts that the states will wait for this guidance prior to issuing their new regulations.

The problems confronting the elderly, including uninsured long-term care and health care expenses, have not been addressed or solved by the DRA or Medicare Part D. These meetings provided Oast & Hook the opportunity to remain up-to-date on changes in laws and practices. Oast & Hook will use this information to assist its clients in addressing these problems that confront the elderly.

### **Announcement**

Oast & Hook is pleased to announce that it is a sponsor for the 17th Annual Alzheimer's Education Conference to be held at Old Dominion University on June 7th and 8th. Oast & Hook will also be presenting two workshops entitled "Legal Issues for Families Facing Alzheimer's Disease" on June 7th and "Current Legal Issues – Competency Issues and the Law" on June 8th. For more information about this conference, please call the Alzheimer's Association at 757-459-2405 or visit their website at [www.alz.org](http://www.alz.org).

### **Speakers**

If you are interested in having an Elder Law attorney from Oast & Hook speak at an event, then please call Vivian Lane at 757-399-7506.

### **Oast & Hook**

Oast & Hook is an elder law firm. We represent older persons, disabled persons, their families, and their advocates. The practice of elder law includes estate planning, investment and insurance advice, estate and trust administration, powers of attorney, advance medical directives, titling of assets and designations of beneficiaries, guardianships, conservatorships, and public entitlements such as Medicaid, Medicare, Social Security, and SSI, disability planning, income tax planning and preparation, bill paying and account management and reporting, care management, and fiduciary services. We also handle litigation involving these issues, such as will contests and estate administration disputes. For more information about Oast & Hook, please visit our website at [www.oasthook.com](http://www.oasthook.com).

Oast & Hook is the Virginia member of the Special Needs Alliance, a nationwide network of disability attorneys. As members of this alliance, we assist personal injury attorneys in resolving their cases to enhance the judgments and awards of their disabled clients and to maintain the eligibility of these clients for SSI and Medicaid. We are experienced in protecting the public benefits of persons with special needs

and in assisting with the management of their assets. For more information about the Special Needs Alliance, visit its website at [www.specialneedsalliance.com](http://www.specialneedsalliance.com).

### **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 *Elder Law News*, then please e-mail us at [eln@oasthook.com](mailto:eln@oasthook.com), telephone us at 757-399-7506, or fax us at 757-397-1267.

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