

OAST & HOOK

Offices in
Portsmouth and
Virginia Beach, Virginia
Tel: 757-399-7506
Fax: 757-397-1267
Web: www.oasthook.com



MEMBER

Member, National Academy
of Elder Law Attorneys

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Editor
Sandra L. Smith,
Certified Elder Law
Attorney

REPORT FROM THE VIRGINIA CHAPTER NAELA MEETING

Oast & Hook attorneys Sandra Smith and William Oast attended the recent meeting of the Virginia Chapter of the National Academy of Elder Law Attorneys (NAELA). The following items are highlights from this meeting.

Cindi Jones, Chief Deputy Director for the Virginia Department of Medical Assistance Services (DMAS), was the first speaker. She gave a presentation entitled “Long-term Care Reform and Care Integration in the Commonwealth of Virginia.” Virginia has received a federal grant for systems transformation. There are three goals under this grant. The first goal is to improve access to long-term care support through a one-stop shop (“No Wrong Door”). Currently, Virginia’s long-term system is fragmented with many public and private programs, and services are delivered by many agencies and organizations. As a result, recipients are often confused and frustrated as they try to navigate the system. The new “No Wrong Door” program will provide recipients with a single point of entry to access long-term and supportive services through one agency or organization, and this program will provide inter-agency collaboration. This will link seniors to services, and it ultimately will be expanded to serve individuals with disabilities. Virginia will be the forty-third state to develop a single point of entry. There will be nine pilot sites throughout the Commonwealth.

The second goal under the federal grant is to increase choice and control by recipients through development of self-directed services and individualized budgeting. The third goal is to develop technology to support all systems changes.

Another part of long-term care reform is “Money follows the person.” This grant will allow DMAS to bring some younger disabled individuals from facilities into the community, if they have resided in an institution for six months, and if they will continue to require long-term care services. The grant will provide \$5,000 in transitional funding, and it will include assistive

technology and environmental modification within selected home and community based waivers. The grant will also provide for the services of a care coordination transition manager.

Virginia is also working on the integration of acute and long-term care services. The state held three meetings on this issue during the summer and fall of 2006, including hearing public comments. The current system is a fee-for-service model and is fragmented. The new system will provide for managed and coordinated care, except for certain waiver programs. This will provide for one-stop shopping for all recipients' care needs, and it will insure that recipients receive the right care at the right time. There are two integration models. The first is a community model, and it will include an expansion of the Program of All Inclusive Care (PACE) program, which has been successful for several of Oast & Hook's clients. The second model is a regional model. The integration models will be phased in: the community model between 2007 and 2009, and the regional model between 2007 and 2010.

Suzanne Gore from DMAS addressed the Long-Term Care (LTC) Partnership Program. This program has been discussed in previous editions of the *Elder Law News*. There are two parts of this program: asset protection for Medicaid eligibility, and estate recovery. If a person purchases an LTC insurance partnership policy and uses all of the benefits, then the Department of Social Services will disregard assets equal to the amount of LTC insurance benefits used. Ms. Gore said that to receive coverage under an LTC policy, a recipient normally has to be unable to perform two of the activities of daily living (ADLs) or have a cognitive impairment. In order to receive Medicaid for long-term care services, a recipient must be unable to perform four ADLs. Thus, it is possible for an individual to use all of the individual's benefits and still not qualify for Medicaid from a medical standpoint. This could result in gaps in payment for care that the individual will have to cover. The LTC Partnership Program is scheduled to be launched on September 1, 2007. All licensed insurance agents who want to sell Partnership policies are required to complete eight hours of training prior to September 1, 2007, with two hours consisting of continuing education designated for the LTC Partnership Program in Virginia. The attorneys at Oast & Hook will take this training, and the *Elder Law News* will provide more information on the Partnership Program in a future edition.

The Virginia NAELA members reviewed Transmittal #87 to the Medicaid Manual that became effective July 1, 2007. Details of Transmittal #87 will be addressed in a future edition of the *Elder Law News*.

Speakers

If you are interested in having an Elder Law attorney from Oast & Hook speak at an event, then please call Jennifer Lantz 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

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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.

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