**Accessing Medicaid Waiver Services When Income is Too High**

*Jacqueline Connell, Esq., Amy Lowenstein, Esq., & Robert Schweitzer, Esq.*

Individuals in Pennsylvania seeking long term care services through Medicaid have few options available to them when their income is too high, particularly when the services needed are Home and Community Based Waiver Services (HCBS).  The lack of options often forces these individuals into a nursing home prematurely, when they could receive the care they need from the comfort and safety of their own home.  In this 90-minute session, attorneys will be introduced to how Pennsylvania historically has treated excess income for individuals seeking HCBS, compared to how other states work around this issue.  The session will focus on how pooled special needs trusts, which are well-established planning tools for people with disabilities, can now be used in certain circumstances for clients to shelter their excess income in order to access HCBS.   Attorneys will learn the basics of pooled special needs trusts, the process and requirements to use these trusts to shelter income, and the mechanics of the administration of these trusts.  The session will also briefly cover alternative options to the pooled income spend down trusts for clients who are over income and in need of Waiver services (MAWD/Workers with Job Success).

**All Things CCRC!**

*Robert Newell, Katherine C. Pearson, Esq., A.V. Powell, Karen Veronikis*

Explore Continuing Care Retirement Communities (CCRCs) as a solution for aging in place and financing long-term care. Gain insights into CCRC housing options, services, and financial models. Learn advocacy tips for navigating CCRC contracts and qualifying communities. All Things CCRC will allow you to issue spot and counsel clients on this important long-term care option.

**Community HealthChoices – HCBS Appeals**

*Katy McKee, Esq. & Pam Walz, Esq.*

Individuals in the Community HealthChoices waiver program are eligible to receive services at home to help them continue living safely in their communities.  Access to the services is controlled by the Community HealthChoices managed care plans (CHC-MCOs).  When a CHC-MCO denies or seeks to reduce or terminate a waiver service, the participant has the right to written notice and an appeals process.  There is plenty of room for advocacy in this process!  During this session, the presenters will review how CHC waiver services are determined, the appeal framework, reviewing key MCO records (interRAI, PSST, PCSP, etc.), preparing evidence in support of a participant’s appeal, potential arguments and strategies for appeals as well as considerations in settling appeals, with a focus on personal assistance services (PAS).

**Demystifying Annoying Annuities**

*Bob Mason, Esq.*

Annuities are a frequent issue in most elder law practices, yet they can offer some great planning strategies. Take a deeper dive into both nonqualified annuities and qualified annuities. Can a nonqualified annuity be transferred to a trust? Can a trust be an annuity beneficiary? On the qualified side, most recent discussions of how to handle an IRA under the SECURE Act focus on traditional IRAs and their beneficiaries. SECURE Act had little effect on annuitizing IRAs. Here is your chance to learn the rules and use them to your advantage. Also addressed will be recent developments.

 **DHS 365**

*Ryan Burroughs, Esq., Mark Newell, Esq, Leslie Oakes, Esq., Zacharia Rivenbark, Esq.*

*Moderators: Dana M. Breslin, Esq. & Rob Clofine, Esq, CELA*

Find out what is happening with Medicaid and Long-Term Care Benefits across Pennsylvania in the Question and Answer period with Senior Counsel for DHS, Mark Newell and Counsel Lesley Oakes (Philadelphia), Ryan Burroughs (Harrisburg), and Zachariah Rivenbark (Pittsburgh.) Dana Breslin and Rob Clofine will moderate. Please submit questions in advance by emailing them to:

DBreslin@BMRElderLaw.com

**Don’t Let an Insurance Broker Get the Best of Your Client!**

Carol Sikov Gross, Esq. & William McKendree

Presenters will provide an understanding of how the Medicare system works; how Medicaid eligibility works; and how Medicare and Medicaid work together.

**Elder Law in a Nutshell**

*Robert Clofine, Esq****.***

Everything a new attorney needs to know to practice Elder Law in 60 Minutes.

**Enhancing Legal Support for Behavioral Health Clients**

*Patti Hanson & Mark Zaccharia*

Supporting behavioral health clients through understanding, collaboration, and knowledge of Pennsylvania’s behavioral health laws.

**Ethical Issues Related to Elder Law (Ethics)**

*Kirby Upright, Esq., & Victoria White, Esq.*

Kirby Upright, a member of the PBA Legal Ethics and Professional Responsibility Committee, and Victoria White, PBA Ethics Counsel, will discuss ethical challenges related to elder law including representing clients with diminished capacity, handling nonrefundable fees, conflicts of interest and more.

**Guardianship Changes – the Law, Rules, and Procedures**

*Hon. John J. McNally, Sally Schoffstall, Esq., Carol Sikov-Gross, Esq., & Pam Walz, Esq.*

With the passage of Act 61, the PA Orphans' Court Rules Committee, the Office of Elder Justice in the Courts and the Office of Long-Term Living, as well as the Orphans' Court bench in each county are determining how best to implement the changes. Attend this session to learn about the new pleading requirements, mandatory appointment of counsel, less restrictive alternatives, plus an exciting pilot project in Dauphin and several other central PA counties.

**Is Your Area on Aging (AAA) Your Friend or Foe?**

*Dana Breslin, Esq. & Denise Stewart*

The local AAA is responsible under the Pennsylvania Older Adult Protective Services Act to investigate any report of an older person being abused financially, physically, or emotionally. When a report of need is made to the AAA, the Protective Services worker must act quickly to investigate and if needed, take steps to protect the victim. At times, the alleged perpetrator can suddenly be caught in what feels liked a witch hunt. How can you, as the attorney, best advise your client who is a victim of abuse, or your client who is being investigated as the alleged perpetrator. Learn some practical points. Denise Stewart, former Director of the Delaware County Office of Services for Aging and Dana M. Breslin, Esq. will present how to “navigate the weeds.”

**Medicare Update**

*David Lipschutz, Esq.*

This session will provide updates to Medicare policy, including Medicare Advantage issues, Inflation Reduction Act prescription drug changes, and access to care issues, including the latest in *Jimmo v. Sebelius* implementation and proposed rules concerning observation status appeals.

**Overview of Veterans Health Care Benefits with a Focus on Geriatrics & Extended Care Services**

*Jill Alwine, Meeghan Binns, Maureen Tala LaManna, & Megan Walton*

Join us for an informative session on understanding and accessing Veterans health care benefits that support the health and well-being of our nation’s Veterans. This presentation will provide an overview of the eligibility criteria, and key components of health care benefits available at the State and Federal levels, that are specifically designed to meet the evolving needs of aging Veterans, ensuring that they receive high-quality, patient-centered care that promotes dignity, independence, and quality of life in their later years.

**Personal Injury Settlement Planning**

*Julian Gray, Esq.*

Representing injured clients requires a comprehensive approach to providing solutions both before and after their litigation case is resolved. There are clinical, legal, tax, government benefits and practical family issues that must be navigated over several months or years in or to achieve an enhanced quality of life for the injury victim.

**Perspectives on Estate Recovery**

*Andrew Coates, Esq. & Anthony Marone, Esq.*

Pennsylvania’s Estate Recovery Program has evolved from its beginnings many years ago. Hear the perspective of the attorneys who represented the program from its inception until 2017. Learn the best methods to request a statement of claim, which assets are subject to recovery, how to deal with postponements and hardships, and the basics of how the program operates.

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**Planning for the LGBTQ+ Client**

*Ryan Rolston Peacock, Esq. & Tim Takacs, Esq.*

The LGBTQ+ community faces unique challenges in ensuring that their wishes be honored both during their lifetime and after death. Life Care Planning’s holistic and person-centered approach demands that practitioners have knowledge of these issues and means with which to avoid them in order to advise the LGBTQ+ client to accomplish their goals and to honor their legacy. Join legal experts and practitioners for an in-depth exploration of the unique challenges faced by the LGBTQ+ community. From estate planning nuances to navigating healthcare directives, this session offers invaluable insights and practical strategies for providing sensitive and inclusive counsel.

**POLST – An Overview**

*Senator Gene Yaw*

Senate Bill 631, sponsored by Sen. Gene Yaw, recognizes Pennsylvania Orders for Life-Sustaining Treatment (POLST), a form completed by a medical professional in consultation with the patient in order to better translate healthcare wishes of patients with serious health conditions.

This legislation provides a legal basis for POLST forms to be used by medical professionals across all healthcare settings for seriously ill patients who voluntarily wish to specify the treatment they desire to receive.

**Practical Tips re: Implementing Jimmo**

*David Lipschutz, Esq.*

This session will focus on implementation of the *Jimmo v. Sebelius* settlement which challenged the notion that individuals have to “improve” in order to qualify for skilled care and nursing in certain care settings.  Practical tips for practitioners representing individuals, including in administrative appeals, will be discussed, using toolkits available on the Center for Medicare Advocacy website.

**Public Benefits, Special Needs Trusts, & Transition from Special Education into Adult Services: Strategies & Approaches**

*Dennis McAndrews, Esq.*

While special education programs for children with disabilities are an entitlement under federal law, most adult services for persons with disabilities are generally considered to be limited by federal and state funding. While this is true in many contexts, this is not always the case, and strategies exist to assist clients in accessing services for adults with intellectual disabilities, mental illness, autism, and mobility issues. The program will address these services and strategies to obtain them, as well as the use of special needs trusts to preserve a variety of assets/resource dependent public benefits.

**Shifting Paradigms: Embracing Life Care Planning in Your Elder Law Practice**

*Linda Anderson, Esq. & Tim Takacs, Esq.*

While Medicaid planning and asset protection have long been considered staples in an elder law practice, Life Care Planning offers a holistic and person-centered approach that can be professionally satisfying as well as profitable. Tim Takacs, the Founder of the Life Care Planning Law Firm Association, will cover the fundamentals of a Life Care Planning practice including: the Continuum of Care, Life Care Planning Case Studies, Role of Elder Care Coordinators and much more.

**Social Security Benefits: Disability, Retirement, & More – The Biggest Program You Don’t Know Enough About**

*John Whitelaw, Esq.*

More than 72 million individuals receive some sort of benefits from the Social Security Administration.  Over 55 million of those people are aged 65 or older.  While everyone has heard of Social Security benefits, there is a huge lack of knowledge about the various programs administered by the SSA.   In this session, you will learn about the different disability and retirement programs and who is eligible for benefits.  We will also spend some time talking about OVERPAYMENTS and SSA’s long history of taking draconian action to recover them.  In December, the Senate confirmed a new SSA Commissioner, Martin O’Malley.  In just a few short months, he has instituted important and far reaching reforms that have changed how SSA approaches Overpayments.  You will learn the details of these changes and how they can help your clients who are facing Overpayments.

**The Intersection of Veterans Pension and Medical Assistance Benefits**

*Amos Goodall, Esq****.***

Pennsylvania has nearly 800,000 veterans living within our communities; this is the fourth-largest veterans' population in the country. The census bureau estimates that 19.6% of Pennsylvania residents are over age 65 (versus 17.3% for the US as a whole). As service members grow older, their need for help increased. Rules for financial eligibility under these need-based programs are similar but inconsistent in several significant aspects. Thus, a strategy that would work well for a potential beneficiary of one program might prevent qualifying for the other. This session will explore the interplay between the requirements for the two programs so that attorneys may integrate both in their advice. There will be a time for persons in attendance to share their own strategies.

**The Year in Review**

*Marielle Hazen, Esq., CELA*, & *Rebecca Hobbs, Esq.*

A review of noteworthy legislative updates and case law from the past year.

**Third Party Special Needs Trusts**

*Bob Mason, Esq.*

Join this session to drill down into third party SNTs from both the settlor’s perspective and the beneficiary’s perspective. How do public benefits and tax considerations drive trust design from both perspectives? This session will also take a look at a potential “super weapon” – the spousal sole benefit trust.

**Understanding SLATs**

*Marguerite Weese, Esq. & Jeffrey Wolken, Esq.*

The spousal lifetime access trust (SLAT) has become a popular estate planning technique for married couples.  This session will review cases for SLATs as well as examine various provisions that may be utilized within a SLAT.

**Understanding the Importance of Long-Term Care Planning: Straight Talk About Common Misperceptions**

*Tracy Meade*

This session will cover what it means to need extended care, the impact on friends and family when the need for care arises, the odds of needing care, the importance of having an extended care plan and the role that insurance can play in planning. You will also learn about the tax-benefits and guarantees, like stable premiums, included in hybrid long-term care insurance products.

**Update on New Federal & State Nursing Home Regulations**

*Alissa Halperin, Esq.*

Since last year's session on Pennsylvania's new nursing home regulations, CMS has promulgated new final regulations on ownership transparency and has proposed new regulations on minimum staffing levels (which are expected to be final by the time of this presentation) and Pennsylvania has completed the phased implementation of its new state nursing home regulations.  This session will explain the new regulations, and what they mean for nursing home residents, and will discuss other nursing home reforms under consideration.

**Using Generative Tools Like Claude.AI to Enhance Our Practice and Improve Services (Ethics)**

*Alexander Paykin, Esq.*

ChatGPT, an artificial intelligence chatbot, has taken the country by storm. Within the first five days of its release, ChatGPT reached 1 million users. Recently, ChatGPT passed the Multistate Bar Exam with flying colors, exceeding the average human score. In the last year, generative AI products have integrated themselves into various aspects of professional life, including the legal field. This hands-on session will explore the practical applications and ethical implications of using generative AI in legal practice, with a focus on Claude.ai.  Attendees will learn about:

1. The capabilities and limitations of generative AI in legal work
2. Ethical considerations when using AI tools, including:
   - Competence (RPC 1.1): Ensuring proper understanding and use of AI technology
   - Confidentiality (RPC 1.6): Protecting client information when using AI platforms
   - Supervision (RPC 5.1 and 5.3): Overseeing AI use by lawyers and non-lawyer assistants
   - Communication (RPC 1.4): Disclosing AI use to clients when appropriate
3. Potential risks and benefits of AI in legal research, document drafting, and case analysis
4. Best practices for integrating AI tools into legal workflows while maintaining ethical standards

Through live demonstrations and practical examples, participants will gain insights into how generative AI can enhance legal practice while adhering to professional responsibility requirements. The session will address common ethical pitfalls and provide strategies for leveraging AI technology ethically and effectively.

Learning Objectives:
- Understand the ethical implications of using generative AI in legal practice
- Identify key Rules of Professional Conduct relevant to AI use in law
- Develop strategies for ethically integrating AI tools into legal work
- Recognize potential ethical risks and how to mitigate them when using AI

This session offers a unique, practical approach to understanding both the capabilities and ethical considerations of generative AI in the legal profession.

**Your First Client 101**

*Dionysios Pappas, Esq. & Tammy Weber, Esq., CELA*

Whether you are a seasoned attorney transitioning into elder law or a new attorney seeking to serve aging clients for the first time, this course will provide you with essential tools and knowledge needed to navigate the complexities of representing elderly clients with confidence and competence. Join us as we embark on the journey of serving our aging population with integrity and compassion.