

Michael B. Cohen & Associates

ElderLaw News

November 2007

WELCOME TO THE NOVEMBER EDITION OF THE TEXAS ELDER LAW E-LETTER

As indicated in the first few editions sent this year (there was no October issue sent due to time constraints), this e-letter succeeds the TEXAS ELDER LAW FAXLETTER that had been sent out on a monthly basis for the past decade. This e-letter includes links to the firm's website and other information on legal issues concerning the elderly and disabled. This month's issue has articles ranging from the 2008 figures for Medicaid spousal impoverishment and the income cap to obtaining information about gaining access to relative's email after death.

You are receiving this e-mail because you have either requested to receive the same, you have received the TEXAS ELDER LAW FAXLETTER in the past, or you are a colleague or a contact. If you know someone else who would like to receive this e-mail, please advise. To no longer receive our e-mails, click to unsubscribe.

This Month's Articles:

- Protected Resource Amount (PRA) Increased
- Income Cap to Rise
- New Medicare Premium, Deductible, and Coinsurance Charges for 2008
- Social Security Benefits to Rise 2.3 Percent
- 1.Review: *Don't Let the Government take Grandma's Home and Life Savings*
- Gaining Access to E-Mail Following a Relative's Death

Protected Resource Amount (PRA) Increased

As many of you know, when one spouse applies for nursing home Medicaid (the "institutionalized spouse") and one spouse stays at home or in the community (the "community spouse"), the Texas Health and Human Services Commission ("HHSC") takes a snapshot of the couple's countable resources (some examples of excluded items are pre-need funeral arrangements with waiver, homestead, one car, etc.) as of the first day of the first month in which the institutionalized spouse receives at least 30 days of continuous skilled care. That date determines the protected resource amount ("PRA") for the community spouse (the amount

ElderLaw News is a monthly e-newsletter that brings you reports of legal developments and other trends of vital interest to seniors and their advocates. This newsletter is brought to you by **Michael B. Cohen & Associates**

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Quick Links...

[Prepare for Medicare's Open Enrollment Season](#)

[Fewer Seniors Live in Nursing Homes](#)

[Several Ways to Improve Your 401\(k\) Plan](#)

[Seniors Pay a High Premium for Loyalty to Their Part D Plans](#)

[The First Baby Boomer Files for Social Security Retirement Benefits](#)

[The Ethics of Dividing Inheritance](#)

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of countable resources that can be kept by the community spouse if there is no expansion as explained below).

[more...](#)

Income Cap to Rise

As many of you know, Texas is an income cap state in connection with long-term care Medicaid eligibility. Presently, if an applicant for nursing home Medicaid has "countable" income (certain income is exempt or excluded) over \$1869 per month, then such applicant is ineligible for nursing home or long-term care Medicaid.

[more...](#)

New Medicare Premium, Deductible, and Coinsurance Charges for 2008

The Centers for Medicare and Medicaid Services (CMS) has announced the new Medicare premiums, deductibles, and coinsurances. The standard Medicare Part B premium is increasing by 3.1 percent to \$96.40 a month, the smallest increase since 2001.

[more...](#)

Social Security Benefits to Rise 2.3 Percent

The nation's roughly 54 million elderly and disabled Social Security recipients will get a 2.3 percent cost of living increase in payments in 2008. This is expected to raise the average monthly payment for the typical beneficiary by \$24. The 2008 increase is down from the 3.3 percent bump recipients received in 2007.

[more...](#)

1.Review: *Don't Let the Government take Grandma's Home and Life Savings*

Crusading elder law attorney Jim Zeigler has written a valuable, step-by-step guide to both crisis and advance long-term care planning.



[more...](#)

Gaining Access to E-Mail Following a Relative's Death

Amidst the turmoil that usually surrounds a loved one's death, it is easy to overlook simple practicalities, such as how to access the deceased's e-mail. That's why, in an online world, it is important

to pass on the relevant passwords so that those left behind can take care of outstanding business.

[more...](#)

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