Seminar Agenda

Basics of MassHealth Eligibility — *W. Brisk*
Countable assets
Inaccessible assets
CSRA
Non-countable assets
Spend down strategies
MMMNA

Achieving Eligibility in a Crisis — *M. Albanese*
Permissible transfers to spouse, disabled children, siblings, etc.
Transfers to special needs and pooled trusts
Fair market value transfers: partial interests in real estate
Testamentary trusts
Medicaid-compliant annuities
Re-characterizing assets by converting countable to
non-countable: residences, vacation homes
Spousal refusal
Defending transfers: intent, cure, hardship

Advanced Issues — *P. Greenfield*
Curing disqualifying transfers
Caretaker contracts
Promissory notes
Business properties
Dealing with trusts with problematic terminology

Irrevocable Income Only Trusts – Where Are We Now? — *R. Flewelling*
Review of recent decisions
Defending and appealing existing trusts
Advising trustees of failed trusts and ways to reform or decant them

Appeals: Processes and Resources for Appealing Fair Hearings — *P. Keane Martin*
Mechanics and resources for filing an appeal
When to appeal, when to involve/utilize the MassNAELA
litigation committee
Process and procedure for 30As

Public Benefits for Individuals Living At Home or in the Community — *L. Silver Traiger*
PACE and elder services
VA benefits
Assisted living facilities: group adult foster care and low income
HUD program (DeCambre)
Waiver programs
Money follows the person
Finding a suitable facility

Real Estate Issues with MassHealth Planning — *J. Otte*
Capital gains
Homestead declaration
Petition to partition
Valuing life estates – reimbursements on sale
Real estate in SNTs and reimbursements from d4(a) trusts

Guardianships and Conservatorships — *P. Keane Martin*
Guardianship and conservatorship basics
Involuntary admissions
Rogers process
PCA issues and other MassHealth issues for a guardian

Staying Out of Trouble — *J. Demmerly*
Dealing with cases of elder abuse or financial exploitation
Ethical issues serving clients with diminishing capacity
Ethical issues with MassHealth applications – duty
of attorney to disclose

MassHealth Update 2015
Newton, MA - Friday, October 23, 2015

Learning Objectives

You'll be able to:

Obtain Review MassHealth basics, including how to characterize assets and how to spend down.

Achieve eligibility in a crisis.

Examine guardianship and conservatorship basics.

Re-characterize assets by converting countable assets to non-countable.

Value life estates.

Explore benefits for people living at home or in the community.

Review the latest information about irrevocable income only trusts.

Handle allegations of elder abuse and financial exploitation.

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Define countable, non-countable and inaccessible assets

Consider the eligibility basics and options to achieve MassHealth eligibility

Learn about obtaining MassHealth eligibility in a crisis

Discuss public benefits for individuals living at home or in the community

Explore methods to cure disqualifying transfers

Handle ethical issues involving clients who have diminished capacity

Continuing Education Credit

Accountants
8.0 CPE Hours

Attorneys
7.0 New Hampshire CLE Hours
8.0 New York CLE Hours
7.0 Maine CLE Hours
7.0 Vermont CLE Hours
(1.0 Ethics Hour Included in each state)

Certified Financial Planners
8.0 Continuing Ed. Hours

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Faculty

William J. Brisk is a member of a three-lawyer elder law firm in Newton Center, which conducts estate and long-term care planning, guardianship, litigation, and MassHealth applications and appeals. He studied at New York University School of Law (JD) and Johns Hopkins School of Advanced International Studies (MA and PhD). Mr. Brisk was senior author of *Legal Planning for the Elderly in Massachusetts* and *Massachusetts Elder Law* and their updates (1981 - 2014) and has published nearly two dozen articles on elder law topics in the *NAELA Journal*, *NAELA News, Massachusetts Law Review*, and *Estate Planning*. A CELA and NAELA Fellow, he served as president of the Massachusetts Chapter of NAELA and served two terms on NAELA's Board of Governors. Mr. Brisk has lectured on elder law at Boston College and Penn State Law School, and for the past decade has been an adjunct law professor at Suffolk Law School.

Matthew P. Albanese is the founding attorney of Albanese Law, LLC, in Milton and concentrates his practice in estate planning, elder law, mental health law and disability law. Mr. Albanese obtained his J.D. degree and his M.B.A. degree from Suffolk University. He serves as a member of the Board of Directors of the Massachusetts Chapter of NAELA and is a member of the Plymouth County and Norfolk County bar associations. Mr. Albanese has written articles and frequently presents on estate planning. A staunch advocate for seniors, he led the effort to expand the senior work off tax program and has testified before the state legislature and executive agencies on matters affecting the quality of life for the aging and disabled population. He was appointed by the governor of the Commonwealth of Massachusetts to serve on the Massachusetts Elder Economic Security Commission.

Pamela B. Greenfield is a senior associate at Samuel, Sayward & Baler LLC in Dedham. She received her law degree from New England School of Law. Ms. Greenfield focuses her practice in elder law, estate planning, asset protection planning and complex MassHealth applications and appeals. She represents families as well as skilled nursing facilities in guardianship and conservatorship matters. Ms. Greenfield speaks frequently at nursing homes, assisted living facilities and support groups in both Southeastern Massachusetts and the Metro-Boston areas. Ms. Greenfield is an active a member of the National Academy of Elder Law Attorneys, Massachusetts Chapter, where she currently serves on the Board of Directors.

Rebecca Flewelling is an associate at Bowditch & Dewey, LLP, where she concentrates her practice in estate and trust planning, estate and trust administration, taxation, long term care planning and elder law. She works with clients to structure their estate plans and lifetime gift programs through estate, gift, generation-skipping and income tax planning in order to meet client objectives. Ms. Flewelling advises personal representatives, trustees and other fiduciaries on the administration of estates and trusts, including preparing and filing gift and estate tax returns. She counsels clients on long-term care planning, Medicaid applications, guardianships and conservatorships, and other areas pertaining to elder law. She received her M.S. degree from Boston University and graduated *magna cum laude* from Suffolk University Law School. She is currently pursuing her LL.M degree in Taxation from Boston University.

Patricia Keane Martin is a partner at Pabian & Russell, LLC, concentrating her practice in the areas of estate planning, elder law, disability benefits planning, probate and trust administration. She has extensive experience with all aspects of probate litigation involving will contests, estate administration disputes, trust and fiduciary disputes, and contested guardianships and conservatorships. Ms. Keane Martin regularly serves as trustee of special needs trusts and as a court appointed guardian ad litem, and she lectures on special needs planning, elder law, and probate controversies. She has a frequent lecturer for MCLE where she presents at the MassHealth Process from Application to Approval and chaired the new program entitled Use of Guardianships and Conservatorships for Individuals with Fluctuating Capacity. She is an active member of NAELA in which she serves as co-chair of the public policy and litigation review committees. She is a graduate of William Smith College and Suffolk Law School.

Laura Silver Traiger is an associate at the law firm of Starr Vander Linden. Ms. Traiger concentrates on the legal issues facing older and disabled clients, including estate and Medicaid planning, public benefits protection using special needs trusts, guardianships/conservatorships and estate administration. She is the author of a chapter in *Estate Planning for the Aging or Incapacitated Client in Massachusetts* published by MCLE. Ms. Traiger is an active member with the NAELA, currently serving as its vice president, and was named a member of the year for 2014. She is involved with the Worcester County Bar Association, serving as co-chair of the Probate Committee, and the Greater Worcester Alzheimer's Partnership. She also serves on the advisory committee for the money management program of Elder Services of Worcester and mentors for the Elder Law project of the Women's Bar Foundation. Ms. Traiger has presented before the Massachusetts Chapter of NAELA, MCLE, Suffolk University Law School's Center for Advanced Legal Studies and the Alzheimer's Association. She received her law degree *cum laude* from Suffolk University Law School.

Jared Otte is an Associate at Bowditch & Dewey, LLP in Framingham. He received his law degree from Suffolk University Law School in 2010. Attorney Otte represents pharmaceutical companies, public utility companies, land developers, colleges, universities and family businesses in the permitting, development, leasing, acquisition, and disposition of commercial properties. His practice involves drafting and negotiating commercial purchase and sale agreements, leases, and loan documents, as well as analyzing and resolving title and zoning issues.

Jessica A. Demmerly is an associate with Pabian & Russell, LLC, concentrating in the area of estate planning and elder law. Ms. Demmerly recently received her J.D. degree from Rutgers School of Law in Camden, New Jersey. While in law school, she served as the lead new developments editor for the *Rutgers Journal of Law & Religion*, and as president of the Health Law Society. Ms. Demmerly was also a teaching assistant for both the first year Legal Analysis, Writing & Research course, as well as for Estate Planning I.

About the Seminar

Crowne Plaza Newton
320 Washington Street
Newton, MA 02458
(617) 969-3010

Registration
8:00 - 8:30 am

Morning Session
8:30 - 11:50 pm

Lunch (On your own)
11:50 am - 12:50 pm

Afternoon Session
12:50 - 5:00 pm

Tuition
$299 for individual registration
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Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

CD/Manual Package: An audio recording of this seminar is available for $199 (including shipping).
Allow five weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Registration

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Complete the entire form.
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