Agenda

Continuum of Care Overview and MassHealth Long-Term Care Update — *M. Albanese, P. Greenfield*

Setting the stage for the current marketplace and how to finance care in 2018: Independent living, assisted living, continuing care retirement communities, home care and skilled nursing facilities

MassHealth qualification strategies

- Proposed regulation update
- Advanced planning strategies in 2018: trusts, life estate deeds, caregiver contracts, lease agreements
- Crisis planning strategies in 2018: annuities, pooled trusts, sole benefit trusts, caretaker child deeds, joint interest transfers

How to Get Assistance from MassHealth with the Cost of Home Care and Assisted Living Facilities — *P. D'Agostino*

Coverage at home: home and community-based services waiver, personal care attendant, adult foster care, community choices

Coverage in an assisted living facility: program for all inclusive care for the elderly, senior care options

The MassHealth Application Process — *A. McIntyre*

Obtaining verifications and preparing the application

Meeting deadlines and setting client expectations

Understanding MassHealth notices and maintaining eligibility

Outlook for the Future: Massachusetts and National Views — *W. Brisk, S. Lannik*

Other MassHealth Cases of Note — *P. K. Martin*

Update on due process cases

Review of pleadings to begin a due process challenge

Update on local/national pooled trust cases

Update on national elective share cases

Best Practices for Representing Clients at Administrative Appeal or 30A Proceeding — *C. Klyman*

"Fair" hearing basics

- Pre-hearing prep
- To brief or not to brief
- Making a record

Judicial appeal basics

- Pleadings, procedures and presentation
- It's so hard to win, but losing can be worth the effort

Miscellaneous Issues in Estate Planning and Administration — *J. Younger*

Capitol gains issues

Valuing life estates

Interesting new cases

Partition, life estates, and spousal elective share

Exempt property

MassHealth Estate Recovery: How to Deal with Claims and Resulting Litigation — *L. Neeley*

Timeline of MassHealth estate recovery process

Exceptions to recovery and filing a Notice of Disputed Claim

Litigating disputed estate recovery claims

Long-term care insurance exemption

Notable estate recovery cases

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Learning Objectives

You'll be able to:

Outline MassHealth qualification strategies and ways to finance care in 2018.

Consider issues impacting estate planning and administration.

Explore recent cases of interest, and get a national view and outlook for the future.

Discuss MassHealth estate recovery claims and litigation issues.

Review the MassHealth application process.

Study the best practices for representing clients at administrative appeals or 30A proceedings.

Examine the assistance available through MassHealth for home care and assisted living facilities.

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Faculty

Matthew P. Albanese is the founding attorney of Albanese Law, LLC in Milton, and he concentrates his practice in estate planning, elder law, mental health law and disability law. Mr. Albanese obtained his J.D. degree from Suffolk University School of Law and his M.B.A. degree from Suffolk University's Sawyer School of Management. He serves as a member of the Board of Directors of the Massachusetts Chapter of NAELA. 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 founded Greenfield Planning Group, LLC, in July 2018. Previously, she headed the elder law department at Samuel, Sayward and Baler, LLC, where she continues to see clients and serve as of counsel to the firm. Attorney Greenfield focuses her practice in elder law, asset protection planning and complex MassHealth applications and appeals. She also represents families and skilled nursing facilities in guardianship and conservatorship matters as well as probate and estate administration. Attorney Greenfield is also an estate planning attorney. She received her law degree from New England School of Law and her J.B.A. from the University of Wisconsin-Madison. Attorney Greenfield is a member of the Massachusetts Chapter of NAELA and serves on the Board of Directors and as the chair of the Publications Committee.

Patricia C. D'Agostino is a partner at Margolis & Bloom, LLP, practicing in estate and long-term care planning, MassHealth applications and appeals, planning for children with special needs, settlement planning, guardianship and conservatorship, and probate administration. Attorney D'Agostino has developed a specialized practice in the area of advising clients how to supplement the cost of care at home or in an assisted living facilities through the use of a myriad of MassHealth, Veterans, and low-income programs.

Amy L. McIntyre is paralegal at Mirick O'Connell in Worcester, in the Trust and Estates Department. She concentrates in the asset restructuring process and the MassHealth qualification of elders seeking community-based and long-term care benefits, as well as in trust and estate administration matters. Previously, Ms. McIntyre was a land use and zoning law paralegal and the title services coordinator for the law firm of Senie & Associates, P.C. She received her M.S. Degree in Management from Worcester State University, B.S. degree in Legal Studies from Becker College, and a Massachusetts Real Estate Sales Associate license from Bay State Academy. Ms. McIntyre is a member of the Central Massachusetts Paralegal Association where she serves as vice president.

William J. Brisk is a graduate of Brown University (AB), New York University School of Law (JD), and the Johns Hopkins School of Advanced International Studies (MA and PhD). He co-authored three decades ago *Legal Planning for the Elderly in Massachusetts* and *Massachusetts Elderlaw* from 2001 until 2014 and has published nearly two dozen articles on elder law topics in the *NAELA Journal, NAELA News, Massachusetts Law Review*, and *Estate Planning.* Mr. Brisk served as president of the Massachusetts Chapter of NAELA and served two terms on the Board of Directors. He has lectured on elder law at Boston College and Penn State Law School, and he has taught Elder Law and End of Life as adjunct law professor at Suffolk Law School. For 14 years he prepared material and was a major presenter at this annual event. In December of 2017, he joined Lannik Law as Of Counsel.

Susana Lannik founded Lannik Law, LLC, which concentrates in the areas of elder law, estate planning, probate of estates and guardianships. Ms. Lannik particularly enjoys "presenting the case" for elder law to the public and to professionals alike in talks and articles. She is co-author with Debbie Papay, of *Bloopers in Estate Planning and Elder Law.* The book addresses issues encountered in elder law and estate planning in the context of sitcom characters that are familiar to most American readers. Ms. Lannik also creates and up-dates a *Consumers' Guide to Asset Protection and Long-Term Care.* She is a graduate of New York University (BA), Boston University (MA), and Suffolk University Law School (JD).

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. Ms. Keane Martin regularly serves as trustee of special needs trusts and as a court appointed guardian ad litem. She presents for MCLE at the *MassHealth Process from Application to Approval* and chaired a 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. Ms. Keane-Martin is a graduate of William Smith College and Suffolk Law School.

Carol Cioe Klyman is a shareholder of Shatz, Schwartz and Fentin, PC. She concentrates her practice in elder law, estate planning, special needs trust planning, preparation of estate and gift tax returns, estate settlement, guardianships, trust and estates litigation, and MassHealth appeals. Ms. Klyman is a fellow of the American College of Trust and Estates Counsel and of the American Bar Foundation, a member of NAELA, co-executive editor of the *NAELA Journal*, a member and past president of the Estate Planning Council of Hampden County, and a member of the Hampshire County, Hampden County, Massachusetts and American Bar associations. She is a graduate of Western New England College School of Law and the University of Rhode Island.

Joblin C. Younger is founding partner of the Law Office of Joblin C. Younger, P.C. in Beverly, where he concentrates his practice in the areas of taxation, trusts, estate planning and administration, and probate litigation. He received his LL.M. degree in Taxation from the Boston University School of Law, his J.D. degree from Suffolk University Law School, and his B.A. degree from The City College of New York. Mr. Younger is admitted to practice in Massachusetts and New York, and serves as a Public Administrator of Suffolk County.

Lisa M. Neeley is of counsel with the firm of Mirick, O'Connell, DeMallie and Lougee, LLP, where she is a member of the Trusts and Estates practice group. She earned her BA degree, *cum laude*, from Assumption College and her law degree, cum laude, from New England School of Law in Boston. Ms. Neeley has been lead counsel in a number of irrevocable trust and other Medicaid litigation matters. She concentrates her practice in assisting clients to obtain Medicaid eligibility for both long-term and community-based care, including the planning and preparation of complex Medicaid applications, state Medicaid litigation, special needs and disability planning, and general estate planning. Ms. Neeley is a member of the Board of Directors of the Massachusetts Chapter of the NAELA and is a fellow of the ACTEC.

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