Agenda

MassHealth Long-Term Care Update *M. Albanese*

MassHealth qualification strategies
- Proposed regulation update
- Advanced planning strategies in 2019: trusts, life estate deeds, caregiver contracts, lease agreements
- Crisis planning strategies in 2019: annuities, pooled trusts, sole benefit trusts, caretaker child deeds, joint interest transfers

Navigating the Continuum of Care from Both a Financial and Clinical Perspective and Why Every Elder Law Attorney Needs an Aging Life Care Advocate *P. Greenfield, J. Pilcher*

Overview of community-based care options
Integrating public benefits to help finance community-based care
How to collaborate with aging life care advocates to address clinical concerns
How to manage complex family dynamics surrounding placement and care

The MassHealth Application Process *A. McIntyre*

Obtaining verifications and preparing the application
Meeting deadlines and setting client expectations
Understanding MassHealth notices and maintaining eligibility

Long-Term Care Insurance *S. Lannik*

How creative is the long-term care industry, really?
What options are available in the long-term care insurance arena?
Long-term care insurance exemption

MassHealth Issues in the Probate Court *P.K. Martin*

Conservators authority to engage in long term care planning
When can you use declaratory judgment actions
Explaining long term care planning to the probate court
Filing MassHealth applications as a conservator

Cries and Whispers: Negotiating Estate Recovery Claims and Representing Clients at Administrative and Judicial Proceedings *C. Klyman, L. Neeley*

The art and science of negotiation with the estate recovery unit and general counsel/attorney general's office
Best practices for representing clients at the board of hearings and in superior court administrative appeal cases
Fair hearing and judicial appeal basics
Estate recovery basics
Exceptions to estate recovery: long term care insurance, waivers and deferrals
The Medicaid annuity conundrum: dealing with contested beneficiary designation claims
Litigating disputed estate recovery claims

MassHealth Update 2019
Natick, MA - Wednesday, October 23, 2019

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Learning Objectives

You'll be able to:

Review MassHealth qualification strategies, advanced planning techniques and crisis planning strategies.

Outline the MassHealth application process.

Understand long-term care insurance and the long-term care insurance exemption.

Examine MassHealth issues in the probate court, including conservator authority for long-term care planning.

Study continuum of care issues from both financial and clinical perspectives.

Discuss the negotiation of estate recovery claims and representation of clients in administrative and judicial hearings.

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Faculty

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. He serves as president of the Massachusetts Chapter of the National Academy of Elder Law Attorneys, served as chair of their 24th Annual Elder Law Institute, has written articles on estate planning and frequently lectures on estate planning techniques and long term care planning. Prior to his employ in private practice, Mr. Albanese served as the legal counsel to the Massachusetts House of Representatives Committee on Medicaid. He was appointed by the Governor of the Commonwealth of Massachusetts to serve on the Massachusetts Elder Economic Security Commission.

Pamela B. Greenfield is the founder of Greenfield Planning Group, LLC. Prior to opening GPG in July 2018, she headed the elder law department at Samuel, Sayward and Baler, LLC, where she continues to 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 additionally 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 for clients of all ages. Attorney Greenfield is an active member of the National Academy of Elder Law Attorneys, Massachusetts Chapter, where she currently serves on the Board of Directors and as vice president.

Jennifer Pilcher is founder of Clear Guidance in Needham Junction, Massachusetts. She was awarded her doctoral degree in Gerontology from the University of Massachusetts in 2005. Dr. Pilcher's professional experience has focused primarily on care and housing arrangements for elders with Alzheimer's disease and related dementias. Dr. Pilcher's career experience included working with people with dementia and their families while being affiliated with Hearthstone Alzheimer Care Assisted Living programs and, with AZA Care Management of Boston. In 2010, she joined Overlook CARE, a non-profit care management practice in Greater Boston. She presently serves as president of the New England Association of Aging Life Care and is the editor-in-chief of the *Journal of Aging Life Care.*

Amy L. McIntyre is paralegal at Mirick O'Connell in Worcester, Massachusetts, 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 trust and estate administration matters. She received her master of science degree in Management from Worcester State University. Ms. McIntyre is a member of the Central Massachusetts Paralegal Association and is currently serving as vice president of the association.

Susana Lannik founded her firm, Lannik Law, LLC, which concentrates in the areas of elder law, estate planning, probate of estates and guardianships. She is co-author with Debbie Papay of *Bloopers in Estate Planning and Elder Law*. She also creates and updates a *Consumers' Guide to Asset Protection and Long-Term Care Options* for her clients. Last May Ms. Lannik co-authored an article with attorney Bill Brisk in *Estate Planning* magazine called "Long-Term Care Insurance Crisis Calls for Creativity." She is a graduate of Boston University (MA), and Suffolk University Law School (JD).

Patricia Keane Martin is a partner at Seegel Lipshutz & Lo, LLP concentrating her practice in the areas of estate planning, elder law, 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. She is an active member of MassNAELA in which she serves as co-chair of the advocacy committee and serves on the board of directors. MassNAELA awarded her with the John J. Ford Advocacy Award in 2014 and 2015 as well as NAELA Chapter member of the year in 2018.

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 editor-in-chief of the *NAELA Journal*, a fellow of the American College of Trust and Estates Counsel, a fellow of the American Bar Foundation, a member of the National Academy of Elder Law Attorneys and past vice president and board member of the Massachusetts chapter of NAELA. Prior to entering law, she worked as a journalist and editor.

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 law degree, *cum laude*, from New England School of Law in Boston. Over the past several years, Ms. Neeley has been lead counsel in a number of irrevocable trust and other Medicaid litigation matters, most notably the recent cases of *Heyn v. Director of the Office of Medicaid* and *Daley v. Executive Office of Health and Human Services*. She concentrates her practice in assisting clients to obtain Medicaid eligibility for both long-term and community-based care. Ms. Neeley is a member of the Board of Directors of the Massachusetts Chapter of the National Academy of Elder Law Attorneys and is a fellow of the American College of Trust and Estate Counsel.

Seminar Information

Courtyard by Marriott Natick
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