



## **FOR THE GREATER GOOD**

October 2009

Issue #1

### Message from the President

By: Amy E. Todisco

Welcome to the first inaugural issue of "FOR THE GREATER GOOD," a newsletter I hope will serve our Connecticut Chapter NAELA members as a place where ideas can be exchanged, practice tips, helpful hints and forms for documents can be shared, and where important notices and information to elder law attorneys can be disseminated.

The idea for this newsletter was inspired after I recently spoke to the President-Elect of the Massachusetts Chapter of NAELA. The Massachusetts chapter publishes a newsletter 6-7 times a year which consists entirely of contributions from its members on everything and anything, including forms and documents (I am told the Massachusetts Bar is the most generous and mentoring of chapters, freely sharing forms and practice tips on what "works" and what doesn't). It is my hope that you will help Connecticut NAELA achieve the same esteemed status by sending me any information you think has been helpful to you in your practice, whether it's a Pet Trust under the new statute (attached as a separate document), where to get Program Information Bulletins from D.S.S. (more info on that later in this newsletter), or who to contact about the Veteran's Aid and Attendance program (see below). This newsletter will not consist of the usual articles on legal topics, but if anyone would like to submit an article, that would

be great. Any forms which are attached by members are offered through the generosity of our members, and by your submission of your form, you agree that members can duplicate your form without fear of propriety violation claims! Similarly, since we are trying to help each other by sharing our forms, the publication of a form by CT NAELA will not be deemed to constitute an endorsement of its validity, quality, or a guarantee that it will work and CT NAELA disclaims any responsibility for the content of the forms it will publish. As always, you are encouraged to do your own due diligence and research.

For those of you who are not Connecticut NAELA members and are wondering why or how you received this newsletter, this is a one-time introductory offer for you to join Connecticut NAELA — remember that you first must join national NAELA in order to be able to join the Connecticut chapter. The application is attached—please join!

I look forward to hearing from all of you for our next issue which I anticipate publishing in January, 2010. Please email me at [amy@btlawfirm.com](mailto:amy@btlawfirm.com). I will keep names out of all information given unless you authorize me to release your name as the contributor.

**SEMINAR REMINDER**  
**“LEGAL ASPECTS OF CLIENTS STAYING AT HOME”**  
**OCTOBER 16, 2009**  
**9:00 A.M. TO 4:00 P.M.**

If you haven't done so already, hurry and register for our seminar--seating is very limited. If registration is closed by the time you register, don't despair — you'll be able to buy the materials and audio. The registration form is attached.

**D.S.S. PROGRAM INFORMATION BULLETINS**

These juicy interoffice memoranda written by D.S.S. and circulated to staff in all the D.S.S. regional offices were not previously known to elder law attorneys prior to the Connecticut NAELA Dialogue with D.S.S. program in February, 2009. However, you too can receive these bulletins via email as they are issued by emailing David Arena at [david.arena@ct.gov](mailto:david.arena@ct.gov). They don't appear to be issued very frequently. I have attached the three Program Information Bulletins that I have received.

## **VETERANS' AID AND ATTENDANCE BENEFITS**

By now, most Elder Law attorneys have been made aware of a pension available to veterans and their spouses if certain criteria are met. These pensions could mean the difference between staying home or being institutionalized. The go-to person to call with any questions about the program is **Ann James**. She is proactive in trying to get these benefits to eligible veterans and their families (although she did share with me that some nursing homes treat her as if she's trying to take money out of their pockets and don't call her when they admit a veteran—which they are supposed to do). If your client is a veteran, he/she may be eligible for this pension. Call Ann James to find out — you can reach **Ann James at 860-931-0460**.

Also, when a veteran becomes a long term care resident in a nursing home, the Aid and Attendance pension ends, but the veteran will instead start to receive \$90.00 each month which is not counted as income for applied income purposes, but which he/she can keep as his personal needs allowance in addition to the current \$69.00/month from income. If the Aid and Attendance pension is still being direct deposited to the veteran's account after he/she becomes a LTC resident, Ann James said that that amount does not get returned, but is to be paid to the nursing home as applied income — it could take several months for the pension to stop and the \$90.00 payment to kick in.

## **SECOND ANNUAL DIALOGUE WITH D.S.S.**

Stay tuned for information about the date for our Second Annual Dialogue with D.S.S., hopefully to be held in February, 2010. Last year's program was a tremendous success and provided us with an opportunity to present our questions on limited topics and (for the most part) receive answers to those questions from D.S.S. The fact-pattern format of the questions presented was helpful to put the issues in perspective and appreciated by D.S.S. If you have any thoughts on topics you would like to see discussed at this program, please let me know.

## **CONNECTICUT NAELA COMMITTEES**

Due to the hard work of the Connecticut NAELA chapter's founding members and board of directors over the past three years, Connecticut NAELA has established itself with the Legislature and D.S.S. as an organization whose mission is to provide legal advocacy, information and education to attorneys, bar associations and others who deal with the many specialized issues involving the elderly and individuals with special needs. We need people to join our committees so we can

expand our work. All meetings are held via teleconference calls and are not overly burdensome in time requirements. We need your input in order to make this Chapter effective. Please email me if you are interested in joining a committee, serving as chair of a committee, or have a suggestion for a new committee.

Our committees and their current chairs (all of whom are Board members) are:

Membership and Member Services — Elizabeth Byrne — Join this committee to assist in increasing our membership and providing services to our members.

Programs — Joseph Cipparone — Join this committee and give us your input about seminars and programs you'd like to see us put on. We're always looking for great ideas.

Website- Marialta Sparagna — We are in the process of having our website re-designed. Join this committee and share your ideas for a new website.

Litigation (NEW) — Paul Czepiga — Connecticut NAELA is exploring the possibility of commencing an action in federal court on a DRA issue.

Public Policy — Amy Todisco — We have retained the lobbying firm of Sullivan & LeShane in Hartford to represent Connecticut NAELA in the legislature. The Chapter's three goals for this year are: 1) to participate with other organizations in discussions with D.S.S. to arrive at regulations which will follow the DRA and to join other organizations in submitting comments to CMS in response to a letter D.S.S. wrote to CMS in July 2009 requesting CMS to in effect validate its interpretation on partial returns and undue hardship; 2) introduce legislation which will allow a community spouse to keep the maximum CSPA without having to spend-down; and 3) introduce legislation which will allow fair hearings to be heard by an independent hearings officer (our lobbyists referred me to a provision in the draft Budget Implementer bill which appeared to create such an office, but I haven't read the enacted bill as of the date of this writing). We will also be going to meet with certain key legislators who support CT NAELA's objectives for a breakfast meeting in February 2010. Join this committee and be involved first hand in the political process!

Publications (NEW) — Amy Todisco — This committee's charge is to obtain contributions for this newsletter, but may expand its scope to include other things.

## **CONNECTICUT ELDER LAW ATTORNEY SPECIALTY CERTIFICATION ("CELA")**

In July, 2009, Franklin Drazen, the founder and first President of the Connecticut NAELA, submitted a request to the Rules Committee of the Superior Court on behalf of Connecticut NAELA for "Elder Law" to be recognized as a specialty. If the Rules Committee certify and agree that "Elder Law" is a specialty, attorneys who pass the qualifying exam will then be able to use the "CELA" designation after their names. As of now, if you have taken the NAELA CELA exam and have passed, under the Rules of Professional Conduct, you must disclose on your letterhead that this is not a designation recognized by the Rules Committee of the Superior Court of Connecticut.

If the certification for specialty status is granted by the Rules Committee, the National Law Foundation will then make a request to the Rules Committee to be one of the certifying bodies for this specialty (i.e. the one to administer the qualifying exam and issue the CELA designation). Since the Rules Committee only meets a few times a year, this will be a slow process, but we will keep you updated on our progress.