Agenda

MassHealth Long-Term Care Update — *M. Albanese*

MassHealth qualification strategies
- Proposed regulation update
- Advanced planning strategies in 2020: trusts, life estate deeds, caregiver contracts, lease agreements
- Crisis planning strategies in 2020: annuities, pooled trusts, sole benefit trusts, caretaker child deeds, joint interest transfers

Navigating the Continuum of Care from both a Legal and Clinical Perspective in the Wake of the COVID-19 Pandemic — *P. Greenfield/J. Pilcher*

How the senior living landscape has changed over the last nine months and what to expect for the next nine
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 new clinical and placement concerns
Why every elder law attorney needs an Aging Life Care Advocate now more than ever

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*

Conservator's 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 2020
Live, Interactive Webinar - Wed., December 9, 2020

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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.

Study continuum of care issues from both financial and clinical perspectives in the COVID-19 pandemic.

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 is 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. Previously Mr. Albanese served as the legal counsel to the Massachusetts House of Representatives Committee on Medicaid. He serves on the Massachusetts Elder Economic Security Commission.

Pamela B. Greenfield is the founder of Greenfield Planning Group, LLC. Previously she headed the elder law department at Samuel, Sayward and Baler, LLC, in Dedham, where she continues to see clients and serve as of counsel to the firm. Ms. Greenfield focuses her practice in elder law, asset protection planning and complex MassHealth applications and appeals. She represents families and skilled nursing facilities in guardianship and conservatorship matters as well as probate and estate administration. She is also an estate planning attorney. Ms. Greenfield is president elect of the National Academy of Elder Law Attorneys, Massachusetts Chapter.

Jennifer Pilcher is founder of Clear Guidance in Needham Junction. 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, including policy and fundraising work for several Alzheimer's associations. She 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, 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. Ms. McIntyre is a member of the Central Massachusetts Paralegal Association for which she served as vice president for the past two years.

Susana Lannik, Esq. CELA founded her firm Lannik Law, LLC, which concentrates in the areas of elder law, estate planning, probate of estates and guardianships. Ms. Lannik 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.* She also creates and up-dates a *Consumers' Guide to Asset Protection and Long-Term Care Options* for her clients. Last May she co-authored an article with attorney Bill Brisk in *Estate Planning* magazine called "Long-Term Care Insurance Crisis Calls for Creativity."

Patricia Keane Martin is a partner at Seegel Lipshutz & Lo, LLP concentrating her practice in the areas of elder law litigation, estate planning, and 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. Martin is an active member of MassNAELA in which she serves as co-chair of the Advocacy Committee and on the Board of Directors. She has been designated as a Super Lawyer since 2016.

Carol Cioe Klyman is a shareholder of Shatz, Schwartz and Fentin, P.C. She concentrates her practice in elder law, estate planning, long term care and special needs planning, estate administration, estate and gift tax, 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. She is also a member and past president of the Estate Planning Council of Hampden County, a member of the Pioneer Valley Estate Planning Council, and a member of the Hampshire County, Hampden County, Massachusetts and American Bar associations.

Lisa M. Neeley is of counsel with the firm of Mirick, O'Connell, DeMallie and Lougee, LLP, in Worcester, where she is a member of the Trusts and Estates practice group. She assists clients with obtaining 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 National Academy of Elder Law Attorneys and is a fellow of the American College of Trust and Estate Counsel.

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