

PUBLICATION UPDATE

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Elder Law Practice in Tennessee

Publication 60977

Release 6

May 2009

HIGHLIGHTS

Retirement and Disability Income and Benefits.

- Chapter 3 has been substantially revised.

2009 Benefit Rates.

- Tables, charts, and examples have been updated throughout to reflect current rates.

Medicaid.

- Coverage of estate recovery has been expanded.

For the complete collection of elder law information and resources available online, sign onto Lexis.com® and follow this path: Legal > Area of Law by Topic > Elder Law

Chapter 2, Ethical Problems in Elder Law Practice. In Release No. 6, many URLs have been updated, with emphasis on links to Tennessee law sites. And, for the first time, links to Web sites for mobile phones are included.

Chapter 3, Retirement and Disability Income and Benefits. Highlights include:

- At the end of 2008 the Worker, Retiree and Employer Recovery Act was signed into law. Among other important provisions, the law waives required minimum distributions for 2009 from 401(k) plans and 403(b) plans, certain 457(b) plans and IRAs. Also included is an IRS-approved chart for rolling retirement funds from one type of retirement plan to another.
- New material on attorney accreditation by the U. S. Department of Veterans Affairs is included.

Chapter 6, Medicaid and Long-Term Care Planning. In 2008 the Tennessee General Assembly enacted the Long-Term Care Community Choices Act. When fully implemented, the LTCCCA will create a single point of entry, establish a budget allowance for home- and community-based services (HCBS), develop a level of care criteria for nursing facility admissions, establish an acuity-based reimbursement methodology for nursing facility services, and develop consumer-directed options for persons receiving HCBS. Release No. 6

contains a thorough explanation of the Act.

Tennessee is now participating in the State Long-Term Care Partnership Program. This is explained.

Chapter 8, Medicaid Planning for the Married Client. The State Attorney General and the Tennessee Court of Appeals published opinions addressing divorce and Medicaid nursing home benefits.

Chapter 12, Housing Options for the Elderly. The text on the rights of older persons in residential facilities has been extensively rewritten to reflect recent statutory and regulatory changes.

Chapter 13, Nursing Homes. Binding arbitration clauses in nursing home admission agreements continue to occupy the

attention of Tennessee's appellate courts. Several cases are featured in this chapter.

Appendix 2—Public Benefits Figures updated for 2009.

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