



LOCATIONS

NEW JERSEY

Cherry Hill
425 Route 70 West
Cherry Hill, NJ 08002
856.616.2923

Turnersville
215 Fries Mill Road
Turnersville, NJ 08012
856.616.2923

Hamilton
100 Horizon Center Blvd.
Hamilton, NJ 08619
609.807.3300

PENNSYLVANIA

Philadelphia
1515 Market Street
Suite 1200
Philadelphia, PA 19103
215.546.5800

Lower Bucks County
Seven Neshaminy Interplex
Suite 403
Trevose, PA 19053
215.546.5800

Main Line
150 N. Radnor Chester Road
Suite F-200
Radnor, PA 19087
610.710.4220

www.rothkofflaw.com
info@rothkofflaw.com

FAX
856.616.2991

TOLL FREE
877.475.1101

A Tribute to Elder Law Advocacy According to Springsteen

By Jerold E. Rothkoff

Being from New Jersey, I am a huge Bruce Springsteen fan. Using an inspiration in the common man, Springsteen manages to merge poetry and prose together in a highly unique way. I recently had the privilege of taking our youngest child, age 13, to his first Springsteen concert in Newark, NJ.

Almost twenty years ago, I realized health care advocacy could help distinguish me from others. Clients and their caregivers were coming to our office with typically more pressing issues than simply “protecting the money.” Issues such as how to convince dad to leave the home to keep him safe, how to best take away dad’s car keys, and how therapy can be maximized under insurance coverage. I realized I needed to do better to truly address our clients ever increasing concerns. The goal is to help ensure that clients get the best care possible, and then attempt to protect valuable assets. This is the reason I became a life care planning attorney.

As a tribute to Bruce, our clients, their caregiver loved ones, and all elder care advocates, I present ten Springsteen quotes describing what our Elder Law office loves to do.

1) I’m just tired and bored with myself –
Dancing In The Dark



Jerry with his son at his first Springsteen concert

I specialized in other areas of the law prior to elder law. Elder law has helped energize me in a way that eluded me during my early years in practice.

2) My heart’s dark, but it’s rising. I’m pulling all the faith I can see –
Mary’s Place

Our clients come to us sometimes in what they perceive to be desperate situations. We are able to advocate to get the best care for a loved one and to figure out how to pay for quality care.

3) It ain’t no sin to be glad you’re alive –
Badlands

It is a very emotional event to place a spouse or parent in a nursing home or assisted living. Our goal is to assist a caregiver loved one to make the best care decision possible.

4) You’ve got to learn to live with what you can’t rise above –
Tunnel of Love

A disability does not define who our clients are. Regardless of the disability, many clients continue to lead productive lives.

5) We learned more from a three-minute record than we ever learned in school –
No Surrender

We have probably learned more from our clients than they have learned from us.

The most important thing we have learned

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Important Supreme Court Victory for Medicaid Beneficiaries

The United States Supreme Court recently ruled 7-2 to protect the right of Medicaid nursing home residents to seek relief in federal court when state officials do not meet a certain quality of care — a ruling being hailed as a civil rights victory for Medicaid patients. In *Health and Hospital Corporation of Marion County v. Talevski*, state officials challenged the right of a Medicaid beneficiary to bring suit in federal court in a case involving the alleged violation of Gorgi Talevski's federal rights under Medicaid's Federal Nursing Home Reform Act (FNHRA). By a 7-2 margin, in a remarkable opinion for the court authored by Justice Jackson and joined by Chief Justice Roberts and Justices Kagan, Sotomayor, Gorsuch, Kavanaugh, and Barrett, the court preserved federal Medicaid guarantees as privately enforceable legal rights.

Gorgi Talevski's family filed a lawsuit against the Health and Hospital Corp of Marion County, Indiana (HHC), a municipal corporation and political subdivision of the state that operates nursing facilities. The lawsuit alleges that his nursing facility's use of psychotropic drugs as chemical restraints and involuntary transferring and attempting involuntary discharge to a dementia facility violates the Federal Nursing Home Reform Act (FNHRA). FNHRA establishes the minimum standards of care to which nursing home

facilities must follow to participate in the Medicaid program. The Talevski family sued using a federal law known as Section 1983, which parties have used for decades to enforce certain federal rights.

The family argued that FNHRA's rights against chemical restraint and involuntary discharge and transfer are enforceable under Section 1983 and that an adverse ruling would be disastrous for federal safety net programs. A federal district court dismissed the case, ruling that Medicaid enrollees cannot enforce the FNHRA. The Talevski family appealed, and the Seventh Circuit Court of Appeals reversed the district court, allowing the Talevski case to continue. HHC petitioned to have the case heard by the Supreme Court.

The *Health and Hospital Corporation of Marion County v. Talevski* decision strongly reaffirms the ability of Medicaid enrollees to bring federal lawsuits when state officials violate individual rights guaranteed by federal law. Medicaid provides health insurance for the nation's poorest and most vulnerable citizens, including children, pregnant people, working-age adults, people with disabilities, and seniors. The rights to be free from unnecessary chemical restraint and to have advance notice of nursing home discharge are just two examples of the coverage guarantees provided to Medicaid enrollees under federal law.

A Tribute to Elder Law Advocacy *(Continued from front page)*

is to listen. Listen to the clients' wonderful stories about the wars they have fought, the places they have been, and the people they have met. We have much to learn from the elderly and disabled, and they have much to share.

6) Everything dies baby that's a fact, and maybe everything that dies, someday comes back. — *Atlantic City*

We deal with a client's death on a regular basis. However, our client's legacy's live on.

7) The release date is just one day, but the record is forever — *Bruce Springsteen on the release of Born to Run*

Sometimes, after a client passes

away, we read his/her obituary. We sometimes are awestruck at what our client has accomplished during his/her lifetime. We need to be more aware of what our client's accomplishments are.

8) The narrative you tell together is bigger than anyone could have told on their own — *Bruce Springsteen on the induction of the E Street Band into the Rock & Roll Hall of Fame*

I want to thank our dedicated and talented elder care law team for their continued commitment to advocacy for seniors and those with disabilities. You are only as good as the people you associate with. I have been and continue to be privileged to work with wonderful people.

9) Nothing matters in the whole wide world when you're in love with a Jersey girl — *Jersey Girl, lyrics by Tom Waits*

Usually, you have a driving force behind you to help you succeed. In my case, that driving force is a Jersey girl named Erica, my wife.

10) Talk about a dream, try to make it real — *Badlands*

My goal was to find a specialty within the legal profession that would give me the opportunity to help people. It has been an honor and privilege assisting seniors, those with disabilities, and their families. It is a debt of gratitude that we can only hope to repay.

Jerry Rothkoff Receives Senior Advocate of the Year Award

On April 27, 2023 Jerold E. Rothkoff was honored for his dedication to helping seniors and was awarded the 2023 Senior Advocate of the Year award, presented by the Twilight Wish Foundation. Jerry humbly accepted the award and acknowledged the support of his family and the entire Rothkoff Law Group team for their commitment to helping our elders every day.



Rothkoff Law Welcomes Mary Mattes to Our Team



We are pleased to announce Mary Mattes has joined our elder law team as the Pennsylvania Client and Operations Director.

Mary will often be the first point of contact for our clients and serves as their advocate throughout their navigation. Mary will also oversee and coordinate the Pennsylvania

offices and staff operations, which include counseling team members to maximize their potential while following the firm's mission as well as supporting each department to ensure a smooth process for our clients.

Mary comes to us with over 13 years of experience in memory care senior living and had the opportunity to work in a variety of positions. Most recently she served on an operations support team, as a Regional Director of Sales and Marketing. Mary is a Certified Dementia Practitioner and is a licensed PA Personal

Care Home Administrator.

Mary received her BA in Fine Arts from Saint Joseph's University in Philadelphia. Although she loves the arts, she loves being an advocate for the senior population more, as having a grandmother with dementia serendipitously steered her career towards healthcare. When she is not working, Mary enjoys spending cuddle time with her two children (Lily and Tyler), as well as family walks or trips to the park with her husband. She enjoys practicing yoga, listening to music, and watching a good baseball game.

Rothkoff Law Group Elder Care Symposium Strives to Initiate the Conversation Around the Topic of Death

On Thursday, October 19, 2023, Rothkoff Law Group will host our 6th Annual Elder Care Symposium from 8:30 am to 4:30 pm in Conshohocken, PA. If you are unable to attend in person for the day, there will also be an opportunity to participate in a virtual format. The topic for this year's virtual event is "Death is Part of Life: Let's Talk About It." The agenda includes a keynote address, breakout sessions, and a panel discussion. Healthcare professionals and general public alike will have valuable networking opportunities and unprecedented access to critical information regarding elder care issues.

In addition to the live presentations, Symposium attendees can visit the exhibit hall and engage with vendors who work within the healthcare industry.

This year's keynote address will be presented by Loretta Downs, MA, CSA, an internationally recognized inspirational speaker, writer and consultant on the subject of preparing for and supporting the end-of-life experience with comfort and dignity.

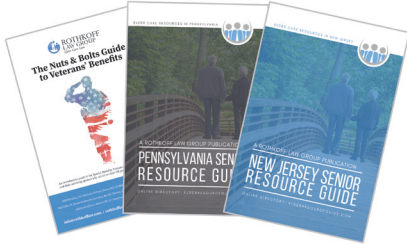
Symposium attendees will be eligible for four Continuing Education (CE) credits per person if you are attending in person; three CE credits per person for virtual participation. For further details and to register, go to www.rothkoffsymposium.com.

6th Annual
**ELDER CARE
SYMPOSIUM**

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The success of our firm is a direct reflection of our clients and the referral sources who have supported us. Therefore, we actively welcome your referrals as well as your input regarding the contents of this newsletter. We also welcome comments on the quality of legal services our offices provide.

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Rothkoff Law is proud to announce several awards our attorneys recently received:

Jerold E. Rothkoff, Esq., Carrie Scattergood, Esq., and Bryan J. Adler Esq., CELA, have been named as **Main Line Top Lawyers** for 2023.



Jerold E. Rothkoff and Bryan Adler have been named **Super Lawyers** for 2023 for the 8th consecutive year.



Rothkoff Law Group staff got together at Pinsetters Merchantville on Friday, June 23, 2023

