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My Journey to Portugal

By **Jerold E. Rothkoff, Esq.**

In September, I traveled to Portugal with 15 of my colleagues from across the US as part of an elder law delegation sponsored by the National Academy of Elder Law Attorneys. Six years ago, I traveled to the Netherlands on a similar delegation. Due to the pandemic, I was anxious to once again compare the senior services in the US with those of another country. The mission was to spend the week learning about the delivery of senior services in Portugal. In Portugal, like most Western European countries, there is universal health care insurance covered by the government. However, many Portuguese choose to take out private health insurance as well.

Unlike the United States, Portugal has no law equivalent to the Americans with Disabilities Act. Therefore, an older adult with mobility limitations or someone in a wheelchair will have difficulty accessing many public buildings along with walking along the sidewalks. I do not know why anyone would think tile sidewalks in the rain was a good idea hundreds of years ago.

We also heard from representatives of Associação Mais Proximidade, a senior social services agency in Lisbon. They described the unfortunate lack of senior services in Portugal to provide services for older adults in their homes, especially when

accessibility for those with disabilities in Lisbon is not very good. As I listened to the presentation, I was dismayed that I was thinking I may have given a similar presentation in the US if the Portuguese senior services representatives visited the Philadelphia area.

While in Portugal, I was asked why

seniors need an elder law attorney in the US. There is no such label in Portugal as an elder law attorney. As a small country, there is one national health insurance plan, and the services



are the same throughout the country. In contrast, in the US, services available are a combination of federal, state, county, and local services. Each state has different laws and eligibility for benefits differs. As a result, due to the hodgepodge of laws and benefits, elder law was created to help families navigate the benefits available.

An example of our convoluted benefits system is a September 12 article from Kaiser Health News entitled, "While Inflation Takes a Toll on Seniors, Billions of Dollars in Benefits Go Unused." The article cites a few examples including nearly 14 million adults age 60 or older who qualify for aid from the federal Supplemental Nutrition Assistance

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Be Prepared for Medicare's Annual Enrollment Period

The Medicare Open Enrollment Period for 2023 has arrived. Throughout the year, Medicare has different enrollment periods. The Open Enrollment Period, or OEP, is the timeframe during which Medicare beneficiaries can make changes to their Medicare plans.

This year's OEP will take place October 15 through December 7, 2022. Any changes you make to your Medicare plan during this period go into effect on January 1, 2023.

During OEP, you can...

- Switch from Original Medicare (Medicare Parts A and B) to a Medicare Advantage (Medicare Part C) plan.
- Switch from a Medicare Advantage plan back to Original Medicare.
- Switch from one Medicare Advantage plan to another. This might involve switching from a plan without Medicare Part D prescription drug coverage to one that has it, or vice-versa.
- Make changes to your Medicare Part D prescription drug plan:
 - Join a Part D plan.
 - Switch from one Part D plan to another one.
 - Drop your Part D plan altogether.

Note: Medicare Supplement Insurance plans are an exception. You can join one at any time during the year, not just during OEP.

Once the Medicare Open Enrollment Period closes on December 7, 2022, you cannot make any changes to your Medicare plan until the following year. There are some exceptions, such as if you move out of the area served by your plan. But for most people on Medicare, the OEP is the only time when you can make a change.

Please note if the Medicare coverage you have now is working for you, and your plan(s) is offered for 2023, then you can keep your coverage as it is. However, because this time comes but once a year, it is a good idea to evaluate your coverage during Open Enrollment Period every year. That way, you will know if you already have the best coverage options for you, or if you need to make some changes. Be sure to make the decisions that will best meet your health care coverage needs for the coming year. Your status in October may not be where you find yourself next July.

**Walk with
Rothkoff Law Group's
Team Love 4 Lois**

Saturday, November 12

Citizen's Bank Park
1 Citizen's Bank Way
Philadelphia, PA 19148

**ROTHKOFF
LAW GROUP**
Elder Care Law

One in 10 people over the age of 65 has Alzheimer's disease. Since the disease has affected a beloved former employee, Lois Cohen, we've been walking to end Alzheimer's

every November. Learn how you can join our team and make a donation: <https://bit.ly/Love4Lois>

My Journey to Portugal

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Program (also known as food stamps) but have not signed up. Also, more than 3 million adults 65 or older are eligible but not enrolled in Medicare Savings Programs, which pay for Medicare premiums and cost sharing. And 30% to 45% of seniors may be missing out on help from the Medicare Part D Low-Income Subsidy program, which covers plan premiums and cost sharing and lowers the cost of prescription drugs.

This is the reason why Rothkoff Law Group exists, and specifically why we employ 6 geriatric social workers—to help families navigate our health care system.

Touring foreign countries to study its health care delivery system for older adults helps me to become a better elder care law attorney. It teaches me where we are in this country today and still how far we must go to help make important services available for all older adults.

Can You Hear Me Now?

by Debra A. Winters
Au.D, Doctor of Audiology
Hearing at Home
www.hearingathomenj.com



Non-prescription hearing aids will soon be available over-the-counter (OTC). That's good news for the 48 million Americans with some degree of hearing loss. Age-related hearing loss is not the first thing to happen to us as we get older, but its impact can have a detrimental effect on our ability to be a healthy ager.

Hearing aids are the most recommended solution for hearing loss. Today's prescription hearing aids are sophisticated devices, designed by engineers, using advanced algorithms to manage noise and self-adjust to changing environments.

So why do many people who could benefit from hearing technology go without? The reasons most often mentioned are stigma, cost, and accessibility. At this time, Medicare does not cover hearing care, although it does pay for diagnostic hearing evaluations performed by audiologists with a physician's order. Some managed Medicare plans do have some hearing aid coverage.

Until now, hearing care, which includes hearing aids, has only been available through state licensed providers, such as audiologists and hearing instrument specialists. The costs for the devices and comprehensive, professional care packages average between \$2000 and \$7000/pair.

Beginning in October 2022, this will change when OTC

hearing aids can be purchased in pharmacies and other retail locations. Some will be direct-to-consumer and available online. These devices will be FDA regulated to address self-perceived mild to moderate hearing losses. More significant hearing losses will still require prescriptive devices. OTC hearing aids will come with no face-to-face care or guidance. Some may have online or telephone support. With no professional involvement, these devices will come with a much lower price tag. I am thinking we will see the better ones come in around \$700-\$1200 per pair.

Professionally fit and verified hearing aids are the gold standard of hearing care and an investment that some cannot afford or choose to make.

As an audiologist, my hope is that the availability of OTC hearing aids, while maybe not the best solution, will encourage more people to address their hearing needs. My recommendation is that before you pursue OTC hearing aids, schedule a comprehensive hearing evaluation with a professional to determine if you are a candidate for OTC devices. Your hearing care provider will be able to offer guidance on what to choose and once you make that choice, provide help with use and care if that is needed.

Welcome Jessica M. O'Neill, Esq.



Rothkoff Law Group welcomes Jessica M. O'Neill to our office as an associate attorney. Jessica's appreciation for the importance of

forming trustworthy attorney/client relationships began as early as law school where she participated in the "CARES" (Clinic for Asylum, Refu-

gee & Emigrant Services) as a student attorney. Jessica worked with refugees and emigrants to help secure asylum status in the United States. Establishing client relationships and fostering personal client interaction became Jessica's main professional priority. She managed her own law practice in Ocean County, New Jersey for nearly ten years focusing on residential real estate, including representing clients in

the sale or retention of distressed properties and foreclosure defense, as well as providing estate planning services to clients throughout Ocean and Monmouth Counties.

Jessica's psychology and legal background as well as dedication to client advocacy specifically in the senior community led her to pursue a career focused in Elder Law. Her

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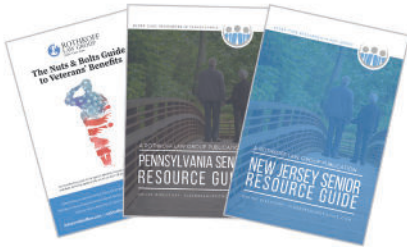
THE ROTHKOFF QUARTERLY – Published for clients and friends of ROTHKOFF LAW GROUP

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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A client testimonial:

*Dearest Chelsea and Shannon,
As my association with Rothkoff Law draws to a close, I want to thank you both for your hard work, your support and your caring for my brother. I knew he was always in good hands with both of you. For nearly 4 years, all of his needs were taken care of, thanks to both of you and I am so totally grateful. You helped me navigate some very tricky waters on his behalf and your support and assistance was invaluable. You always made me feel confident that I was doing the right thing and you were both so patient with me when I cried—which was a lot!!! I will never forget you...you two are both shining stars!*

*With love and gratitude,
Marianne Burpulis*

Welcome Jessica M. O’Neill, Esq.

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responsibilities include asset protection planning, estate planning, estate administration, and advocacy for older adults.

Jessica is a member of the Burlington County, Camden County and New Jersey State Bar Associations. Additionally, Jessica is an active volunteer and member of the St. Joan of Arc School community in Marlton, New Jersey, where she is currently serving in her third year as the co-chair for one of the school’s largest fundraisers, the “Race for Education.” Jessica also serves as a member of the Planning Board for The Sanctuary Homeowners Association in Marlton, New Jersey.

Jessica M. O’Neill received her bachelor’s degree in Psychology, cum laude, from The George Washington University and her Juris Doctor from Villanova University School of Law. She is licensed to practice law in New Jersey.

In addition to practicing law, Jessica enjoys yoga, going to the beach and spending time with her family. Jessica grew up in Ocean County and now resides in Marlton, New Jersey with her husband, Sean, three children and the family Labradoodle.