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Honor & Respect

By Jerold E. Rothkoff, Esq.

I recently watched the 2022 Rock & Roll Hall of Fame Induction Ceremony on HBO. Among the 2022 inductees were Pat Benatar and her musical partner and spouse, Neil Giraldo. During their induction speech, they commented that they could not possibly have imagined 43 years ago when they first met, they would be standing on the stage together being inducted into the Rock & Roll Hall of Fame.

Similarly, I could not have imagined when I opened the doors to our Elder Care Law office 23 years ago, I would be handed an American flag at a client's military funeral and told:

“On behalf of the President of the United States and the United States Army, and a grateful nation, please accept this flag as a symbol of our appreciation for your loved one's honorable and faithful service.”

On November 22, 2022, there was a viewing and funeral of a long-time client, Bill, who had no immediate family or friends to assist him. He was a resident at the NJ Veterans Home in Vineland, NJ. He was a veteran of the Vietnam War, and received two medals for his service. Attending the viewing were myself and three other Rothkoff team members who spent a great deal of time advocating for our client over the past several years. Attending the funeral with full military honors at the Veterans Cemetery in Burlington County were myself and my son, Greg, who was home from college. We were

blessed to have been present to honor Bill's memory.

I first met Bill in May 2018 upon the referral from a local assisted living community. Although he recently moved to the assisted living community, he expressed an interest in moving to the Veterans

Home in Vineland to be with his “people.” We assisted

in having him subsequently move to the Veterans Home, and applied for VA benefits on Bill's behalf. Our office paid all his bills, filed his annual tax returns, regularly communicated with the Veterans Home about Bill's care needs, arranged doctor's visits, purchased personal items for him, and visited him on a regular basis.

Bill was born in Newark, NJ. He moved with his family to Verona, NJ. Bill was in the army, just having gotten out of training and was stationed in Germany when his pregnant wife came to visit. She was appearing not herself, making statements about not being able to care for the baby when she arrived. When the baby girl, Brenda, was two or three months old, Cynthia, who was suffering from postpartum depression, tragically took her own life via gun shot. Brenda was sent back to live with Bill's parents in NJ.

Bill wanted to have a full military career. After service overseas and reduction of the forces started after war time, Bill worked at Fort Dix. He was transferred to the Air

(Continued inside on page 2)



Ask the Benefits Team

by Kaitlin Dirks, Rothkoff Director of Public Benefits



At Rothkoff Law Group, our long-term care planning clients are assigned their own Public Benefits Specialist to walk them through their Medicaid or Veterans Benefits application process step-by-step. Don't have your very own Public Benefits Specialist? Then submit your question to our team of experts!

I was just approved for Medicaid, should I cancel my other insurance?

You or a loved one have been approved for the Medicaid long-term care benefit but you are enrolled in other insurance coverage. Should you make any changes?

Medicaid acts as “payer of last resort” and usually functions well with Medicare or other private commercial insurance plans. People with both Medicare and Medicaid are “dual-eligible.”

You should never cancel your Medicare parts A or B. People aged 65 or older, or with certain qualifying health conditions, are entitled to these pieces of original Medicare. They are accepted widely at most providers and cover 80% of medical costs. If terminated, it can be difficult to re-enroll in Medicare and can only be done at certain times of the year. For “dual-eligibles,” Medicare is primary payer and Medicaid covers a portion of remaining copayments and coinsurances.

For those enrolled in a Medicare Supplement or Medicare Advantage plan, the provider will bill the private insurance company first. Medicaid acts as final payer and will cover a portion of any remaining costs. For long-term care facility residents, the Medicare premium is an allowable deduction from the monthly cost share paid to the facility. Thus, there is no further expense to maintain all insurance coverage.

Neither Medicare nor Medicaid cover prescription drugs on their own. If you do not have other prescription coverage, it is important to maintain your Medicare Part D plan to keep prescription costs affordable.

If you would like to submit your question to the public benefits team for the next newsletter, please email kaitlin@rothkofflaw.com

Honor & Respect *(Continued from front page)*

National Guard. According to Bill, he ended up getting “pushed out” after 23 years of service.

Bill then started working in the civilian market in various industrial/mechanical outlets. Bill later met Lois Beth, who lived with her parents across the street from Bill’s parents. Beth was a nurse who worked in nursing homes and later in Lower Bucks Hospital. Bill and Beth were married for about eight years. They had one son, William. Beth “had an attitude,” per Bill. He reported that he knew this marriage would not last. According to Bill, he knew Beth was cheating on him. Beth gave birth

to another child, but Bill always knew it was not his child. Unfortunately, later in life, both Brenda and William Jr. had expressed they wanted nothing to do with Bill.

Bill later met his third wife, Dorothy. She was a waitress at a bar he frequented. He spoke very fondly of her. “She was a lovely person,” he said. After Dorothy developed Alzheimer’s disease, he cared for her in their home for over three years, and then for another three to four years he visited her in the nursing home until she passed away.

Upon meeting Bill and learning his history, I was curious why Bill, after

being married three times and had either his own children or stepchildren, had to rely solely on our office to assist him. However, I did not feel it was my place to judge Bill’s life choices, and I never asked him this question. We were there to assist him now, and I thought that was good enough.

I became an Elder Care Attorney because I wanted the opportunity to improve the lives of those we represented. I hope we were able to carry out this mission in our advocacy for Bill. Being present at Bill’s funeral helped me realize why I became an Elder Care Attorney.

2023 Elder Law Numbers

2023 Medicare Numbers

The Centers for Medicare and Medicaid Services (CMS) has released the new Medicare premiums, deductibles, and co-payments for 2023:

Basic Part B premium:	\$164.90/month (was \$170.10 in 2022)
Part B deductible:	\$226 (was \$233 in 2022)
Part A deductible:	\$1,600 (was \$1,556 in 2022)
Co-payment for hospital stay days 61-90: . . .	\$400/day (was \$389 in 2022)
Co-payment for hospital stay days 91-150: . .	\$800/day (was \$778 in 2022)
All costs for each day beyond 150 days	
Skilled nursing facility co-payment, days 21-100:	\$200/day (was \$194.50 in 2022)

Also, individuals with annual incomes over \$97,000 and married couples with annual incomes over \$194,000 will pay a higher Medicare Part B premium, with a minimum monthly premium of \$230.80.

2023 Medicaid Numbers

Maximum Community Spouse Resource Allowance:	\$148,620 (was \$137,400 in 2022)
Minimum Community Spouse Resource Allowance:	\$29,724 (was \$27,480 in 2022)
Maximum Monthly Maintenance Needs Allowance:	\$3,715.50 (was \$3,435.00 in 2022)
Minimum Monthly Maintenance Needs Allowance:	\$2,288.75 (through June 30, 2023)
Medicaid Waiver Benefits Income Cap:	\$2,742 per month (was \$2,523 in 2022)
Pennsylvania Medicaid Penalty Divisor:	\$12,869.59 (\$423.11/day) , as of 1/1/23
New Jersey Medicaid Penalty Divisor:	\$374.39/day , since 4/1/22

2023 VA Aid and Attendance

Single Veteran	\$2,229/mo.
Married Veteran	\$2,642/mo.
Widowed Spouse	\$1,432/mo.
Net Worth Limit	\$150,538

2023 Rothkoff Law Calendar

Now available! We are pleased to present the 2023 Rothkoff Law Group Create-A-Calendar which features artwork created by New Jersey and Pennsylvania senior care community residents and staff. Thank you to all our long-term care community partners and their residents for their valuable contribution to the 2023 Rothkoff Law calendar. Request a copy:



rothkofflaw.com/resources

Rothkoff Law Team Co-Authors Book to Help Families Understand the Long-Term Care Planning Process

Exciting news for our clients and families of aging loved ones: our new book, "A Life Care Plan," co-authored by Takacs McGinnis Elder Care Law along with the Rothkoff Law team, is now available! In this guide, you will find answers to complicated topics like Medicaid planning, asset protection planning, Medicare coverage, and more in simplified terms that are easy to understand. Request your copy today: rothkofflaw.com/resources



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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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Request a complimentary guide!



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Rothkoff Law Client Appreciation Event



We had a wonderful time with our clients during our Client Appreciation event held on December 3, 2022 at the Simeone Foundation Automotive Museum in Philadelphia. We all enjoyed wonderful food, conversation, and marveling at the beautifully preserved antique racecars. We wish our clients, their family members, and our professional partners a wonderful 2023.



All information presented in the Rothkoff Quarterly newsletter is general and does not constitute legal advice. Please do not act upon this information without consulting an attorney. Anyone facing a legal issue discussed in this publication is advised to seek legal advice from a competent professional.