

NEWSLETTER

NASH BEAN FORD & BROWN, LLP *SINCE 1857*



Attorney Curt Ford completes a parking lot document signing

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NASH BEAN FORD & BROWN, LLP FIRM HAPPENINGS

How We're Helping in This Time of Need

As an Estate Planning and Elder Law Firm, we are taking the responsibility of the health and well being of our staff, clients and our friends very seriously.

We have taken steps to ensure that we are taking every precaution to avoid the spread of the virus. We were even completing document signings in our parking lot.

At this time, our office will not be taking walk-in appointments, we continue to offer video or telephone conferences unless an in-person meeting is deemed necessary.

As we reenter stores, salons and restaurants, there is continued concern around contracting the Coronavirus and people have been telling us they want protection now, in the event something were to happen to them. In response to this, we are offering an incapacity package with includes:

Healthcare Power of Attorney

Authorizes someone to make health care decisions if you become incapacitated.

Health Care Portability and Accountability Act (HIPAA) Form

Provides release of medical information to people you select.

Property Power of Attorney

Authorizes someone to manage your property if you become incapacitated.

Living Will

Authorizes termination of life support systems if there is a terminal illness.

Our hope is that this will help the community, especially the most vulnerable who could end up in the hospital.

Contact our office at (309) 944-2188, (309) 762-9368 or (800) 644-5345 to schedule a phone or video conference today. Plan now. Be safe.

Can the Nursing Home Keep a Stimulus Check?



simply because the resident is on Medicaid. Specifically, 26 U.S. Code § 6409 states as follows:

Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

Both the Cares Act itself and 26 U.S. Code § 6409 provide clear guidance on the subject. The stimulus check money is not income and, therefore, a nursing

home may not legally take your parent's stimulus check under any circumstances.

If a nursing home has confiscated, or has threatened to confiscate, your parent's stimulus check consult with an elder law attorney because the facility is not entitled to that money.

Contact a Medicaid Planning Attorney

For additional information, please download our FREE estate planning worksheet at nashbeanford.com/free-estate-planning-worksheet. If you have additional questions or concerns about Medicaid planning in general, or the stimulus payments in particular, contact us by calling **309-944-2188** **309) 944-2188, (309) 762-9368** or **(800) 644-5345** to schedule your appointment today.

Over the last several months, the United States economy has been hit hard as a result of battling the Covid-19 pandemic. Unemployment has been at a record high due to job losses caused by mandatory shut-down orders across the country. As part of the Coronavirus Aid, Relief, and Economic Security Act (Cares Act) passed into law in late March, most taxpayers have received, or will receive, a "stimulus payment" from the federal government to try and ease the financial burden caused by the pandemic. If someone you love is in a nursing home, can the facility take his/her stimulus check?

Long-Term Care Costs

If you have a parent in a long-term care facility, you already know how expensive LTC costs are. Nationwide, the average cost of a year in an LTC facility was over \$100,000 in 2019. As an Illinois resident, however, you can hope to pay less than the national average given that the state average was just over \$80,000 for 2019. Not surprisingly, over half of all seniors currently in LTC rely on Medicaid to help cover the high cost of that care. The Medicaid eligibility and participation rules, however, are complex. Once an applicant is approved for Medicaid, almost all of his/her income must be used to help

cover the cost of LTC. Typically, that means if a nursing home resident receives income from almost any source, that income can be taken by the nursing home and be applied toward his/her bill. Does that apply to a stimulus check too?

Cares Act Stimulus Checks

In April, the Internal Revenue Service began issuing payments, either via direct deposit or through the issuance of a paper check, to all eligible taxpayers. These payments are referred to in the law as "2020 recovery rebates." The Internal Revenue Service (IRS) refers to the payments issued in 2020 as economic impact payments, whereas some media reports call them "stimulus payments." While it may not matter what you call the payments, it makes a huge difference how the law classifies the payments—particularly if a nursing home confiscates the payment. In fact, the federal government has made it clear that the economic impact payments are considered tax credits and tax credits do not count as "resources" for federal benefits programs like Medicaid. As such, a nursing home or assisted living facility cannot take that money from residents

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Recipe of the Month

Crockpot Chicken Tacos from Dawn Marie Anderson

Ingredients

- 6 boneless, skinless chicken thighs
- 1 can of diced tomatoes with chilies
- 1 package of your favorite taco seasoning

Directions:

1. Put everything into the crockpot
2. Cook on low for at least 6 hours
3. Shred chicken and drain excess liquid
4. Add your favorite toppings and enjoy!

We use this recipe year round, but it's great to avoid heating up the kitchen. It doubles easily and freezes well. A crowd favorite!

You can add or substitute chicken breasts for the thighs. If you use gluten free seasoning, this is gluten free as well.

We make tacos, enchiladas and taco pizza with this one recipe.



Has Your Child “Aged” Out of Their Safety Net

As much as our teenagers and young adults crave their independence, they may find this new-found freedom limits your ability to assist them when they need it most—during an emergency. Once your child turns 18, they are legally an adult, and while they gain several rights, you lose a few, including the right to access medical records or direct medical care in case of an emergency.

To avoid this potential problem, Nash Bean Ford & Brown, LLP is offering your family the much needed Student Legal Packet. The legal documents in this customized package include:

- **Property Power of Attorney**, allowing you to act as an “agent” for your child if they are unable to make a request for themselves on any property in their name, including a car, apartment, student loans or bank accounts. This is especially helpful if your child travels abroad or attends school several hours away from home.



- **Health Care Power of Attorney** allowing you to act as an agent in a medical emergency, if your child is incapacitated.
- **Health Care Portability and Accountability Act (HIPAA) Form** allowing you access to medical records, from something as simple as accessing vaccination records for school to transferring new healthcare records during an emergency. Under the 2003 Healthcare Insurance Portability and Accountability Act, medical personnel may not release any medical information to an unauthorized individual, including parents once your child turns 18.
- **Living Will**, allowing your child to specify their wishes regarding life support measures.

Although these documents provide a level of protection to your child once they turn 18, they do not supersede their ability to make their own medical or financial decisions. They are simply measures to protect them in an emergency. These legal forms allow the person named in the documents to make decisions if your child is unable due to incapacity.

Contact our office at (309) 944-2188, (309) 762-9368 or (800) 644-5345 or email info@nashbeanford.com to schedule a video or telephone conference today.

If you have questions about the legal documents in the Student Legal Packet, please feel free to contact our office. We look forward to helping you keep your family's wishes intact.

News From the Nash Bean Ford & Brown, LLP Family

Congratulations to Our Graduates!

☆ **Nathan Lauritzen** graduated from Northern Illinois University' Business College with a BA in Leadership and Management and a minor in Marketing. Nathan is employed at Plumb Supply in Davenport, Iowa. Nathan is the son of our office administrator, Jackie Lauritzen.



☆ **Ryan Ford** “virtually” graduated from Iowa State University with a major in Political Science and minor in Public Relations and Sociology. During the spring of his Senior year Ryan earned the 2020 Fraternal Award of Excellence as the Senior of the Year. Ryan

further helped raise over \$340,000 as the co-chair of the Iowa State Dance Marathon and was named by the Children’s Miracle Network Hospitals as one of 25 individuals nationally to receive the Distinguished Leadership award. Ryan has accepted a position with Mission for Arizona in Tucson as a field organizer. Ryan is the son of attorney Curt Ford.

Birth Announcements

-Attorney Benjamin Young and his wife welcomed daughter Olivia in April of 2020. Congratulations to parents & twin sisters!

-Jackie Lauritzen welcomed grandson Liam James Oleson . Born March 25th at 5:33 p.m., weighing 8lbs 12.9 oz., Liam has lots of hair. Mom, Dad and Baby are doing great. Congratulations to parents and grandparents!



Our Summer Hours:

Geneseo Office:
Monday—Thursday
9:00 a.m. to 4:30 p.m.
Friday: 9:00 a.m.-12:00 noon

Moline Office:
Monday—Thursday
9:00 a.m. to 4:30 p.m.
Friday: 9:00 a.m.-12:00 noon

Contact Us

Give us a call for more information about estate planning services.

Nash Bean Ford & Brown, LLP

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Visit us on the web at www.nashbeanford.com

New Contact Information?

If your address or phone number has changed, please call our office to update your contact information.

Or if you recently had to change your e-mail address due to a provider discontinuing service, please let us know so you continue to receive e-mail from us.

Referrals

If you have friends or family members who could benefit from the estate planning process, please refer them to our firm. Don’t worry, we won’t bother them. We will simply send them an invitation to one of our estate planning seminars. If you would like to refer a friend or family member, fill out the enclosed referral card and return it to our office or email their contact information to info@nashbeanford.com.