ELDER LAW REPORT

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17 Benefits for Older Americans

Introduction

As a New Yorker, age 60 or older, you may be missing out on dollar benefits and community services that could be yours. In these benefit notes, you'll find important facts: how finances and age affect eligibility and little-known rules regarding eligibility.

Each county in New York State, outside of New York City, has an Office for Aging.

If you are unable to contact your local Office for Aging, you should contact the State Office for Aging at (800) 342-9871. The New York City Human Resources Administration information and referral number is (877) 472-8411.

This article introduces seventeen major benefit programs:

1. Social Security
2. Medicare
3. Medicare Buy-In
4. Medicaid
5. SSI (Supplemental Security Income)
6. Temporary Assistance
7. Veterans Benefits
8. EPIC Pharmaceutical Insurance Coverage
9. Food Stamps
10. Home Energy Assistance Program (HEAP)
11. Weatherization Referral and Packaging Program (WRAP)
12. Senior Citizen Rent Increase (SCRIE)
13. Senior Citizen Homeowners Exemption (SCHE)
14. Real Property Tax Credit
15. Reduced Fare
16. New York State School Tax Relief Program (STAR)
17. Life Line Telephone Service

In addition, there is brief discussion of non-cash programs which benefit seniors.

General Eligibility Rules

Because financial requirements vary, check with the individual program. Refer to the following as a broad guideline.

Resources that usually affect eligibility are cash, bank accounts, investments and valuables. Resources that generally do not count are a home, car, income-producing property and personal effects. There are usually special rules for separated or non-eligible spouses and for "spending down" resources.

Before transferring the ownership of your home or resources, consult an Elder-Law Attorney.

Income: Both earned and unearned usually count. Unearned income includes social security, supplemental security income, pensions, interest, valuable gifts. Earned income is wages for work performed. In-kind income –when others pay for services – may or may not be counted. Check with each program. Because eligibility is often based on net income, look for deductions that may make you eligible.

Apply: even when you are not sure that you qualify. You may apply by mail, phone, in person, through an authorized representative or, if homebound, by requesting an in-home interview.

The income and resource numbers in this article are the 2009 figures. The income and resource levels may increase annually. Please check with the appropriate agency if you are using this pamphlet after 2009.

1. SOCIAL SECURITY – Income for insured workers, certain spouses, divorced spouses, children, grandchildren and surviving parents.

Age: Eligible at any age – disabled worker, a spouse caring for a retired, disabled or deceased worker's minor child or adult disabled child; at 50, a worker's surviving disabled spouse; at 60, a worker's surviving spouse; at 62, a retired worker, retired spouse, a worker's surviving dependent parents; divorced spouses can receive benefits if married for ten years. Ask about benefits for minor children.

Resources: No limit.

Income: No limit.

Retirement Earnings Test: Beneficiaries who have reached full retirement age (65 to 67, depending on year of birth) may receive full Social Security benefits even if they continue to work. If you work and are under full retirement age, your Social Security benefits will be reduced based upon earned income.

Apply: Contact the Social Security Administration for more information. Applications are filed with Social

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Security Administration. Call (800)772-1213 to find your local office.

Internet website is www.ssa.gov.

2. MEDICARE – Helps pay certain health care costs.

Age: 65 or older. TO AVOID PENALTIES, APPLY WHEN FIRST ELIGIBLE, EVEN IF NOT APPLYING FOR SOCIAL SECURITY BENEFITS. Disabled individuals under age 65 are eligible for Medicare after receiving Social Security disability benefits for 24 months. Special rules also apply for dialysis patients and individuals who have Amyotrophic Lateral Sclerosis (ALS) or end stage renal disease.

Resources: No limit. (See below)

Income: No limit. (See below)

Part A- Hospital Insurance

Anyone 65 or over who is eligible to receive Social Security or Railroad Retirement benefits is automatically eligible and pays no premium. Others may purchase this insurance for a monthly premium. In 2009, Part A covers all in-patient hospitalization costs in any benefit period, except for a deductible of $1,068 and a co-pay of $267 per day for days 61 through 90, and $534 per day for days 91 through 150.

Skilled Care in a Nursing Facility is covered for up to 100 days following at least a three-day hospitalization in any benefit period with a co-insurance of $133.50 per day for days 21 through 100.

Home Care and Hospice Services are also available. Co-insurance and deductible payments are adjusted annually.

Part B - Medical Insurance

The minimum monthly premium is $96.40 (in 2009). Individuals with annual income over $82,000 ($164,000 for married couples) will pay a higher monthly premium based on a sliding scale of income. Medicare pays 80% of the approved charge and the beneficiary is responsible for both the 20% co-pay and an annual deductible of $135.

Note: There is a cap on fees doctors may charge— in New York, the cap is 5% above the Medicare approved limit. (This limit does not apply to home or office visits.)

Free assistance is available from the Medicare Rights Center (800) 333-4114; (212) 890-3850; from the Health Insurance Counseling and Assistance Program (HIICAP) (800) 701-015. NYC residents may also call the NYC HIICAP help line (212) 333-5511.

Apply: To Social Security Administration/ Medicare (800) 772-1213; Internet website is www.medicare.gov; www.hiicap.state.ny.us.

Part C - Medicare Advantage

Medicare Advantage Plans cover all Part A and Part B services. Care is provided by private companies as an alternative to traditional Medicare Parts A and B. Premiums and co-payments may be lower than traditional Medicare, but all care must be provided or approved by the Managed Care Plan. Many plans include prescription drug coverage. For information and assistance, call (800) 633-4227 or go to www.medicare.gov website.

Part D - Prescription Drug Coverage

Medicare Part D prescription coverage is provided by a variety of private plans. Unlike Parts A and B, people must take action to enroll in Part D. Premiums and the extent of coverage for the many private plans vary widely. The basic Part D benefit requires a minimum deductible of $295 (in 2009) and then the plan pays its share until what they have paid (plus the deductible) reaches $2,700. There is then a coverage gap of $4,350. Once the consumer has paid $4,350 out of pocket for the year, the plan should pay the majority of prescription expenses (less a small co-pay for each drug) for the rest of the year. See internet website at: www.medicare.gov (The website contains various search engines which enable consumers to search for a local plan. However, the website may not contain the most updated information and may have errors. Consumers should check with local providers before enrolling in a plan to make sure the information provided on the website is accurate.

Resources: No limit for basic.

— Extra Help - Individual $11,990; Couple $23,970.

Income: No limit for basic.

— Low Income Subsidy - Individual $1,300 monthly maximum; Couple $1,750 monthly maximum.

Apply/Enroll: By calling (800) MEDICARE;
(800) 633-4227.

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3. MEDICARE SAVINGS PROGRAM –Limited income, Medicare-eligible individuals may be able to have Medicaid cover their Medicare monthly premiums, deductibles and co-insurance.

Age: Any person eligible for Medicare.

Resources: $4,000 for individuals; $6,000 for couples.

Income: Below $887 per month for individuals, below $1,187 for couples.), Medicaid will pay all Part A, Part B premiums and all deductibles and co-insurance;

Between $887 to $1,060 per month for individuals, $1,187 to $1,420 for couples, Medicaid will pay the full Medicare Part B premium;

For individuals with income between $1,060 and $1,190 per month ($1,420 to $1,595 for couples), Medicaid will pay some part of the Medicare Part B premium.

Please note that these income figures are usually adjusted on an annual basis. Health

insurance premiums are an allowable deduction in determining income. This program is not retroactive; the sooner you apply, the sooner you receive benefits.

Apply: To your local Department of Social Services or CMS at (800) 633-4227. New York City residents, call (877) 472-8411.

For more information search for "Medicare Savings Program" through the NYS DOH website: http://www.health.state.ny.us/.

4. MEDICAID – Full range of health care services, including many not provided by Medicare (home care, unlimited nursing home care, prescription drugs, dentistry, eyeglasses, hearing aids, etc.).

Age: Any age. Persons receiving SSI or temporary assistance are automatically eligible. If under 65 and not receiving SSI or temporary assistance, must be determined to be disabled or blind.

Resources: $13,800 individual, $20,100 couple (2009).

Exemptions from Resources:

—$1,500 burial fund per person, or irrevocable prepaid funeral agreement (any amount);

—cash value of life insurance with face value of more than $1,500 is counted toward the $1,500 burial fund, the remaining balance is a resource.

A home with a value up to $750,000, personal effects and a car are not counted as resources.

NOTE: There are complex rules for transfer of assets by persons applying for Medicaid.

See below.

Income: 767 per month for an individual; $1,117 per month for a couple.

Surplus Income/Spenddown: Even if income exceeds the limit noted above, individuals may qualify for community Medicaid (including home health care) if they incur or pay medical charges equal to their excess countable income. There is no penalty for transfer of assets when applying for community Medicaid (some home care services, some adult day care programs, prescription drug coverage, etc.). Disabled individuals may deposit their surplus income to a supplemental needs trust.

Transfer of Resources and Income Rules: If one spouse is institutionalized, the spouse in the community may keep at least $2,739 per month of the couple's combined income after deducting health insurance premiums. The resource allowance for the community spouse is between $74,820 and $109,560. The community spouse (well spouse) may request a hearing or go to court to obtain higher income or resource allowances. DO NOT TRANSFER OWNERSHIP OF A HOME OR RESOURCES WITHOUT CONSULTING AN ELDER LAW ATTORNEY.

Apply: Contact local Department of Social Services (866) 881-2809 for local numbers; NYC residents, call Human Resources Administration (877) 472-8411). See websites: www.hcfa.gov/medicaid; www.health.state.ny.us.

5. SUPPLEMENTAL SECURITY INCOME (SSI) – Monthly payments to limited-income aged, blind and disabled persons, in addition to other income they may be receiving, including Social Security.

Age: 65 or older. (Any age if disabled or blind.)

Resources: $2,000 per month individual, $3,000 for couple, plus burial fund of $1,500 per person. Resources may be spent down, or resources of persons under 65 may be transferred to a Supplemental Needs Trust without incurring a period of ineligibility.

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CONSULT AN ELDER LAW ATTORNEY BEFORE TRANSFERRING RESOURCES.

Income: Generally, the more income you have, the lower the SSI payment. Applicants living with others may receive a reduced benefit. Loans do not count as income. For advice regarding benefit reductions due to living arrangements or receipt of loan repayments, consult a private or legal services attorney. In 2009, the maximum monthly benefit is $761 per an individual/$1,115 couple. Wages of more than $980 per month generally cause benefits for disabled individuals to be discontinued. However, in some instances, a working individual may earn more than the limit and remain eligible for SSI.

Apply: Social Security Administration (800) 772-1213.

Internet website is www.ssa.gov.

6. TEMPORARY ASSISTANCE – Cash benefits for limited-income persons for essential food, clothing and shelter.

Age: Any age. Individuals who are over age 60 or disabled are exempt from work requirements.

Resources: Maximum of $2,000 ($3,000 if any household member is 60 or over); ask about automobile, life insurance and burial space.

Employed individuals may be entitled to "disregard" some of their earnings and still be eligible for benefits. Allowances are also

provided for certain work-related expenses and/or special needs (travel, child care, restaurant meals, etc.).

There is a 60 month limit to most public assistance programs, although the exemption does not apply to individuals who are elderly or disabled.

Emergency Assistance: Assistance to pay rent arrears, heat/utility repairs, moving costs, storage deposits, furniture to set up a household, repairs. Emergency Food Stamps and Medicaid may also be available for those who meet certain requirements. Applicants who are not otherwise eligible for temporary assistance may qualify for emergency assistance if they demonstrate a financial emergency and that they have spent all of their cash resources.

Apply: To local Department of Social Services for all public assistance programs (contact information available at (800) 342-3009. NYC residents apply to HRA (877)472-8411).

Internet Websites www.wnylc.net; www.legal¬aid.org.

7. VETERANS BENEFITS – Pensions for limited-income and disabled veterans; health care and prescription drugs; vocation rehabilitation; education; home loans; disability compensation; burial and other benefits.

Age: Veterans of any age may be eligible for a range of services. Their dependents and survivors may also be eligible for certain benefits. Disability is determined by the U. S. Department of Veterans Affairs.

Resources: Subject to review based on benefit requested.

Income: Limits vary with benefits. Medical benefits may include care at VA Hospitals, out-patient services, skilled nursing facilities, allowances for home care, etc.

Apply: NYS Division of Veterans Affairs at

(888) 838-7697; U. S. Department of Veterans Affairs (800) 827-1000.

Websites: www.va.gov; www.veterans.state. ny.us.

8. ELDER PHARMACEUTICAL INSURANCE COVERAGE PROGRAM (EPIC) – pays more than one-half the cost of most prescription drugs after beneficiary pays premium or deductible.

Age: 65 or older.

Resources: No limit.

Income: $35,000 (individual), $50,000 (couple), including Social Security. Each person's premium or deductible is determined by income and marital status. Co-payments vary with prescription costs. Pharmacies must be EPIC participants. Approved drugs include insulin and syringes.

Apply: To EPIC (800) 332-3742.

Website is http://www.health.state.ny.us/health_care/epic/index.htm.

9. FOOD STAMPS – Coupons to use as cash for buying food in stores, home-delivered meals, meals in senior centers and some restaurants.

Age: Any Age.

Resources: No limit on resources if income is within

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200 percent of the Poverty Income Guidelines. (For 2009, this means that if

monthly income does not exceed $1,805 for a household of one or $2,428 for a household of two, there is no limit on resources.) If income is over 200 percent, then the resource limit is $2,000 for most households, and $3,000 per household if one member is 60 years or over, plus $1,500 burial fund per person.

Income: Seniors are encouraged to apply because allowable income is calculated individually based upon living expenses and arrangements. There are special deductions for health-related expenses and shelter costs. Those living with others, but not sharing expenses, can be budgeted separately.

Apply: To local Department of Social Services/Human Resources Administration, or call (800)342-3009.

Website is www.otda.state.ny.us\otda\fs\fs_default.htm.

10. HOME ENERGY ASSISTANCE PROGRAM (HEAP) – Cash or credit for homeowners and renters; heat-related emergency grants.

Age: Any Age.

Resources: No limit.

Income: For 2008-2009 heating season: Individual - $1,963.00 per month maximum; Couple - $2,567 per month maximum. Ask about subtracting certain health care and rental income expenses.

Heat Emergencies: Only HEAP-eligible households paying directly for heat may apply for help with fuel, repair of heat-related equipment and temporary relocation.

Apply: To local Office for Aging or NYS OTDA. (800) 342-3009. Apply immediately— funds are limited For emergency grants, apply in person.

Internet website is http://www.otda.state.ny.us/main/heap/.

11. WEATHERIZATION REFERRAL AND PACKAGING PROGRAM (WRAP) – Helps low-income homeowners and renters weatherize their homes.

Age: Any age. Resources: No Limit.

Income: All eligible individuals and families with income less than 60% of the state median income are eligible. In 2009, individuals with income below $1,963.00 per month, couples with income below $2,567.00 per month.

Apply: Funds are limited but applications by the elderly and disabled receive a priority. Contact your local Office for Aging or New York City HRA for more information.

Internet website is: http://www.dhcr.state. ny.us/general/pubs/html/hiswap.htm.

12. SENIOR CITIZEN RENT INCREASE EXEMPTION (SCRIE)

Exempts rent-controlled/rent stablized, Mitchell-Lama and hotel tenants from certain rent increases.

Age: 62 or over Resources: No limit. Income: $27,000 per year maximum (less

certain deductions);

Rent with increase must be at least one-third of net monthly income (and a rent-stablized tenant must have a valid one or two year lease). SCRIE covers increases for renewal lease, maximum base rent increases, fuel, landlord hardship and major capital improvements.

Apply: New York City Department of Housing Preservation & Development.

Internet Website is: For New York City:

www.nyc.gov/html/hpd/html/tenants/ scrie.shtml.

Outside New York City:

www.dhcr.state.ny.us/Rent/about. htm#seniors.

13. SENIOR CITIZEN HOMEOWNERS EXEMPTION (SCHE)

Up to 50% reduction in taxes for qualified property owners.

Age: 65 or older. If spouse or siblings are co-owners, one must be at least 65 years of age. Legal residence, limited to one, two or three-family houses, a condominium or a cooperative apartment. If other persons are co-owners, all must be 65 years of age. Property must be used exclusively as legal residence.

Resources: No limit.

Income: Income limits vary by locality. In NYC–Up to $36,400.00 may qualify for a reduction of 5% – 50% (depending on income). Income is determined after

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deduction for unreimbursed medical and prescription drug expenses (at local governmental option).

Applicant must have held title to property for at least 12 consecutive months. The property must be used exclusively for residential purposes and have no more than three units.

Apply: to your local assessment office, available from New York State Office for Aging (800) 342-9871).

Note: The period in which to apply is limited. Please clarify with your assessor. In general, the ability to apply ends in March for the current year. Applications must be made in person. Bring deed to property, proof of income, birth and residency.

14. REAL PROPERTY TAX CREDIT (IT-214) – Provides tax credit or cash payment for part of rent or property taxes paid during previous year.

Age: Any age.

Resources: No limit.

Income: $18,000 or less for tax year 2009. (Filing a tax return for the preceding year is not a requirement.)

Homeowner's current market value of real property must be $85,000 or less. Renter's average monthly rent must be $450 or less, not including heat, gas, electricity, etc.

Apply: by submitting Form IT-214 with tax return, or, if no return, anytime during the year. For assistance from New York State Department of Taxation and Finance call

(800) 225-5829.

15. REDUCED FARE- Substantial savings for various public and private transit services.

Age: 65 or younger individual with qualifying disability.

Resources: No limit.

Income: No limit.

Apply: by contacting the New York State Office for Aging (800) 342-9871 for information concerning appropriate agencies in your community. For information about the reduced fare MetroCard, go to the internet website at http://www.mta.info/nyct/fare/rfindex.htm

16. NEW YORK STATE SCHOOL TAX RELIEF PROGRAM (STAR) – Provides an exemption from the school portion of property taxes for owner-occupied primary residences. All New Yorkers who own their own one, two or three-family homes, condominiums, or cooperative apartments, mobile homes or farms are eligible for the STAR tax exemption.

Basic STAR Exemption:

Age: Any age. Resources: No limit. Income: No limit. Apply: By contacting local assessor's office.

Middle Class STAR Exemption: Rebate program

Age: Any age. Resources: No Limit.

Income: The rebate will be in varying amounts depending upon the locality and your income. Households with income over $250,000 are not eligible.

Apply: Online or by mail to the New York State Department of Taxation and Finance. Call (877) 678-2769.

Enhanced STAR Exemption:

Age: 65 or older. Resources: No limit. Income:Annual household income of $70,650.00

or less. Apply: To your local assessor's office or (518) 474-2982.

17. LIFE LINE TELEPHONE SERVICE – Reduces the cost of basic telephone service and connection charges for limited-income persons.

Age: Any Age.

Eligibility: The Life Line Program is available to income-eligible telephone customers who participate in, or are eligible to participate in, any one or more of the following programs: SSI, HEAP, Food Stamps, Medicaid, Veterans Disability or Surviving Spouse Pension, Family Assistance, Safety Net Assistance.

Apply: by contacting your local telephone company business office.

Internet website at www.askpsc.com/. From that homepage, follow the links to the "Life Line Discounted Telephone Services."

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NON-CASH BENEFIT PROGRAMS

Local Offices for Aging contract with providers who deliver meals for the homebound and meals in senior centers.

Many local Offices for the Aging provide senior community service employment programs. Additionally, many local Offices for the Aging provide or contract to provide caregiver respite and expanded in-home services programs as well as adult day services. Some local Offices for Aging provide health insurance information and counseling programs.

Most local Offices for the Aging operate or fund a retired senior volunteer program (RSVP).

You should contact your local Office for Aging for more information or visit the website for your local Office for Aging. Usually, this can be found by going to the home page of the website for the county in which you live.

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