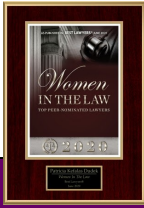


Patricia E. Kefalas Dudek & Associates

**Passionate Advice and Advocacy
for all Stages of Life**

July 2020



The ADA Turns 30

ADA Turns 30: Time to End the Institutionalization of People With Disabilities

This summer marks the 30th anniversary of the passage of the Americans with Disabilities Act. On July 26, 1990, President George H.W. Bush signed the ADA—a comprehensive civil rights statute that prohibits discrimination against people with disabilities in employment and in access to government services and public accommodations—into law.

Like many celebrations in recent months, the ADA's birthday party will not proceed as many had planned. As states have imposed restrictions to mitigate the impact of COVID-19, disability advocates and organizations scrapped plans for large conferences, parades and rallies to commemorate the anniversary. Nonetheless, the importance of the ADA and disability rights has been center stage in 2020. The worldwide pandemic has brought into sharp focus the myriad ways people with disabilities still encounter significant discrimination in many facets of life.

State expands visitation to nursing homes

Michigan has expanded the reasons for visitation at long-term care facilities to include family members or friends who assist residents with activities of daily life such as eating, bathing or dressing.

People have been able to visit residents who are in serious or critical condition or in hospice care under previous state emergency orders if they follow guidelines established by the Centers for Disease Control and Prevention.

The visitation order issued Tuesday by Robert Gordon, director of the state Department of Health and Human Services, applies to nursing homes, homes for the aged, adult foster care facilities, hospice facilities, substance abuse disorder residential facilities, independent living facilities and assisted living facilities.

COVID-19 ALERT: Fraudulent Facemask Flyers

The Department of Justice has been made aware of postings or flyers on the internet regarding the Americans with Disabilities Act (ADA) and the use of face masks due to the COVID-19 pandemic, many of which include the Department of Justice's seal.

These postings were not issued by the Department and are not endorsed by the Department. The Department urges the public not to rely on the information contained in these postings and to visit ADA.gov for ADA information issued by the Department.

For more information and technical assistance about the ADA, please contact the ADA Information Line at 800-514-0301 (voice) and 800-514-0383 (TTY).

EEOC Clarifies That Employers Cannot Require COVID-19 Antibody Tests

The EEOC [further revised its guidance to employers](#) to clarify that it does not deem workplace antibody testing lawful under the Americans with Disabilities Act (ADA). COVID-19 antibody tests have recently been touted as a way to help prevent infection spread in the workplace, as they could be incredibly useful to employers – if deemed effective and reliable. Unfortunately, we do not yet know if or the extent to which the presence of the relevant antibody means that an individual is completely or partially immune to future COVID-19 infection. While antibody tests have a vital role in analyzing the spread of and our response to COVID-19, so far this testing has not been determined to be a useful mass screening tool for employers – which prompted the EEOC to clarify its stance on the matter.

Michigan Department of Insurance and Financial Services Promotes Mortgage Relief Options, Insurance During American Housing Month

June is American Housing Month and the Michigan Department of Insurance and Financial Services (DIFS) is raising awareness about ways Michiganders can protect their homes through lender programs for those impacted by COVID-19 and through insurance policy reviews to make sure they have the coverage they need before they need it. “It is important to make sure homeowners understand how to financially protect their homes, especially as we recover from the COVID-19 pandemic,” said DIFS Director Anita Fox. “American Housing Month is a great opportunity to review lender programs and insurance policies to make sure you have the financial protection you need all year long.”

A Modest Raise for Nursing Home Workers Could Save 15,000 Lives a Year: Study

Raising the minimum wage by as little as 10 percent would significantly improve the safety and health of nursing home residents, according to new research.

Most direct care in nursing homes is provided by nursing assistants, who make up about 40 percent of the nursing home workforce and are among the lowest-paid workers in the U.S. economy. Nursing assistants help residents with activities of daily living like eating, bathing and dressing, and work with certified nurses and elder care teams to monitor patients' conditions.

Attorney General Nessel Works to Expose Illegal Robocallers

Michigan Attorney General Dana Nessel, along with the 51 other attorneys general recently encouraged the Federal Communications Commission (FCC) to facilitate continued collaboration among state attorneys general and telecom companies to coordinate tracing back illegal robocalls to their source through a single, FCC-sanctioned industry group.

Pandemic Upends The Lives Of People With Disabilities — And Of Their Caregivers

For residents with disabilities who need caregivers in order to live and work independently, the pandemic is adding hurdles. These visiting aides take on demanding duties and are typically paid about \$12 an hour in Wisconsin.

Clients with disabilities and their caregivers must weigh how to keep each other safe during close interactions, especially as protective equipment remains scarce. Some caregivers have stuck around; others have quit. And many clients who lose their caregivers also lose independence.

Michigan Governor Signs New Telehealth Coverage Guidelines Into Law

Michigan Governor Gretchen Whitmer has signed into law a handful of bills aimed at expanding telehealth in the state, giving providers more Medicaid coverage and the leeway to use remote patient monitoring and asynchronous platforms.

The package of five bills was introduced in January in the House and passed in May, with the Senate voting its approval in June. On May 14, Whitmer signed an executive order expanding telehealth coverage to deal with the COVID-19 emergency.

Covid-19 has further marginalised people with disabilities

We need to build a disability-inclusive response to Covid-19. Since the beginning of the year, more than 200 nations across the globe have been affected by Covid-19. Many are still reeling under the devastating effects of the pandemic, with both public health and the global economy having taken a major blow. Emerging markets seem to be especially vulnerable, given that their healthcare facilities tend to be ill-equipped to tackle a pandemic of this nature and scale. Worse, and even more worrying, is the fact that the end to this global crisis is still nowhere in sight, and we have not been able to assess the damage to lives and livelihoods.

Despite governments having taken drastic steps, including offering varying degrees of support to their citizens, there remain certain sections of society that have been inadvertently excluded. Persons with disabilities (PwDs)—more than one billion in number globally—are one such group. This is because much of the advocacy on how to stay safe during the pandemic has not factored in the inability of people who are immobile or living with mental illnesses to follow these instructions. “Containment measures, such as physical distancing and self-isolation, maybe impossible for those who rely on the support of others to eat, dress, and bathe.”

Nursing home coronavirus commission members chosen

([James M. Berklan](#)—McKnight’s Long-Term Care News)

More than 800 applications were received, according to an official overseeing the process. Major long-term care stakeholders, as well as researchers, consumer advocates and representatives from a variety of other affiliated groups are expected to fill the panel.

Its charge is to assess providers’ responses to COVID-19, and suggest best practices for future similar events. Plans to form the panel were announced at an April 30 White House ceremony that garnered wide attention.

The commission will hold its first meeting next week by remote hook-up, Schnitzer said. Subsequent four-hour meetings will take place weekly through July. The commission will complete its work by Sept. 1.

“All Commission members are required to attend the kick-off and must make it a priority to attend the majority of convenings of the full Commission,” Schnitzer wrote in the letter, which was sent to selected applicants. Proxies may not be sent to any of the meetings, he added.

The commission will “collaboratively conduct a comprehensive assessment of the response to the COVID-19 pandemic within nursing homes in order to make recommendations that will inform efforts to safeguard the health and quality of life of vulnerable Americans as the nation continues to battle COVID-19, as well as prepare for future threats to public health and safety,” he said.

CMS Ends Emergency Blanket Waiver for the Nursing Home Staffing Data Submission Requirement

Today, the Centers for Medicare & Medicaid Services (CMS) announced plans to end the emergency blanket waiver requiring all nursing homes to resume submitting staffing data through the Payroll-Based Journal (PBJ) system by August 14, 2020. The PBJ system allows CMS to collect nursing home staffing information which impacts the quality of care residents receive. The blanket waiver was intended to temporarily allow the agency to concentrate efforts on combating COVID-19 and reduce administrative burden on nursing homes so they could focus on patient health and safety during this public health emergency.

The memorandum released today also provides updates related to staffing and quality measures used on the Nursing Home Compare website and the Five Star Rating System.

Karl Lagerfeld's cat is locked in inheritance battle

When Karl Lagerfeld died in 2019, rumours circulated that his Birman cat, Choupette, was to inherit his \$270 million (approx.) fortune. A year on and the Chanel creative director's estate has yet to be finalised but details have emerged that while Choupette is an heir, she isn't the only one set to inherit a share of his sizeable fortune, and the seven beneficiaries are struggling to access Lagerfeld's assets — that includes property in Paris and Monaco, a bookstore and designer furniture.

Enter: Lucien Frydlender, 87, Lagerfeld's "trusted" accountant for many decades. Tasked with managing the creative director's finances, Frydlender is responsible for distributing the estate according to the will that was drafted by Lagerfeld.

However, according to an investigation by French publication *Le Parisien* featured in *Voici* magazine, Frydlender has not been taking calls from the beneficiaries, and "after closing his office in September 2019, the former collaborator of Karl Lagerfeld has simply disappeared from radar," raising questions for those involved.

When Choupette will get her inheritance, and what that will look like, is anyone's guess, but over a year since the death of her owner, Lagerfeld, Chanel and, of course, Choupette fans have been concerned for the pet, that made over \$4 million in 2015.

Make Sure Your Beneficiary Designations Match Your Estate Plan

Many types of property and investments pass outside of probate and allow you to designate who will receive them after your death. It is important that these designations are kept up to date and are consistent with the rest of your estate plan.

COVID-19: KEEPING PEOPLE WITH DISABILITIES SAFE – PART 4

(Denise Quigley—TASH)

“In Part 4 (my final blog), you will find some of my favorite online COVID-19 resources. I hope you find them helpful as you move from sheltering in place to resuming life in the community – a different kind of normalcy.”

“I am going to close with a list of organizations whose websites have information on COVID-19 and provide great advocacy tips. It is in no way meant to be exhaustive. These sites are innovative, comprehensive, easy to access, or provide helpful links to national disability organization COVID-19 websites. Be safe, everyone.”

COVID-19 pandemic encourages consumers to plan for long-term care: survey

The COVID-19 pandemic served as a wake-up call to Americans about their mortality, inspiring three out of four adults to make changes for a better future — including saving to pay for future long-term care in the setting of their choice, according to a new Genworth Financial survey.

Genworth’s [COVID-19 Consumer Sentiment Survey](#) of 1,000 adults aged 18 or more years from across the country looked at the effects of COVID-19 on Americans’ lives and what they think about long-term care and financial security.

Among the changes inspired by the coronavirus crisis, 32% said they are making sure they are financially prepared to pay for future long-term care in the setting of their choice. One in three Americans said they already have started taking action to achieve this goal by “thinking, researching, talking to loved ones and/or financial professionals about how they would pay for long-term care services they might need.”

Most respondents said they would prefer to receive long-term care at home.

When Buying a Medigap Policy, It Really Pays to Shop Around

Medigap policies that supplement Medicare’s basic coverage can cost vastly different amounts, depending on the company selling the policy, according to a new study. The findings highlight the importance of shopping around before purchasing a policy.

When you first become eligible for Medicare, you may purchase a Medigap policy from a private insurer to supplement Medicare's coverage and plug some or virtually all of Medicare’s coverage gaps. You can currently choose one of eight Medigap plans that are identified by letters A, B, D, G, K, L, M, and N. Each plan package offers a different menu of benefits, allowing purchasers to choose the combination that is right for them.

IRS announces rollover relief for required minimum distributions from retirement accounts that were waived under the CARES Act

The Internal Revenue Service announced that anyone who already took a required minimum distribution (RMD) in 2020 from certain retirement accounts now has the opportunity to roll those funds back into a retirement account following the CARES Act RMD waiver for 2020.

The 60-day rollover period for any RMDs already taken this year has been extended to August 31, 2020, to give taxpayers time to take advantage of this opportunity.

The IRS described this change in Notice 2020-51 (PDF), released today. The Notice also answers questions regarding the waiver of RMDs for 2020 under the Coronavirus Aid, Relief, and Economic Security Act, known as the CARES Act.

The CARES Act enabled any taxpayer with an RMD due in 2020 from a defined-contribution retirement plan, including a 401(k) or 403(b) plan, or an IRA, to skip those RMDs this year. This includes anyone who turned age 70 1/2 in 2019 and would have had to take the first RMD by April 1, 2020. This waiver does not apply to defined-benefit plans.

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