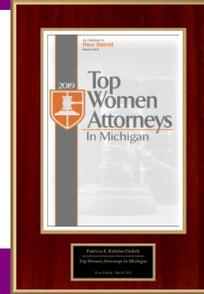


# Patricia E. Kefalas Dudek & Associates

Passionate Advice and Advocacy for all  
Stages of Life

May 2019



## NATIONAL PREVENTION WEEK

SAMHSA (Substance Abuse & Mental Health Services Administration) National Prevention Week is an annual health observance dedicated to increasing public awareness of, and action around, mental and/or substance use disorders.

SAMHSA's next National Prevention Week will take place **May 12 through 18, 2019**. Each year around this observance, communities and organizations across the country come together to raise awareness about the importance of substance use prevention and positive mental health.

[Click Here for More Details](#)

*More from SAMHSA*

### **Guidance on Inappropriate Use of Antipsychotics: Older Adults and People with Intellectual and Developmental Disabilities in Community Settings**

This Guidance reviews non-pharmacologic behavioral approaches and strategies to avoid and reduce prescribing of antipsychotics whenever possible for older adults with dementia and people with intellectual and developmental disabilities.

[Click Here to Download the Publication](#)

## **BATTLING COMBAT VETERANS' TRUE ENEMY: THE SPECTER OF SUICIDE**

It's a startling statistic: At least [20 veterans take their own lives](#) every day.

There's a suicide epidemic among veterans, and mental health professionals aren't equipped to handle it, argue Michigan State University social workers and veterans.

But a new MSU program could change that.

MSU is the first university in the country to launch a [Combat Veterans Certificate Program](#), which immerses social work graduate students in veterans' intense and emotional journeys from boot camp to war to civilian life.

[Click Here to Continue Reading](#)

---

## **Bipartisan effort underway in Lansing to tackle elder abuse**

A House committee heard testimony Wednesday on a 14-bill package that targets the abuse of Michigan's elderly.

The bipartisan 14-bill package calls for changes in state law to make it a crime to assault or restrain an elder adult; the language also defines an elder adult as anyone 65 years old and older.

[Click Here to Read the Full Article](#)

---

## **AbbVie Announces Call for Entries for the AbbVie CF Scholarship for the 2019-2020 Academic School Year**

- Scholarship awards \$3,000 to 40 exceptional students living with cystic fibrosis (CF) for academic excellence, creativity and community involvement
- Top 40 students compete for public votes to receive one of two Thriving Student Scholarships for a total of \$25,000 each
- Over \$3 million in scholarships awarded to CF students to date through the CF Scholarship program

AbbVie, a global research and development-based biopharmaceutical company, today announced that the AbbVie CF Scholarship program is now accepting applications for the 2019-2020 academic school year. Undergraduate and graduate students are invited to apply for the scholarship until May 29, 2019 at 11:00 a.m. U.S. eastern time by visiting [www.AbbVieCFScholarship.com](http://www.AbbVieCFScholarship.com). Students can apply online or by downloading an application on the scholarship website.

[Click Here for Additional Information](#)

## **#SayTheWord reclaiming the term 'disability'**

Researchers are now encouraging the use of the term 'disability' in order to recognise disability as a valued aspect of diversity and identity.

"Attempts to avoid the use of the word 'disability' and couch discussions in positive terminology or euphemisms can have unintended consequences. Avoiding the term reinforces the idea that disability is a negative or undesired state," said Carrie Pilarski, a researcher.

In the study published in *Rehabilitation Psychology*, Pilarski and colleagues challenge a trend toward removal of the term disability in the hope of improving disability cultural competency. Pilarski said that while the term disability is widely used and universally accepted, often there are other terms substituted, such as 'differently-abled', 'special needs', and 'physically challenged'.

"People use these terms because they see them as accentuating the strengths of people with disabilities. But despite the good intention, these terms are euphemisms that deny recognition of disability as a valued aspect of diversity and identity," she said.

[Click Here for the Full Article](#)

---

## **MDHHS seeking to identify providers interested in participating in Patient Centered Medical Home payment model program**

The Michigan Department of Health and Human Services (MDHHS) has released an application to identify primary care providers interested in engaging in a preferred Patient Centered Medical Home (PCMH) payment model program.

MDHHS has worked with Michigan Medicaid Health Plans (MHPs) to establish a standard set of PCMH requirements designed to better coordinate care for Medicaid beneficiaries. A PCMH is a team-based model of care in which a patient's care is coordinated through their primary care physician to ensure they receive the care they need, when and where they need it, in a manner they can understand.

This program, administered through Michigan's MHPs, has built upon initiatives developed in both the Michigan Primary Care Transformation Project and the State Innovation Model PCMH Initiative. Both programs have served as a catalyst for MDHHS to further encourage innovative models of primary care across the state.

MDHHS is facilitating a central application process to identify provider interest in participating in MHP administered PCMH payment programs. Provider interest applications must be submitted electronically by May 24, at 11:59 p.m. EST.

[Click Here for the Full Notice and Access to the Application](#)

## **New LifeSecure Policy Offers Hospital Observation Care Coverage**

LifeSecure Insurance Company has come up with a new hospital indemnity insurance policy that can help policyholders cope with a new trend in health care delivery: Hospitals' growing tendency to keep patients in beds in "observation status," without formally admitting the patients.

Observation status may give hospitals a chance to monitor patients who are not clearly in need of inpatient hospital care, but it may expose patients to big bills that fall in a gray area between outpatient care coverage inpatient hospitalization coverage, and convalescent care coverage.

Traditional Medicare, for example, will pay for skilled nursing facility care for a patient recovering from a serious illness or injury, but only if the patient has been admitted as an inpatient for at least three days.

LifeSecure — a Brighton, Michigan-based company best known for its long-term care insurance policies — says its new Hospital Recovery Insurance with Observation Coverage includes many benefits that can help a patient cope with hospital care, even if the patient has not been formally classified as an inpatient.

[Click Here to Continue Reading](#)

---

## **19 People With Illnesses and Disabilities Featured in TIME 100's Most Influential People 2019**

On Wednesday, TIME released its annual "TIME 100" list of most influential people of the year.

The people recognized range from musicians and athletes, to politicians and businessmen, and activists and change-makers. While each individual's impact is unique, they have all been selected for having a significant influence on the world.

Nearly one-fifth of the individuals recognized this year have also spoken about living with a health condition. Some have struggled with their mental health, while others have a chronic illness or disability.

Although there weren't any individuals this year who were recognized specifically for their health advocacy efforts, we wanted to thank these 19 celebrities and public figures for being open about the health struggles they face. By speaking out and raising awareness of different illnesses, these individuals can use their platform to help break down stigmas, fund research and new treatments, and contribute to a better understanding of various health conditions.

[Click Here to See the List](#)

## Caregiving Community Survey

The Diverse Elders Coalition has just launched a new online survey for family caregivers of older adults, and we want to hear from you. If you're providing support to a spouse, partner, parent, grandparent, friend, neighbor, or other family member, please visit [www.diverseelders.org/survey](http://www.diverseelders.org/survey) to tell us about your experiences. This anonymous survey will take approximately 20 minutes to complete and will be used by the Diverse Elders Coalition to develop tools to better meet the needs of caregivers in our communities. You could win a \$25 Target gift card for participating! This research is generously supported by The John A. Hartford Foundation and has been developed in partnership with the Benjamin Rose Institute on Aging.

---

## Together with Disability Advocates and Getty Images, Verizon Showcases Inaugural Disability Collection Photos

People with disabilities make up about 20 percent of the population, but are featured in less than 2 percent of images we see in media. Verizon, the National Disability Leadership Alliance, and Getty Images partnered to change that with The Disability Collection, a growing collection of stock images that break stereotypes and authentically portray people with disabilities in everyday life.

For the first time The Disability Collection's inaugural images--now totaling over 350 with hundreds more in curation--were unveiled and are being showcased at the Verizon Technology and Policy Center in Washington, D.C. A celebratory event marked the occasion and brought together leading disability advocates, photographers and media professionals for a pop-up gallery experience, networking and discussion on the importance of disability representation in the media.

[Click Here For More](#)

---

## Medicaid Applicant's Authorized Representative Can Appeal Eligibility Determination

Reversing a lower court, an Ohio appeals court rules that a nursing home, as a Medicaid applicant's authorized representative, has standing to appeal the applicant's eligibility determination to court. *Juanita Fowler Life Care Centers of America, Inc. v. Ohio Department of Job and Family Services* (Ohio Ct. App. 8thDist., No. 106989, April 4, 2019).

[Click Here to Continue Reading](#)

## **Report: CMS should do more to help states implement long-term care background checks**

The Centers for Medicare & Medicaid Services should do more to help states fully implement background checks for long-term care employees, recommends [a report](#) released Thursday by the Department of Health and Human Services Office of Inspector General.

CMS concurred with the recommendation.

Enacted by legislation in 2010, the National Background Check Program provides grants to states to develop systems to conduct background checks of state and federal criminal history records for prospective long-term-care employees for nine types of long-term-care facilities or providers:

- providers of personal care services,
- residential care providers that arrange for long-term-care services or provide long-term-care services,
- skilled nursing facilities,
- nursing facilities,
- providers of adult day care,
- home health agencies,
- providers of hospice care,
- long-term-care hospitals and
- intermediate-care facilities for individuals with intellectual disabilities.

The OIG reviewed grant-monitoring documents and financial reports and collected additional information to determine the extent to which the 10 states that concluded participation between 2013 and 2016 had implemented certain program requirements.

[Click Here to Read that Article & a Summary of the Reports Findings](#)

---

## **Attorney's Estate Cannot Enforce Contract with Client Because Attorney Died Before Contract Completed**

A Mississippi appeals court rules that the estate of a lawyer who entered into a contract with a client that required the lawyer be paid once the client died could not recover on the contract because the lawyer died before the client. Estate of Buford v. Freeman (Miss. Ct. App., No. 2017-CA-01775-COA, April 16, 2019).

Lee Buford hired attorney Barry Blackburn to provide estate planning and to administer his estate. The contract stated that Mr. Blackburn would receive a fee of \$265,000 to be paid by Mr. Buford's estate after he died. Six years after signing the contract, Mr. Blackburn died. Two managers took over Mr. Blackburn's law firm in order to collect debts. Two years later, Mr. Buford died.

[Click Here to Continue Reading](#)

## Medicaid Applicant Entitled to Penalty Reduction for Payments Made to Nursing Home

A Kentucky appeals court rules that a Medicaid applicant is entitled to reimbursement for transferred assets that were privately paid to the nursing home while her application was pending but not yet approved. *Estate of Cooper* (Ky. Ct. App., No. 2017-CA-001663-MR, April 12, 2019).

In August 2012, Lennie Cooper became a resident of a nursing home and at the same time she transferred real estate and cash valued at nearly \$160,000 to her daughter. The following month, an application for Medicaid benefits was filed on Ms. Cooper's behalf. In October 2012, the state Medicaid agency denied the application due to the asset transfers and because the application failed to include a Qualifying Income Trust.

However, the denial notice was mailed to the wrong address and was not received by Ms. Cooper. In 2013, Ms. Cooper's attorney learned of the denial and Ms. Cooper was given the opportunity to supplement the application with the required information. Subsequently, the agency approved Medicaid benefits for Ms. Cooper retroactive to June 2014 and she died in July 2014. While Ms. Cooper's application was pending, her daughter had paid the nursing home \$120,880 from the transferred funds to cover the cost of Ms. Cooper's care from her admission through May 2014. Ultimately, the agency determined that Ms. Cooper was entitled to benefits only as of June 2014 because private payments for her care ended in May 2014.

Ms. Cooper's estate appealed to a trial court, asserting that the penalty period should have been reduced to account for the transferred resources used to pay for her care.

[Click Here for the Rest of the Story](#)

For more news and information about Patricia and Patricia E. Kefalas Dudek & Associates please visit us online.

[www.pekdadvocacy.com](http://www.pekdadvocacy.com)

[www.pattidudek.typepad.com/](http://www.pattidudek.typepad.com/)



# Patricia E. Kefalas Dudek & Associates

30445 Northwestern Highway, Suite 310 Farmington Hills, MI 48334

Tel: [248-254-3462](tel:248-254-3462) Fax: [248-928-9233](tel:248-928-9233)

[pdudek@pekdadvocacy.com](mailto:pdudek@pekdadvocacy.com)

If you would like to add anyone to or be removed from the e-mail list please notify the editor. [dwelsh@pekdadvocacy.com](mailto:dwelsh@pekdadvocacy.com)

This e-newsletter is a publication of Patricia E. Dudek & Associates. The legal information presented in this e-newsletter is intended for information purposes only and is not a substitute for consultation with a legal professional.