Instructors: Kevin F. Bress, Esq.
Kimberly L. Battaglia, Esq.

Office Address: P K Law
901 Dulaney Valley Road, Suite 400
Towson, Maryland 21204

Phone: 410-938-8800

Course Objectives

This course will equip you with the tools you will need to advise a client on the myriad of issues that face a person who is confronting the legal and financial issues involved with going into a long term care institution, such as a nursing home. Besides the core legal issues involved with long term care planning, such as the rules regarding Medicaid, there are numerous estate planning issues, real estate principles, tax concepts and trust options which must be understood as a logical part of that study.

Families with a member suffering from a long term disability will often seek the advice of an “elder law” attorney. Getting to know the client is where it all begins. Getting the right information in an elder law context, and then properly understanding and using that information, is an important focus of the course.

As your instructors and as practicing elder law attorneys, we will not only expose you to the world of long term care but also share our experiences from actual situations to help you to identify and develop solutions to the problems of an aging population. Whether the afflicted person is wealthy or indigent, an elder law attorney can be of assistance by advising of the numerous programs that are available and how to protect a person’s life savings in the process.

The course will emphasize problem solving and pre-crisis planning for a potential long term care stay. We’ll explore alternative living options such as assisted living, home healthcare, and continuing care retirement communities. The coverage provided by Medicare and Medicaid as it relates to long term care will be contrasted. Once we review the Medicaid eligibility rules, we will practice developing strategies to enable families to protect some of their life’s savings.

You will be introduced to certain fundamental concepts of financial planning and estate planning, as well as selected topics regarding the estate tax, gift tax and income tax.
Materials available through TWEN

Your student subscription to LexisNexis should give you access to the text: Frank, Jason. *Elder Law in Maryland.* 4th ed. LexisNexis, 2012. Assigned readings will be abridged portions of chapters and provided to you. You may wish to gain a more complete insight into the topic by accessing the text and reading the unabridged, complete chapter.

Final Examination

The final exam in this course will consist of some combination of multiple choice, short answer questions and one comprehensive case study. Students will not be permitted to use any materials for this *closed book* exam.

Course Policies

In a course of this nature, attendance is of paramount importance. Each class session will build upon the previous sessions, and a better understanding of this subject matter is definitely gained from the interactive discussion and analysis in the classroom. Therefore, it is essential that students miss no more class time than is absolutely necessary. Students will be called upon to provide responses to questions and the quality of participation will weigh heavily on the participation component of each student's grade.

Grading

Your grade in this course will be based upon class participation and your grade on the final examination.

Your grade will be calculated as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Class Participation and Attendance</td>
<td>10%</td>
</tr>
<tr>
<td>Quiz</td>
<td>15%</td>
</tr>
<tr>
<td>Final Examination</td>
<td>75%</td>
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Reading Assignments

Be prepared each week by having first read the chapter assigned for that week. It is expected that you would be prepared to discuss the material in class for that week’s assignment.


Week 1 – August 20  Appendix Intro A and Intro B (at beginning of text).

Week 2 – August 27:  Chapter 7 – Asset Management

Week 3 – September 3:  Chapter 7 – Asset Management, continued

Week 4 – September 10:  Chapters 1 & 2 – Social Security and Medicare

Week 5 – September 17:  Chapter 8 – Probate + Handout: *Estate Planning*

Week 6 – September 24:  Chapter 8 Continued – Chapter 3 Veterans Benefits


Week 8 – October 8:  Long Term Care Insurance – Handout to be supplied

Week 9 – October 15:  Chapter 11 – Housing and Exploitation of Vulnerable Adults

Week 10 – October 22:  Chapters 9 & 10 - Medical Decision Making & Guardianship

Week 11 – October 29  Medicaid Eligibility Planning

Week 12 – November 5  Case Study – Single Applicant

Week 13 – November 12:  Case Study – Married Applicant

Week 14 – November 19:  Course Review