

# Agenda

## Handling Ethical Issues in Representation of the Elderly

C. Sears

- Identifying the client
- Preventing conflicts of interest
- Determining client capacity
- Maintaining client confidentiality

## What Every Elder Law Attorney Needs to Know About Pooled Special Needs Trusts

K. Konvicka

- Overview of a PSNT
- Giving your plan a PSNT options
- Naming the right beneficiary for qualified plans and insurance policies
- A primer on SSI, Medicaid, Medicare and SSDI government benefits
- Remainder policies for first and third-party SNTs
  - Debunking the myth that all PSNTs keep the remainder
- IRA- SECURE Act
  - Will the PSNT hold IRA accounts?
- POM specifically allows funding from trusts to an ABLE account
  - Trust to ABLE transfers to avoid In-kind support and maintenance reduction

## Medicaid: Long-Term Care Planning, Estate Planning and Asset Transfers

R. Feinman  
D. Gelbman

- Planning for Medicaid eligibility
- Eligibility criteria
- Gifting and other transfers
- Spousal impoverishment rules
- Penalties and disqualification periods, transferee liability, exceptions
- New and expanded restrictions on Medicaid planning
  - Viability of asset transfers
  - Use of trusts
  - Use of annuities
  - Viability of Medicaid planning

## Reviewing Alternatives to Nursing Home Care

D. Gelbman

- Assisted living
- Community care
- In-home care
- Assistance from Aging and Disability Resource Centers
- Cost estimates and financial planning options

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## Virginia Medicaid and Long-Term Care Planning

Live, Interactive Webinar - Wednesday, December 8, 2021

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## Learning Objectives

### You'll be able to:

**Understand** ethical issues in representation of the elderly.

**Discuss** what every elder law attorney needs to know about pooled special needs trusts.

**Explore** long-term care planning, estate planning and asset transfers.

**Review** alternatives to nursing home care, including assisted living community care and in-home care.



## HalfMoon Education Live Webinars

# Virginia Medicaid and Long-Term Care Planning

Live, Interactive Webinar - Wednesday, December 8, 2021



**Determine** client capacity and maintain client confidentiality

**Learn** how to use pooled special needs trusts

**Examine** Medicaid eligibility criteria

**Discuss** restrictions on asset transfers and trusts for Medicaid planning

**Estimate** long term care costs and discuss financial planning options

### Continuing Education Credits

**Virginia Accountants**  
7.0 CPE Hours

**Virginia Attorneys**  
6.0 MCLE Hours  
(Including 1 Ethics Hour)



# Faculty

**Cathy Sears** *The Peninsula Center for Estate and Lifelong Planning*  
Ms. Sears is a 2017 graduate of the College of William & Mary School of Law. During law school, she worked as a law clerk for The Peninsula Center. She also worked extensively with the William & Mary Elder & Disability Law Clinic, and was a staff member of the William & Mary *Journal of Women and the Law*. Ms. Sears graduated *summa cum laude* from Franklin & Marshall College. She is a member of the Phi Beta Kappa, Pi Sigma Alpha, and Pi Gamma Mu honor societies. She served on the executive boards of the John Marshall Pre-Law Honor Society and the John Newman Association. She also completed internships at a non-profit legal services office and at a Magisterial District Court in Pennsylvania. Ms. Sears focuses her practice on estate planning and elder law, and has experience in drafting estate planning documents, caregiver agreements, and guardianship/conservatorship proceedings. She is also familiar with the application processes for long-term care Medicaid, SSI/SSDI, and veterans benefits. She is the chair of the Life Care Planning practice area at The Peninsula Center.

**Karen Dunivan Konvicka** *Commonwealth Community Trust*  
Ms. Dunivan Konvicka serves as director of Client Services and as general counsel for Commonwealth Community Trust (CCT). When in private practice, Ms. Konvicka specialized in public benefits law and estate and trust planning and administration for individuals with special needs. Ms. Konvicka maintains her memberships in the Virginia State Bar, the National Association of Elder Law Attorneys (NAELA), and the Virginia Association of Elder Law Attorneys (VAELA) and enjoys continuing to educate attorneys and families about special needs planning from the pooled trust perspective.

**Ron Feinman** *Virginia Elder Law, PLC*  
Mr. Feinman, founder and principal in Virginia Elder Law, PLC, is a native of Lynchburg, Virginia. He received his law degree from the University of Virginia in 1979 and maintains a private practice serving all of Central Virginia. Raised in a legal household, Mr. Feinman began practice with his father where he developed expertise in civil litigation, sophisticated real estate law, contracts and commercial law, as well as sophisticated tax and trusts and estate planning. His focus shifted to special needs planning and elder law in the late 1990's and has been his focus ever since. Mr. Feinman is a member of WealthCounsel, a national collaborative of estate planning attorneys developing and sharing state of the art planning techniques, documentation and processes, and its sister organization, ElderCounsel, with a similar focus on Elder Law. For many years Mr. Feinman participated as a member of Medicaid Practice Systems, another nationwide Elder Law attorney consortium. He is

a member of the National Association of Elder Law Attorneys (NAELA) and serves on the board of the Virginia Academy of Elder Law Attorneys (VAELA). He spent 9 years as a board member of the Commonwealth Community Trust (a nationwide pooled disability trust located in Richmond Virginia) and still serves on its Disbursement Committee; he drafted the amendments to allow the Trust to accept clients from all 50 states and to incorporate Medicare set aside sub-trusts under its master trust agreement. Mr. Feinman is past member of the Charitable Planning Committee of the Association for Advanced Life Underwriting and is a former board member and past president of the National Association of Philanthropic Planners (NAPP). Mr. Feinman is a member of the Virginia State Bar Taxation Section and the Trusts and Estates Sections, and the Central Virginia Estate Planning Council.

**Doris Gelbman** *Gelbman Law, PLLC*  
Ms. Gelbman enjoyed success in two nonlegal careers before returning to school and then law school. Following law school, Ms. Gelbman went to work for a large law firm in Boston and spent time in the litigation department honing her new legal skills under the supervision of senior, experienced lawyers. In mid-2009 she relocated to Virginia to care for her parents in Lynchburg, Virginia. It was in this transition that Ms. Gelbman learned about the difficulties faced by the aging and their families. She learned that when the elderly – or their adult children – have an advocate, the older adult (and their family members) can concentrate on what is far more important: getting better and maintaining the best possible quality of life. After success stabilizing her own parents' situation, she decided to help those who were having difficulty helping themselves. In late 2009, Gelbman decided to turn her practice to taking on the role of advocate for others. While waiting for her Virginia law license, she assisted in editing the latest edition of the definitive Massachusetts Practice manual's section on Elder Law, working with Massachusetts' most experienced elder law attorneys. After successfully passing the Virginia Bar Exam, Ms. Gelbman opened her own practice and within a single year, developed a thriving practice and remains in high demand. She appears monthly at the Center at Belvedere (formerly The Senior Center) She is a guest lecturer for the University of Virginia's Law School Elder Law Clinic on issues related to mental capacity. She also frequently teaches at conferences and Continuing Legal Education on mental capacity, elder abuse, and surrogate decision making. She is an active member the National Academy of Elder Law Attorneys (NAELA) and its Virginia chapter, VAELA She is also a member of the Charlottesville/Albemarle Bar Association (CABA), serving as the chair of the Elder Law Sections and is a member of and the Women's Bar section.

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# Registration

**Virginia Medicaid and Long-Term Care Planning**  
Live, Interactive Webinar - Wednesday, December 8, 2021

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