

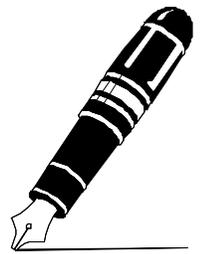
# JAMES M. O'REILLY

Elder Law Services | A Division of  
JEFFREY ♦ BURR

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**“SOLUTIONS FOR SENIORS”**

Issue: 93



## ARE YOU MEDICARE ELIGIBLE?

Medicare is a federal health insurance program for people age 65 and older. Importantly, Medicare also covers anyone under age 65 if they have a Social Security qualified disability or suffer from end-stage renal disease.

Generally, you are eligible for premium-free Medicare Part A benefits (hospital care) if you are 65 or older and have worked at least 10 years (40 quarters) in Social Security and/or Medicare-covered employment. You may also qualify based on the work history of your current, former, or deceased spouse.

You should enroll in Medicare Part B (outpatient expenses and doctor fees) when you turn age 65, if you wait, you will have to pay a late-enrollment penalty and your Medicare premiums will be higher.

For more information regarding Medicare eligibility, contact the Social Security Administration at (800) 772-1213 or you can visit the Social Security website at [www.ssa.gov](http://www.ssa.gov).



A guide at the Tower of London was describing executions there in years gone by. “It was traditional,” he said, “for the condemned to give the executioner money in return for an easy death. “It was,” he said, “the first recorded use of the term, ‘severance pay’.”



The love you give away is the only love you keep. . . . Elbert Hubbard 1856-1915



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## WHAT ABOUT MEDIATION?

Do you have a problem with your neighbor's barking dog? Have your talks with your neighbor gone nowhere? Is there a dispute between you and your home owners' association or a local merchant? The answer may be as close as the Clark County Neighborhood Justice Center. This is a free service to help local residents, property owners and business owners resolve conflicts.

What is mediation? It is a voluntary process where a neutral party helps each party to reach a satisfactory agreement. Mediation offers parties the chance to work on resolving differences informally and confidentially. Mediators are specially trained and most often are successful in resolving problems between neighbors, merchants and home owners' associations.

If you are interested in a mediation, call the Neighborhood Justice Center at (702) 455-3898. The receptionist will ask for preliminary information and then assign a case manager. These services are private, confidential and free. Is there a more neighborly way to resolve neighborhood disputes?

## DISTRIBUTION OF THIS NEWSLETTER



We encourage you to share this newsletter with anyone who is interested in issues pertaining to the elderly. The information in this newsletter may be disseminated without charge or permission, but with appropriate reference to *Solutions for Seniors*.



## SEVEN WAYS TO MAKE A DIFFERENCE

If you are considering a gift to charity, either by will or through your trust at the time of your passing, then it is essential that your intentions are properly documented. You should meet with your attorney to discuss your planning options so as to insure that your intended bequest is made as you have instructed.

There are four generally accepted methods for leaving a gift to a charity upon your death:

1. **Specific bequest** - This is a bequest of a specific item to the named charity, i.e., “I give my 2009 Toyota Corolla automobile, Nevada license ABC123, to the XYZ Charity.” If the specified item (in this case, the automobile) is not owned by you or your trust at the time of your passing, the charity gets nothing. The charity will not get the value of the automobile.

2. **General bequest** - This is a bequest stated as a specific dollar amount, i.e., “I give \$50,000 to the XYZ Charity.” If you do not have \$50,000 in liquid assets, your estate administrator will sell other assets such as stocks, automobiles, homes, etc. in order to obtain sufficient money to satisfy the gift to charity.

3. **Contingent bequest** - This bequest depends on the happening of some future event that may or may not occur. As an example, your Will may state, “In the event I am not survived by my spouse, I give \$50,000 to the XYZ Charity.” In this case, the charity will receive the gift only if you are preceded in death by the earlier passing of your spouse.

4. **Residuary bequest** - A bequest of all the “rest, residue and remainder” of your estate is called a residuary bequest. A residuary gift is paid after all other distributions, expenses and taxes have been paid. By way of example, if the total value of your estate is \$500,000 and you leave \$400,000 in specific gifts to your children, and the taxes, expenses and costs of your estate

are \$25,000, the XYZ Charity would receive \$75,000.

Once the amount of your charitable gift and its distribution method has been determined, three options exist as to the form of your charitable gift:

1. **Unrestricted gift** - This is a gift for general charitable purposes and may be used in any manner as determined by the charity. It is a gift without conditions, and is the most useful form of gift since the charity may utilize your donation as it determines to be most appropriate.

2. **Restricted gifts** - These gifts allow you to specify how the charity may use the gift. Perhaps you have a special purpose in mind as to the application of your gift, i.e., “I give \$50,000 to the Las Vegas Animal Shelter to purchase new furnishings in its Pet Adoption Center waiting room.” If you desire to make a restricted gift, it is best to first consult with the charity to determine if the gift would fulfill an appropriate need for the charity and to ensure that your intentions can be carried out.

3. **Honorary or Memorial gift** - This is a gift given to honor or memorialize someone or some entity, usually in recognition of someone who has earlier passed or an organization that is important to you, i.e., “in memory of my mother, Mrs. Mary Smith” or “in memory of Viet Nam veterans.”

Finally, when you have made a determination to leave a charitable gift, you or your attorney may wish to contact the charity to inform the charity of your intended gift. Most charities will send you an acknowledgment of your planned gift and ask your permission to announce your gift through their media outlets. In so doing, the charity wishes to both acknowledge your generosity and to encourage others to make similar contributions. However, should you wish to remain anonymous, your gift will, of course, remain confidential.

## HEALTH CARE REFORM, IT'S HERE!



Earlier this year Congress passed the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010. Together, these two bills represent the most sweeping change to American health care since the 1965 enactment of Medicare.

The goals of this legislation are clear: nearly 95% of all American will now have access to medical insurance, 32 million people currently without coverage will soon be enrolled, and health care costs to the consumer and the government are to be reduced. These are lofty goals.

As with all legislation, it is certain to take several years for these new laws to be implemented. The U.S. Department of Health and Human Services must first adopt regulations, a process that is expected to take several years. What is clear, and what is of interest to our readers, is as follows:

- The Medicare prescription drug “do-nut hole” will close by 2020;
- Seniors who fall into the “do-nut hole” in 2010 will receive a \$250 rebate;
- Beginning 2011, seniors will receive a 50% discount on brand name drugs;
- Starting September 2010, there will be no preexisting conditions limitations on children;
- Starting 2014, there will be no preexisting conditions limitations on coverage for adults;
- Children will be eligible to stay on their parents’ insurance until age 26;
- The estimated cost will be \$940 billion over 10 years;

- The estimated deficit reduction over 10 years will be \$143 billion;
- Insurance coverage will be issued by insurance exchanges issued in each state;
- Subsidies will be available to individuals and families below the poverty level; and,
- Illegal immigrants will not be allowed to buy health insurance from the exchanges.

These two bills are nearly 1,000 pages and the new Department of Health regulations, when finally adopted, are certain to be several thousand more pages. Our office will be monitoring the changes to our health care system as these laws evolve and the implementing regulations are adopted.



## SAFETY FOR SENIORS



As we get older, our driving abilities change. While we may not wish to admit it, our flexibility, reaction time, and eyesight all diminish. By age 70 we can expect some decline in our driving abilities and by age 75 our risk of injury increases rapidly. Seniors over age 75 have the highest death rate per mile driven of any age group except teen drivers.

Awareness of our limitations and education are the answers. A great resource can be found at [www.AAA.com/seniordrivers](http://www.AAA.com/seniordrivers). In addition to tools and resources, there is a great Online Mature Driver Course which can help reduce the risk of traffic citations and collisions. And as an added plus, drivers passing this course may qualify for a reduction in their auto insurance premiums.

## GRANDMOTHER O'REILLY "RETIRED AND WIRED"



My mother is 90 years old and several years ago she discovered the Internet. Each issue of *Solutions For Seniors* features my mother's selected websites. This month she is featuring websites that cater to our readers who would like to cost compare prices for physician services. Patients, especially those without insurance or who have high deductibles, may wish to visit: [www.pricedoc.com](http://www.pricedoc.com), [www.healthcarebluebook.com](http://www.healthcarebluebook.com) and [www.outofpocket.com](http://www.outofpocket.com).



Once, at the University of California, a student got up to say that it was impossible for people of Ronald Reagan's generation to understand the next generation of young people. "You grew up in a different world," the student said. "Today we have television, jet planes, space travel, nuclear energy, computers..."

When the student paused for breath, Ronnie said, "You're right. We didn't have those things when we were young. We invented them."

... Nancy Reagan  
*My Turn: The Memoirs of Nancy Reagan*

### PLEASE CALL US



If you have changed your name or address, or if you are receiving more than one copy of *Solutions for Seniors*, please contact us so we may correct our records. Call 477-7517, (800) 869-1392, or visit our website: [www.jmoreilly.com](http://www.jmoreilly.com).

Thank You!

# INTRODUCING

## CHRISTINA M. HODGIN

Christina Hodgin, Probate Case Clerk, received her Clerical Certificate from Clovis Community College in New Mexico and her Paralegal Certificate from the University of Arizona. Ms. Hodgin comes to our office with many years of prior legal experience.

A native of New Mexico, Ms. Hodgin currently lives in Las Vegas with her two children. In her spare time she enjoys photography, painting, traveling, riding quads with her children, as well as cheering them both on in their motorcross racing.

## QUICK FACTS

More than 75% of Baby Boomers are providing unpaid care to an elderly parent. More than 50% of all Baby Boomers are helping an older person manage their money.



Life is a great big canvas; throw all the paint on it you can. Danny Kaye 1913-1987

## THE LAST WORD

and

A gentleman shows up at a revival meeting, seeking help.

"I need you to pray for my hearing," he tells the preacher.

The preacher puts his hands on the man's ears and prays and prays.

When he's done, he asks, "How's your hearing now?"

"I don't know," replies the gentleman, "I don't go to court 'till next Tuesday."