Index

ABATEMENT

Wills, terminology, 10:40

ABSENCE OR PRESENCE

Directives, health care decision-making in absence of advance directives, **33:21**

Inpatient or skilled nursing care, Medicare Part A benefits, 25:115, 25:136

Real property, absence from residence, exclusion of gain on sale or exchange of principal residence, 7:22

Social Security Administration administrative hearing, presence of witness, **18:125**

SSI, one-third of absent parent's support excluded from unearned income, **16:73**

ABUSE

Elder Victimization, Abuse, and Neglect (this index)

ACCEPTABLE EVIDENCE OF AGE

SSI, eligibility, 16:20

ACCEPTANCE

Approval or Acceptance (this index)

ACCESS

Equal Access to Justice Act, Social Security Administration, 18:78 to 18:87

Mobility and access. Access and Mobility (this index)
Records, patients' rights, 23:16

ACCESS AND MOBILITY

Generally, 4:43 to 4:45

Age Discrimination Act, access to facilities, **35:220**

Attorney or assistance of counsel, accessibility of office, 2:2 to 2:4

ACCESS AND MOBILITY—Cont'd

Driving, **4:43 to 4:45**Patients' rights, **23:16, 23:19**

ACCOMMODATIONS

Attorneys, accommodating elderly clients, **2:2 to 2:7**

Discrimination in places of public accommodation. **Public Accommodations** (this index)

Medicare, private accommodations, 25:63, 25:64, 25:124, 25:125 Patients' rights, 23:17

ACCOUNTS AND ACCOUNTING

Distributions from qualified retirement plans and IRAs, 19:248

Guardians and conservators, 34:45

Individual Retirement Accounts (this index)

Joint accounts, 10:127

Postmortem planning and administration, **12:43**, **12:44**

Revocable trusts, avoidance of accountings with court or probate official, 10:81

SSI benefits, retrospective accounting, **16:28**

Trusts, 10:81

Wills, avoidance of accountings with court or probate official, **10:44**

ACCRUED BENEFITS

Nontax rules relating to qualified retirement plans, 19:50 to 19:52

ACCUMULATION

Disposing of businesses, accumulated earnings tax, 13:17

Excess retirement accumulations, distributions from qualified retirement plans and IRAs, 19:107

Financial planning, accumulating capital, **5:30 et seq.**

ACCUMULATION—Cont'd

Life insurance, 14:41

Medicare, aggregation of claims, **28:56**

Special needs trusts, accumulated assets. **16:139**

ACTIONS AND PROCEEDINGS

Appeal and Review (this index)
Guardians and Conservators (this index)

Limitation of Actions (this index)
Pensions and Retirement (this index)

ACTIVE SERVICE

Veterans, pension benefits, 17:22

ACTIVITY PARTICIPATION

Patients' rights, 23:20, 23:21

ACTUAL AVAILABILITY OF RESOURCES

SSI, 16:88

ADDITIONS

Increases or Decreases (this index)

ADEA

Age Discrimination in Employment Act (this index)

ADEMPTION

Wills, terminology, 10:38, 10:39

ADJUDICATION

Guardians and conservators, order adjudicating capacity or incompetence, **34:29**

ADJUSTMENTS

Age Discrimination in Employment Act, adjustment of lodestar, **35:146**

Basis (this index)

Disposing of businesses, adjusted book value, **13:27**

Financial planning, 5:22

Income (this index)

Inventory, postmortem planning and administration, **12:44**

Medicaid, 29:113 to 29:116

Medicare, 25:84

ADJUSTMENTS—Cont'd

Real Property (this index)

Social Security Administration, waiver of overpayment of OASDI or SSI benefits, **18:38**, **18:39**

Special valuation rules for transfer taxes, avoidance of double tax, 8:248. 8:249

AD LITEM GUARDIAN

Appointment, 34:21

ADMINISTRATION

Administrators and Administration (this index)

ADMINISTRATIVE CONTRACTORS

Medicare, 26:2

ADMINISTRATIVE MATTERS

Appeal and review

Pensions and Retirement (this index)

Social Security Administration, 18:35, 18:88 to 18:189

Credit discrimination, administrative enforcement, **35:179**

Employment discrimination, value of administrative process, **35:160**

Exhaustion of Administrative Remedies (this index)

Hearings (this index)

Law judges

Medicare, 28:54, 28:57, 28:58

Social Security Administration (this index)

Medicare (this index)

Older Americans Act, 4:3

Social Security Administration (this index)

ADMINISTRATORS AND ADMINISTRATION

Conservatorship administration, fiduciary principles, **34:43**

Estates (this index)

Expenses, 10:63, 10:69, 12:25

Pensions and Retirement (this index)

ADMINISTRATORS AND ADMINISTRATION—Cont'd

Postmortem Planning and Administration (this index) Wills, 10:34, 10:63, 10:69

ADMISSIBILITY OF EVIDENCE

Age Discrimination in Employment Act, **35:115**

Social Security Administration, administrative hearings, **18:148**

ADMISSION TO FACILITY

For correlative topic, see **Discharge** (this index)

Continuing care facilities, continuing care retirement communities, and life care facilities, admission agreement, **21:48**, **21:57**

Long-term and residential care facilities, ensuring continued quality of care post-admission, **21:8**

Medicaid, preadmission screenings, assessments, and reviews, nursing facilities, **30:33 to 30:35**, **30:42**

Medicare (this index)

Nursing facility prospective resident, admission advising contract questions, 21:39

Patients' rights, 23:28

ADOPTION AND ADOPTED CHILDREN

Fostering Connections to Success and Increasing Adoptions Act of 2008, **37:23.50**

Generation-skipping transfer tax, assignment of generation, **8:143**

Grandparents and Grandchildren (this index)

Penalty taxes on premature distributions from qualified retirement plans or IRAs, 19:73

Social Security Administration, allegation in complaint for disallowance of benefits, judicial review, 18:228

Wills, 10:58

ADULT CHILDREN

Medicaid, adult child who provided care, asset transfer, **29:111**

ADULT DAY-CARE

Home care, hospices, and similar care alternatives, 22:8 to 22:11

ADULT PROTECTIVE SERVICES

Generally, 4A:18 to 4A:25

Central registry, 4A:21

Emergency vs. non-emergency services, **4A:23**

Failures to investigate, 4A:24

Institutional framework, 4A:19

Post-report follow up and services, 4A:22

Reporting, mandatory reporting, **4A:20**

ADVANCE DIRECTIVES

Health care decision-making. **Health Care Directives** (this index)

ADVANCE FEES

Nigerian money (advance fee) offers, **4:21**

ADVANCE-LOAN SCHEMES

Consumer issues, 4:14

ADVANCEMENT

Wills, terminology, 10:38, 10:39

ADVANCE OR FUTURE MATTERS

Continuing care retirement community, counseling prospective resident, **21:54 to 21:60**

Directives. **Advance Directives** (this index)

Long-term care, advising prospective resident, **21:37 to 21:43**

Medicare (this index)

Wills, future incapacity, 10:45

ADVERSE ACTS OR MATTERS

Age Discrimination in Employment Act, 35:21, 35:48, 35:58

ADVERTISING

Age Discrimination in Employment Act, **35:24**

Continuing care facilities, continuing care retirement communities, and life care facilities, misleading advertising, 21:50

ADVICE OR ADVISING

Financial planning, 5:2 Long-term care facility prospective resident, 21:37 to 21:43

ADVOCACY, ADVOCATES AND ADVOCATE GROUPS

Consumer issues, **4:42**Guardianship proceedings, **34:13**, **34:25**

Michigan, designation of patient advocate, 33:50

Nursing homes, patients' rights, 23:54

AFDC

Aid To Families With Dependent Children (this index)

AFFIDAVITS

Age Discrimination in Employment Act, **35:116**

Social Security Administration, opposition to motion to dismiss judicial complaint for failure to exhaust administrative remedies, 18:213

Wills, self-proving affidavit, 10:75

AGE

American population, **1:2 to 1:6** Discrimination

generally, 1:16

Age Discrimination Act (this index)

Age Discrimination in Employment Act (this index)

Government-Assisted Programs, etc., Discrimination (this index)

Financial planning, 5:5

Government-Assisted Programs, etc., Discrimination (this index)

Income (this index)

Pensions and Retirement (this index)

Social Security (this index) SSI, eligibility, **16:19**, **16:20**

AGE DISCRIMINATION ACT

Generally, 35:213 to 35:235

AGE DISCRIMINATION ACT —Cont'd

Access to facilities, 35:220

Affirmative action by recipients, 35:230

Alternative funds disbursal, **35:229**

Burden of proof, 35:232, 35:233

Complaint processing procedure, 35:223, 35:224

Definitions, 35:216

Enforcing compliance, 35:223 to 35:235

Exclusion of programs and activities from coverage, **35:218**

Filing complaints, 35:224

Information, duty to provide, 35:220

Injunctions, private actions for, 35:231

Investigation, 35:226

Judicial review, 35:234

Mediation, 35:225

Permissible use of age distinctions and non-age-related factors, **35:217**

Private actions for injunctions, **35:231**

Records, duty to maintain, **35:220** Regulations, general and agencyspecific, **35:214 to 35:216**

Remedial action by recipients, **35:230**

Reports, 35:235

Responsibilities of agencies providing federal financial assistance, 35:222

Responsibilities of recipients of federal financial assistance, **35:219 to 35:221**

Reviews outside complaint processing procedure, **35:227**

Self-evaluations, duty to complete, **35:221**

Standard of proof, **35:232, 35:233** State violators, remedies available against, **35:233**

Substantive provisions, **35:213 to 35:222**

AGE DISCRIMINATION IN EMPLOYMENT ACT

Generally, 35:1 et seq.

AGE DISCRIMINATION IN AGE DISCRIMINATION IN EMPLOYMENT ACT—Cont'd EMPLOYMENT ACT—Cont'd Actual or constructive notice, 35:94 Circumstantial evidence—Cont'd Adjustment in lodestar, 35:146 lay opinions, **35:60** Admission, requests for, 35:115 pattern of treatment of elderly employees, 35:52 Adverse acts or matters, 35:21, pretext, 35:61 35:48, 35:58 Advertising, 35:24 qualifications, 35:47 rebuttal of circumstantial evidence, Affidavits, 35:116 35:73 to 35:79 Ageist slurs or remarks, 35:41, 35:56 savings from replacing elderly Appellate review, 35:129 employees, 35:57 Applications for employment statistical analysis, 35:53 generally, 35:26 stray ageist remarks, 35:56 reemployment, 35:26 substantive protection, 35:2 Appointment to specific position, treatment of similarly situated 35:137 employees, 35:54 Arbitration, 35:89 younger applicant or employee Assignments, 35:27 favored, **35:50** Attorneys' fees, 35:1, 35:138 to Claim or issue preclusion, 35:88 35:142 Class actions, 35:92, 35:105 Awards, calculation of, **35:140**, Clerk of court, 35:125 35:141 Closing and opening arguments, Back pay and fringe benefits, 35:28, 35:120, 35:124 35:133 to 35:135, 35:138 Collateral source offset, 35:134 Bona fide employee benefit plan, Communications, filing of charge, 35:82 35:92 Bona fide occupational qualification (BFOQ), **35:14**, **35:63 to 35:65** Compensation, 35:1, 35:23, 35:28, 35:130 to 35:135, 35:138 Bona fide seniority system, 35:90 Compensatory damages, generally, Burden of proof, 35:15 to 35:22 35:140 Business administration expert, 35:59 Connection between activity and Business necessity, 35:81 treatment, 35:22 Calculation of award, 35:140, 35:141 Constructive discharge, 35:34 Challenges for cause, voir dire, Constructive or actual notice, 35:94 35:119 Contents of charge, 35:100 Choice of forum, 35:106 to 35:108 Continuing violations, 35:96 Circumstantial evidence Costs, fees and expenses, 35:67, adverse employment decision or 35:143 to 35:147 practice, **35:48** Cost savings, reasonable factors other continued need of employer for than age, 35:67 position, 35:49 Covered employment decisions or deviation from standard operating practices, 35:23 to 35:37 procedure, 35:51 Damages dramatic change in evaluation. 35:55 generally, 35:1 compensatory damages, generally, expert opinions, 35:59, 35:60 35:140 inconsistent explanations for adverse employment decicovered employment decisions or sions, **35:58** practices, 35:23

AGE DISCRIMINATION IN	AGE DISCRIMINATION IN
EMPLOYMENT ACT—Cont'd	EMPLOYMENT ACT—Cont'd
Damages—Cont'd	Economic necessity, reasonable fac-
equitable, 35:140	tors other than age, 35:70
liquidated damages, 35:1, 35:139	Emotional distress, 35:23
mitigating damages, 35:59, 35:135	Equal Employment Opportunity
motions for new trial, 35:128	Commission, lawsuit filed by, 35:104
punitive damages, 35:140	
Date. Time and date, infra	Equitable damages, 35:140
Defenses, 35:62 to 35:90	Estoppel. Waiver or estoppel, infra
Demonstrative evidence, 35:121	Evaluations, 35:23 , 35:55
Demotions, 35:31	Evidence
Depositions, 35:114	burden of proof, 35:15 to 35:22
Deviation from standard operating	circumstantial evidence, supra
procedure, 35:51	demonstrative evidence, 35:121
Directed verdict, 35:123	direct evidence, supra
Direct evidence	documentary evidence, 35:122
age-based policy, 35:40	expert opinions, 35:59 , 35:60
ageist slurs by decisionmaker, 35:41	presentation of testimony, 35:122
existence of alternative business	prima facie cases, 35:61, 35:73
policy or practice with less	statistical evidence, 35:75
disparate impact, 35:45	Exclusions, exemptions and excep-
hostile environment, 35:42	tions
identification of policy or practice,	governmental employers, 35:11
35:44	private employers, 35:8
statistically significant disparate	Expenses, costs, and fees, 35:67,
impact, 35:43	35:143 to 35:147
Discharge or layoffs, 35:33 to 35:36,	Expert opinions, 35:59 , 35:60
35:84 to 35:87	Expert witness fees, 35:143
Discipline, 35:30	Favorable treatment of elderly
Discovery	employees, 35:74
admission, requests for, 35:115	Federal employers, coverage of, 35:9
depositions, 35:114	Federal Rules of Civil Procedure,
interrogatories, 35:113	35:110
pretext, 35:61	Fees, costs, and expenses, 35:67 ,
production of documents, requests	35:143 to 35:147
for, 35:112	Filing
Disparate impact, 35:18, 35:18.50,	charges, 35:92 to 35:99
35:43 to 35:45	class actions, 35:105
Disparate treatment, 35:16 to 35:22,	continuing violations, 35:96
35:43	discovery rule, 35:95
Doctrine of res judicata, 35:88	estoppel for failure to post notice
Documentary evidence, 35:122	of ADEA rights, 35:98
Documents, requests for production	lawsuits, 35:103 to 35:105
of, 35:112	limitations period, 35:93 to 35:99
Dramatic change in evaluation, 35:55	misrepresentations by EEOC or
Early retirement, 35:32	deferral agency, 35:99

AGE DISCRIMINATION IN	AGE DISCRIMINATION IN
EMPLOYMENT ACT—Cont'd	EMPLOYMENT ACT—Cont'd
Filing—Cont'd	Jury and jury trial, 35:109, 35:118,
rule 11 sanctions for frivolous fil-	35:125, 35:126
ings, 35:110	Labor organizations, 35:12
tolling limitations period, 35:97 to 35:99	Law enforcement officers, mandatory retirement, 35:14
triggering event, 35:94	Layoffs or discharge, 35:33 to 35:36,
Firefighters, mandatory retirement,	35:84 to 35:87
35:14	Lay opinions, 35:60
Forced resignation, 35:34	Limitation of actions, 35:93 to 35:99,
Foreign countries and employers, 35:7	35:102 Liquidated damages, 35:1, 35:139
Fraud or misrepresentations, 35:97 ,	Lodestar, 35:145, 35:146
35:99	Mandatory age limits, 35:63
Fringe benefits, 35:28 , 35:130 to	Mandatory retirement, 35:14
35:132, 35:137	Mistake in good faith, 35:77
Frivolous filings, 35:110	Mitigating damages, 35:59 , 35:135
Front pay, 35:1, 35:138	Mixed motive, 35:17
Good cause, 35:83	Motions
Good faith mistake, 35:77	directed verdict, 35:123
Governmental employers, coverage	in limine motions, 35:117
of, 35:10 , 35:11	judgment, motions for as matter of
Headhunting expert, 35:59	law, 35:125
Hostile environment, 35:18 , 35:42	new trial motions, 35:128
Identification or description policy or practice, 35:44	summary judgment motions, 35:116
Impracticality of individualized	Negotiating release under Older
screening, 35:65	Workers Benefit Protection Act,
Improper behavior, 35:79	35:85
Incompetence, 35:78	New trial motions, 35:128
Inconsistent explanations for adverse	Notice
employment decisions, 35:58	ADEA rights, estoppel for failure
Individualized screening, 35:65	to post notice of, 35:98
Industrial psychologist expert, 35:59	constructive or actual notice, 35:94
Injunctions	filing of charge, notice of, 35:92
generally, 35:132	sample notice letter from
preliminary injunctions, 35:131	employer, 35:86
In limine motions, 35:117	Number of employees, coverage of
Instructions to jury, 35:125	private employers, 35:3
Intent, 35:17	Older Workers Benefit Protection
Interrogatories, 35:111, 35:113, 35:126	Act, release or waiver under, 35:84 to 35:87
Investigation by enforcement agency, 35:101	Opening and closing arguments, 35:120, 35:124
Judgments, decrees and orders, 35:116, 35:118, 35:127	Oral communications, filing of charge, 35:92
Judicial review, 35:129	Overqualified applicants, 35:26,
Jurisdiction, 35:108	35:68

AGE DISCRIMINATION IN	AGE DISCRIMINATION IN
EMPLOYMENT ACT—Cont'd	EMPLOYMENT ACT—Cont'd
Overview, 35:1 et seq.	Reemployment application, 35:26
Parent corporation, liability of, 35:5 Pattern of treatment of elderly	References or recommendations, 35:37
employees, 35:52	Referrals for employment, 35:25
Pendent jurisdiction over state	Reinstatement, 35:136
claims, 35:108	Release or waiver under Older Work-
Pensions and retirement, 35:14, 35:32	ers Benefit Protection Act, 35:84 to 35:87
Peremptory challenges, 35:119	Remedies, 35:130 to 35:147
Political office exemption, 35:11	Reorganizations, 35:36, 35:49, 35:72
Posting notice of ADEA rights, 35:98	Replacing elderly employees, 35:57
Postjudgment interest, 35:142	Requests for production of docu-
Prejudgment interest, 35:141	ments, 35:112
Preliminary injunctions, 35:131	Resignation, 35:34
Preparing for trial, 35:118	Res judicata, 35:88
Presentation of testimony, 35:122	Retaliation, 35:19 to 35:22
Pretrial orders and proceedings,	Retirement and pensions, 35:14 ,
35:61	35:32
Prima facie cases, 35:61	Right to sue letter, 35:100 , 35:131
Private employers, 35:3 to 35:8	Rule 11 sanctions for frivolous fil-
Procedural requirements, 35:91 to 35:129	ings, 35:110 Same decision defense, 35:80
Production of documents, 35:112	Sample general release, 35:87
Promotions, 35:29	Sample notice letter from employer,
Protected activity, 35:20	35:86
Protected age, 35:13	Savings from replacing elderly
Psychologist expert, 35:59	employees, 35:57
Punitive damages, 35:140	Seniority system, 35:35, 35:74, 35:90
Qualifications	Standard operating procedure, 35:51
bona fide occupational qualifica-	State or state agency, lawsuit filed by, 35:103
tion (BFOQ), 35:14, 35:63 to 35:65	Statistics, 35:43 , 35:53 , 35:75
	Statute of limitations, 35:93 to 35:99
circumstantial evidence, 35:47 overqualified applicants, 35:26 ,	35:102
35:68	Stray ageist remarks, 35:56
Reasonable factors other than age,	Subjective judgment, 35:76
35:66 to 35:72	Substantive protection, 35:2 to 35:61
Reasonably necessary to normal operation of particular business,	Successor corporations, liability of, 35:6
35:64 Rebuttal of circumstantial evidence,	Summary judgment, motions for, 35:116
35:73 to 35:79	Tenure, 35:29
Recommendations or references,	Termination, 35:87
35:37	Testimony, presentation of, 35:122
Reduction or withholding of benefits,	Time and date
35:32	prejudgment interest, 35:141
Reductions in force 35:35 35:71	nreliminary injunctions 35:131

AGE DISCRIMINATION IN EMPLOYMENT ACT—Cont'd

Time and date—Cont'd pretrial orders and proceedings, 35:61

seniority system, 35:90

statute of limitations, **35:93 to 35:99, 35:102**

tolling limitations period, **35:97 to 35:99**

Tolling limitations period, **35:97 to 35:99**

Treatment of elderly employees, 35:52

Triggering event, 35:94

Verdicts, motion for directed verdict, 35:123

Voir dire, 35:119

Waiver or estoppel

notice of ADEA rights, estoppel for failure to post, **35:98**

Older Workers Benefit Protection Act, waiver under, 35:84 to 35:87

Withholding or reduction of benefits, 35:32

Younger applicant or employee favored, **35:50**

AGENCIES

Home care and hospices, personnel and services, 22:12 to 22:15, 22:29, 22:30, 22:46

Social Security administration, state agency obtaining judicial review, **18:216**

United States civil service retirement system, disability application, **20:43**

AGENT FOR HEALTH CARE

Connecticut, appointment, **33:34** Minnesota, appointment, **33:51**

AGGREGATION

Accumulation (this index)

AGREEMENTS

Contracts or Agreements (this index)

AGRICULTURAL PROPERTY

Real property planning, 7:1

AGRICULTURE AND FARMS

Federal estate tax, **8:63** Terminally ill clients, **11:32**, **11:38**

AHMANSON FOUNDATION CASE

Disposing of businesses, 13:50

AID AND ATTENDANCE

Home care, hospices, and similar care alternatives, **22:37**

Veterans, pension benefits, 17:28

AIDES

Medicaid, nurses aides, 30:29, 30:30, 30:44

Medicare, 25:169 to 25:171, 25:190

AID TO FAMILIES WITH DEPENDENT CHILDREN

Medicaid, 29:11

ALABAMA

Advance directive for health care, form, **33:28**

Elder victimization, abuse, and neglect, **4A:29**

Living will and health care proxy, form, **33:28**

ALASKA

Advance health care directive, **33:29** Anatomical gift at death, **33:29**

Durable power of attorney for health care, 33:29

Elder victimization, abuse, and neglect, **4A:30**

Instructions for health care, 33:29

Mental health treatment, 33:29

Mental health treatment declaration, form, **33:79**

ALCOHOLICS AND ALCOHOLISM

Generally, 15:131

ALIENATION

Qualified domestic relations orders, distributions from qualified retirement plans and IRAs, 19:199

ALIENS

Medicaid (this index)

Medicare, limitations on coverage of alien absent from United States, **26:26**

Postmortem planning and administration, 12:19

Terminally ill clients, revision of existing estate plan, 11:16

ALIMONY

Railroad retirement benefits, garnishment and assignment of benefits, **20:120**

SSI, unearned income, 16:56

ALLEGATIONS IN COMPLAINTS

Social Security Administration, judicial review, **18:224**, **18:226**, **18:228**, **18:229**

ALLOCATIONS

Disposing of businesses, 13:78 Generation-skipping transfer tax, 8:155, 8:156, 8:157, 8:165, 8:167

Life insurance, 14:110, 14:111

ALLOTMENT OF BENEFITS

Federal employees' retirement system, **20:48**

ALLOWANCE

Disallowance (this index)

ALLOWANCES

Medicare Catastrophic Coverage Act, community spouse resource allowance, **29:59**

Veterans (this index)

ALTERNATIVES, OPTIONS OR VARIATIONS

Age Discrimination Act, alternative funds disbursal, **35:229**

Age Discrimination in Employment Act, choice of forum, **35:106 to 35:108**

Declining, Terminating representation, **3:20**

Demographics and characteristics, Assisted living facilities, 21:3

Disposing of Businesses (this index)

ALTERNATIVES, OPTIONS OR VARIATIONS—Cont'd

Employment discrimination, 35:159, 35:161

Estate taxes. 19:178

Ethical issues, intermediation model, 3:21

Federal employees' retirement system, alternative forms of annuity, **20:21**

Financial planning, **5:30**, **5:31** Gift taxes, **19:164**, **19:168**

Guardianship, 34:8

Home Care, Hospices, and Similar Care Alternatives (this index)

Income (this index)

Life insurance, 14:13

Long-term and residential care facilities, factors that limit choice, 21:4 to 21:7

Payee, distributions from qualified retirement plans and IRAs, 19:68, 19:160

Postmortem Planning and Administration (this index)

Railroad retirement benefits, choosing beginning date, **20:92**

Rollovers, optional direct transfer of eligible rollover distributions, 19:160

Special Needs Trusts (this index)
Special Valuation Rules for
Transfer Taxes (this index)

Valuation date, **8:62**, **12:3** to **12:5**

ALZHEIMER'S DISEASE

Home care, hospices, and similar care alternatives, Alzheimer's day-care resource center, 22:11

AMBULANCE SERVICES

Medicare, 26:78, 27:12

AMBULATORY SURGICAL SERVICES

Medicare, 26:89 to 26:92

AMENDMENT OR MODIFICATION

Adjustments (this index)

AMENDMENT OR

MODIFICATION—Cont'd

Disability Discrimination (this index)

Estate tax, distributions from qualified retirement plans and IRAs, 19:170, 19:171

Life insurance, endowment contracts, 14:39

Medicaid, 31:12, 31:13

Public entities' discriminatory practices. **Disability Discrimination** (this index)

Railroad Retirement Benefits (this index)

Special needs trusts, designing supplemental trusts, **16:119**

Special valuation rules for transfer taxes, **8:294**, **8:295**

Trusts and trustees, sample amendment of particular trust provisions, 10:108

AMERICAN INDIANS

Indians (this index)

AMERICANS WITH DISABILITIES ACT

Disability Discrimination (this index)

Employment discrimination, overview, **35:157**

Patients' rights, 23:5

AMERICAN TAXPAYER RELIEF ACT OF 2012

Generally, **8:20.50**

Generation-skipping transfers, 8:132

AMOUNT

Number or Amount (this index)

AMYOTROPHIC LATERAL SCLEROSIS

Medicare, Part A, waiting period, **25:22**

ANATOMICAL GIFTS

Alaska, form, 33:29

Health care decision-making tools, 33:18

ANATOMICAL GIFTS—Cont'd

Terminally ill clients, revision of existing estate plans, 11:9

ANCILLARY MATTERS

Terminally ill clients, administration avoidance, 11:18

Wills, administration, 10:65

ANNUAL MATTERS

Exclusion

generation-skipping transfer tax, 8:152

Gifts (this index)

life insurance, 14:75 to 14:92, 14:107, 14:108

lifetime transfers planning, 9:6, 9:7, 9:34

terminally ill clients, **11:42 to 11:44, 11:49**

Federal estate tax, payment of income, **8:79**

Financial planning, annual expenses method, **5:46**

Generation-skipping transfer tax, exclusion, **8:152**

Gifts (this index)

Life insurance, exclusion, 14:75 to 14:92, 14:107, 14:108

Lifetime transfers planning, exclusion, **9:6**, **9:7**, **9:34**

Medicare Part B, deductible, **26:62** Postmortem planning and administration, accountings of assets, **12:43**, **12:44**

Terminally ill clients, exclusion, **11:42 to 11:44, 11:49**

ANNUITIES

Deferral of tax, 19:77

Estate taxes, 8:112, 19:177, 19:181

Gift tax, 19:165 to 19:168

Income, distributions from qualified retirement plans and IRAs,

19:124, 19:125, 19:181

Joint Matters (this index)

Lead and lead annuity trusts, 8:48, 8:171

Lifetime transfers planning, 9:50 to 9:54

Medicaid, 29:96

ANNUITIES—Cont'd

Medicare premiums, payment by deduction, **26:37**, **26:38**

Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:77**

Pensions and Retirement (this index)

Special needs trusts, treatment after Omnibus Budget Reconciliation Act of 1993, 16:93

SSI, unearned income, 16:53

Survivors (this index)

Trusts, sample GRAT (grantor retained annuity trust), **10:112**

ANTIBIOTIC DRUGS

Medicaid, 30:104

ANTI-LAPSE

Wills, provisions, 10:36, 10:49

APPEAL AND REVIEW

Administrative Matters (this index)

Age Discrimination Act, judicial review, **35:234**

Age Discrimination in Employment Act, **35:129**

Guardians and conservators, **34:33**, **34:40**

Home care, hospices, and similar care alternatives, 22:47

Medicaid (this index)

Medicare (this index)

Pensions and Retirement (this index)

Quality Improvement Organization, review responsibility of, 27:72

Social Security Administration (this index)

Terminally III Clients (this index)

Veterans, benefits, 17:51 to 17:59, 20:64 to 20:66

APPEALS COUNCIL

Social Security Administration, **18:134, 18:155 to 18:179**

APPEARANCE

Social Security Administration, administrative hearings, **18:136 to 18:138**

APPLIANCES

Supplies and Equipment (this index)

APPLICATIONS, PETITIONS OR REQUESTS

Age Discrimination in Employment Act, 35:26, 35:112, 35:115

Guardians and conservators, **34:15**, **34:38**

Medicaid, 31:3 to 31:11

Medicare (this index)

Pensions and Retirement (this index)

Social Security Administration (this index)

Social Security (this index)

SSI eligibility, application for other benefits requirement, **16:9**

Veterans, benefits, 17:7

APPOINTMENT

Age Discrimination in Employment Act, appointment to specific position, **35:137**

Estates (this index)

Guardians and Conservators (this index)

Powers of Appointment (this index) Revocable trusts, 10:94, 10:95

Special Needs Trusts (this index) Wills, 10:56

APPORTIONMENT

Medicare Catastrophic Coverage Act, asset transfers, **29:97**

Medicare lump-sum compromise settlement. 27:47

Omnibus Budget Reconciliation Act, apportionment and cure of asset transfer penalty after OBRA 93, 29:97

APPRAISALS

Disposing of businesses, 13:28

APPRECIATION

Lifetime transfers planning, **9:8**Net unrealized appreciation, distributions from qualified retirement plans and IRAs, **19:138**

APPROVAL OR ACCEPTANCE

Consent or Permission (this index)

Home care, hospices, and similar care alternatives, denial of coverage or services, 22:45 to 22:49

Medicaid, 31:14, 31:53

Medicare Advantage (MA) Program (this index)

Postmortem planning and administration, **12:26**

Railroad retirement benefits, denial of application for benefits, **20:103**

Social Security Administration (this index)

Special needs trusts, income taxes and designing supplemental trusts, 16:133

ARBITRATION

Age Discrimination in Employment Act, **35:89**

Nursing home admissions agreements, **23:29**

ARCHITECTURAL BARRIERS

Disability discrimination, lack of access to public accommodations. 36:81

ARGUMENT OR ARGUMENTS

Age Discrimination in Employment Act, opening and closing arguments, **35:120**, **35:124**

Social Security Administration, request for oral argument before Appeals Council, **18:166**, **18:167**

Special needs trusts, gift taxes and designing supplemental trusts, 16:135

ARIZONA

Do not resuscitate order, 33:103

Elder victimization, abuse, and neglect, **4A:31**

Health care powers of attorney, form, 33:30

Living will, form, 33:30

Mental health care power of attorney, form, **33:80**

ARKANSAS

Elder victimization, abuse, and neglect, **4A:32**

Life-sustaining treatment, declaration relating to use of, form, 33:31

ARMED FORCES

Military Matters (this index)

ARM'S LENGTH TRANSACTION REQUIREMENT

Special valuation rules for transfer taxes, **8:292**

ARRANGEMENT

SSI in-kind support and maintenance, value of room or rent under business arrangement, **16:80**

ARTIFICIALLY LOW PRICE

Disposing of businesses, 13:38

ASSESSMENT OF CAPACITY

Mental Capacity or Condition (this index)

ASSESSMENTS

Medicaid, 30:33, 30:34, 30:37, 30:39 Medicare, 25:117, 25:158 Patients' rights, 23:12

ASSETS

For correlative topic, see **Resources** (this index)

Financial Planning (this index)

Life insurance, 14:75 to 14:78, 14:84, 14:101, 14:102

Medicaid (this index)

Medicare Catastrophic Coverage Act (this index)

Omnibus Budget Reconciliation Act (this index)

Special Needs Trusts (this index) **Transfers** (this index)

ASSIGNMENTS

Age Discrimination in Employment Act, **35:27**

Generation-skipping transfer tax, 8:142 to 8:145, 8:177, 8:178

Medicaid, 31:47, 31:48

Medicare (this index)

ASSIGNMENTS—Cont'd Pensions and Retirement (this

index)

Qualified domestic relations orders, distributions from qualified retirement plans and IRAs, 19:199

Social Security Administration (this index)

Special needs trusts, income taxes and designing supplemental trusts, 16:132

Trusts and trustees, sample assignment from grantor to trustee, 10:107

ASSISTANCE

Home care, hospices, and similar care alternatives, temporary assistance to needy families, **22:32**

Living facilities. **Assisted Living Facilities** (this index)

Special needs trusts do not impact all public benefits, assisted housing programs, 16:103

Supplemental Security Income (SSI) (this index)

ASSISTED LIVING FACILITIES

Background, 21:34

State statutes and regulation of assisted living, 21:35

ASSOCIATIONS AND ORGANIZATIONS

Attorney's membership in professional organizations, **2:20**

National Association of Professional Geriatric Care Managers, 22:16

Social Security Administration, private organization obtaining judicial review, **18:217**

ASSUMPTION

Jurisdiction by Appeals Council, Social Security Administration, 18:178

Tax liability, 8:29

ATTACHMENT

Social Security Administration, OASDI or SSI benefits, **18:40**

ATTENDANCE AND AID

Aid and Attendance (this index)

ATTESTATION CLAUSE

Wills, **10:74**

ATTORNEY-IN-FACT

Powers of Attorney (this index)

ATTORNEYS

Generally, 2:1 to 2:26

Abuse of elder as special problem, 2:7

Accessibility of office, 2:2 to 2:4

Accommodating elderly clients

accessibility, design and layout of office, 2:2 to 2:4

availability of attorney and staff, **2:5**

hearing impairment, 2:4

physical disabilities, 2:2 to 2:4

sight impairment, 2:4

staffing considerations, 2:5

Age Discrimination in Employment Act, **35:120**, **35:124**, **35:144 to 35:147**

Availability of attorney and staff, 2:5

Capacity and measure of capacity, gathering and preserving client information, 2:12

Case summary, gathering and preserving client information, 2:13

Checklist, gathering and preserving client information, 2:13

Closing letters, gathering and preserving client information, 2:17

Community, cultivating, 2:24

Conflicts of Interest (this index)

Continuing education, 2:19 to 2:22

Costs. Fees, infra

Design and layout of office, accommodating elderly clients, 2:2 to 2:4

Developing and maintaining elder law practice, 2:23 to 2:26

Disclaimer forms, gathering and preserving client information, 2:16

ATTORNEYS—Cont'd	ATTORNEYS—Cont'd
Dual representation letters, 2:15	Layout and design of office, accom-
Duties and responsibilities	modating elderly clients, 2:2 to
generally, 3:7 to 3:20	2:4
avoiding conflicts of interest, 3:16 communication with client, 3:12	Maintaining and developing elder law practice, 2:23 to 2:26
confidentiality of information, 3:14	Marketing, developing and maintaining elder law practice, 2:25
diligence, 3:11 fees, duty as to reasonableness,	Mental Capacity or Condition (this index)
3:13	Networking, 2:23 to 2:26
fiduciaries, representation, 3:10	Newsletters, 2:22
identity of client, importance of defining, 3:8	Older Americans Act, legal assis-
reasonable fees, 3:13	tance, 4:8
scope of representation, 3:9, 3:10	Overview of elder law, 1:7 et seq.
Education, 2:19 to 2:22	Physically disabled client, 2:2 to 2:4 Powers of Attorney (this index)
Elder law practice, practical	Presumption of capacity, 2:6
guidelines, 2:1 to 2:26	Professional organizations, 2:20
Employment discrimination,	Responsibilities. Duties and responsi-
attorneys' fees, 35:144 to	bilities, supra
35:147 Ethical Issues (this index)	Retainer or fee agreement, 2:14
Ethical Issues (this index) Existing clients, cultivating, 2:23	Sight impaired clients, 2:4
Eyesight impaired clients, 2:4	Social Security Administration (this
Fees	index)
agreements, 2:14	Specialized questionnaires, gathering
employment discrimination,	and preserving client informa-
35:144 to 35:147	tion, 2:11
ethical issues, 3:13	Special problems of elderly clients
grandparents' "rights," 37:32	generally, 2:6 to 2:9
guardians and conservators, 34:48	abuse of elder, 2:7
Medicaid, 31:37	capacity or incapacity, 2:6
Medicare, 28:79	undue influence, 2:7
Social Security Administration,	Spousal rights, distributions from qualified retirement plans and
OASDI or SSI claimants,	IRAs, 19:212
18:50 to 18:87	Staffing considerations, accommodat-
Veterans' benefits, appeals, 17:59	ing elderly clients, 2:5
Gathering and preserving client infor-	Succession planning, 2:26
mation, 2:9 to 2:17	Summary of case, gathering and
Guardians and Conservators (this index)	preserving client information, 2:13
Hearing impaired clients, 2:4	Terminally Ill Clients (this index)
Income. Fees, supra	To do list, gathering and preserving
Issue of capacity as special problem,	client information, 2:13
2:6	Undue influence as special problem, 2:7
Kinship caregivers, goals in seeking	Visually impaired clients 2:4

ATTORNEYS-Cont'd

Wills, attorney's retention of copy of document, **10:77**

ATTORNEYS' FEES

Attorneys (this index)

ATTRIBUTION RULES

Postmortem planning and administration, **12:34**

AT-WILL EMPLOYMENT

Discrimination, 35:162 to 35:172

AUTHORITY AND AUTHORIZATION

Guardians and Conservators (this index)

Medicaid, federal/state authority, covered inpatient hospital services, **30:19**

Medicare Part B, group billing, authorization of beneficiary, 26:46

Social Security Administration (this index)

Special Needs Trusts (this index) Wills, **10:59**

AUTOMATIC MATTERS

Allocation of exemption, generationskipping transfer tax, **8:155**, **8:156**, **8:157**

Medicaid coverage, 22:32 Medicare, automatic enrollment, 26B:16, 26:5, 26:6, 26:17

AUTOMOBILES

Motor Vehicles (this index)

AVAILABILITY

Attorney and staff, 2:5

Long-term and residential care facilities, availability in community, **21:7**

Nursing home facilities, availability of loans and grants to build and improve, 21:12

Social Security Administration (this index)

Special Needs Trusts (this index)
SSI, actual availability of resources,
16:88

AVAILABILITY—Cont'd

Unavailability (this index)

AVERAGES AND AVERAGING

Income taxation, distributions from qualified retirement plans and IRAs, 19:126, 19:130 to 19:135, 19:152

AVOIDANCE

Life insurance, 14:94, 14:104
Terminally Ill Clients (this index)
Wills, 10:48

AWARDS AND PRIZES

Age Discrimination in Employment Act, calculation of awards, 35:140, 35:141

BACKGROUND OR HISTORY

Assisted living facilities, 21:34
Nursing homes/facilities, history of federal oversight, 21:16 to 21:20

BACK PAY

Age Discrimination in Employment Act, **35:133**

BALANCE

Income taxation, distributions from qualified retirement plans and IRAs, 19:127, 19:128

Medicare, balance billing if assignment of claims not accepted, 28:28

BANKRUPTCY

Postmortem planning and administration, 12:27

BANKS AND BANKING

Provident National Bank case, valuation of closely-held businesses, 13:50

Wills (this index)

BASIC ANNUITY

Federal employees' retirement system, **20:25 to 20:32**

BASIC COMPUTATION

Railroad retirement benefits, amount of annuity, **20:81 to 20:84**

BASIC EXCLUSION

SSI, earned income, 16:48

BASIC FAMILY MEMBER ALLOWANCE

Veterans, dependents' and survivors' benefits, **17:45**

BASIS

Disposing of businesses, 13:21 Generation-skipping transfer tax, 8:175

Income taxation, **6:3**, **6:4**, **19:111 to 19:113**

Lifetime transfers planning, 9:21
Real Property (this index)
Terminally ill clients, 11:30, 11:40

BAUCUS

Medicare supplemental insurance (MEDIGAP), **24:26**

BED AND BOARD

Medicare, 25:62 to 25:64, 25:123 to 25:125

BED HOLDS

Patients' rights, 23:25

BEGINNING

Commencement (this index)

BENEFITS AND BENEFICIARIES

Age Discrimination in Employment Act, fringe benefits, **35:28**, **35:133 to 35:135**

Defined Benefit or Contribution Plans (this index)

Designation of beneficiaries distributions from qualified retirement plans and IRAs, 19:3, 19:94 et seq.

life insurance, 14:27

Disability discrimination, denial of access to welfare or public benefits, **36:67**

Distributions from qualified retirement plans and IRAs, 19:3, 19:94 et seq.

Employee Retirement Income Security Act (this index)

Life Insurance (this index)

BENEFITS AND BENEFICIARIES —Cont'd

Long-term care insurance, 24:14

Medicare (this index)

Nursing facility (NF) certification, Medicare and Medicaid, 21:23, 21:24

Pensions and Retirement (this

index)

Retroactive Benefits (this index)
Social Security Administration, 18:1

to 18:229

Social Security (this index) **Special Needs Trusts** (this index)

State or States (this index)

Trusts and Trustees (this index)

Veterans (this index)

Wills, **10:35**

Workers' Compensation (this index)

BEQUESTS

Wills (this index)

BEST INTERESTS OF CHILD

Grandparents and Grandchildren (this index)

BIAS OR PREJUDICE

Attorney's preconceived ideas toward elders, **1:16**

Discrimination (this index)

BIFURCATED CHARACTER

Guardianship proceedings, 34:12

BILLS AND BILLING

Medicare (this index)

BIOLOGICALS

Medicare (this index)

BIOLOGY

Overview, biology of aging, 1:17

BIRTH

Penalty taxes on premature distributions from qualified retirement plans or IRAs, 19:73

BLINDNESS

Vision and Visually Impaired Persons (this index)

BLOOD

Half-blood relationship, generationskipping transfer tax, **8:143 Medicare** (this index)

BOARDS

Pensions and Retirement (this index)

BONDS AND UNDERTAKINGS

Fiduciary, wills, 10:69
Guardians and conservators, 34:38
Personal representative, postmortem planning and administration, 12:42

BONDS FOR SAVING

Savings Bonds (this index)

BONE MASS MEASUREMENT

Medicare coverage, 26:73

BOOK VALUE

Disposing of businesses, 13:27

BREASTS

Mammography, 26:70, 27:7

BRIEFS

Social Security Administration, Appeals Council review, **18:163 to 18:165**

BUILDING AND CONSTRUCTION WORK

Nursing home facilities, availability of loans and grants, **21:12**

BURDEN OF PROOF

Presumptions and Burden of Proof (this index)

BURIALS AND FUNERALS

Medicare Catastrophic Coverage Act, burial-related assets, exempt or excluded assets, **29:70**

SSI unearned income exclusion, burial resource interest, **16:71**

Terminally ill clients, 11:10

Veterans, benefits, 17:50

Wills, funeral expenses provision, 10:61

BUSINESS AND BUSINESSES

Age Discrimination in Employment Act, **35:59, 35:81**

Closely Held Businesses, Corporations and Stock (this index)

Corporations (this index)

Disposing of Businesses (this index)

Life insurance, 14:7

Partnerships (this index)

SSI in-kind support and maintenance, value of room or rent under business arrangement, 16:80

Transfer taxes, 8:314

BUYERS CLUBS

Consumer issues, 4:19

BUY-OUTS

Disposing of businesses, 13:63

BUY-SELL AGREEMENTS

Disposing of businesses, 13:1 et seq. Life insurance, 14:33

Special Valuation Rules for Transfer Taxes (this index)

Terminally ill clients, **11:24**, **11:62** to **11:65**

CALCULATIONS AND COMPUTATIONS

Age Discrimination in Employment Act, calculation of award, 35:145, 35:146

Averages and Averaging (this index)
Counting or Countable (this index)

Distributions, qualified retirement plans and IRAs, 19:86 to 19:88, 19:125, 19:131

Generation-skipping transfer tax, 8:161 to 8:174

Marital deduction, estate tax, **19:182** Medicare, **26:31**

Pensions and Retirement (this index)

Recalculation or recomputation distributions, qualified retirement plans and IRAs, 19:86 to 19:88

SSI benefits, 16:27

CALIFORNIA

Advance health care directive, form, 33:32

Elder victimization, abuse, and neglect, **4A:33**

Homestead exemption, 7:37, 7:40 Income defined, 7:42

CANCELLATION OR TERMINATION

Age Discrimination in Employment Act, sample of general release (termination), **35:87**

Employee Retirement Income Security Act, termination of retirement health benefits, **35:155**

Employment, separation from, penalty taxes on premature distributions from qualified retirement plans or IRAs, 19:64, 19:66, 19:75

Generation-skipping transfer tax, taxable terminations and termination transfers, 8:137, 8:138, 8:163, 8:175, 8:180, 12:10

Guardianship or conservatorship, 34:46, 34:47

Interests. **Terminable Interests** (this index)

Life-sustaining treatment, orders for termination. **Do Not**Personalitate Orders (this index

Resuscitate Orders (this index)

Long-term care insurance, **24:18** Marriage. **Divorce** (this index)

Medicare (this index)

Parental rights, 37:24, 37:33, 37:34

Pensions and Retirement (this index)

CANCER

Medicare (this index)

CAPACITY OR INCAPACITY

Mental Capacity or Condition (this index)

CAPITAL AND CAPITALIZATION

Disposing of businesses, **13:29**Financial planning, capital accumulation, **5:30 et seq.**

CAPITAL AND CAPITALIZATION —Cont'd

Gains or Losses (this index)

Recapitalization, disposing of businesses, 13:68

CARE AND TREATMENT

Continuing Care Facilities, Continuing Care Retirement Communities, and Life Care Facilities (this index)

Health Care Directives (this index)

Health Care Proxy Declaration Forms (this index)

Home Care, Hospices, and Similar Care Alternatives (this index)

Life-sustaining treatment, termination of. **Do Not Resuscitate Orders** (this index)

Living Wills (this index)

Long-term care facilities, 21:1 to 21:60

Long-Term Care Insurance (this index)

Nursing Care or Services (this index)

Personal Matters (this index)

Residential Care Facilities (this index)

Respite Care (this index)

Skilled Nursing and Intermediate Care Facilities (this index)

Supplemental Security Income (SSI) (this index)

Veterans (this index)

CARRYOVERS

Terminally ill clients, 11:51, 11:54

CARS OR AUTOMOBILES

Motor Vehicles (this index)

CASE LAW

Disposing of businesses, 13:49, 13:50

CASE MANAGEMENT SERVICES

Home care, hospices, and similar care alternatives, **22:16**

Medicaid, 30:92, 30:93

CASE SUMMARY

Attorney or assistance of counsel, 2:13

CASH OR MONEY

Capital and Capitalization (this index)

Distributions from qualified retirement plans and IRAs, 19:29, 19:78

Interest On Money (this index)

Life Insurance (this index)

Medicaid (this index)

Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:78**

Special valuation rules for transfer taxes, cash holding in trust, 8:274, 8:280

Veterans, disability compensation benefits, **17:10 to 17:20** Wills, cash bequests, **10:51**

CASUALTY LOSSES

Real property, determining adjusted basis of property, **7:4**

CATASTROPHIC COVERAGE ACT

Medicare Catastrophic Coverage Act (this index)

CATEGORICALLY NEEDY GROUPS

Medicaid, 29:10, 29:11, 29:18 to 29:23

CCRC (CONTINUING CARE RETIREMENT COMMUNITY)

Continuing Care Facilities, Continuing Care Retirement Communities, and Life Care Facilities (this index)

CENSUS INFORMATION

Disability defined, 36:5

CERTIFICATES AND CERTIFICATION

Guardians and conservators, 34:39
Home care, hospices, and similar care alternatives, 22:13 to 22:15, 22:29, 22:30

CERTIFICATES AND CERTIFICATION—Cont'd

Medicaid (this index)

Medicare (this index)

Nursing Homes/Facilities (this index)

CHANGE

Amendment or Modification (this index)

CHAPTER 14

Special valuation rules for transfer taxes, 8:209 to 8:213, 8:285, 8:309

CHARGES

Rates and Charges (this index)

CHARITABLE MATTERS

Bequests, 10:52, 11:24, 11:47, 11:48, 11:58

Consumer issues, charitable solicitations, **4:18**

Deduction, lead trust and remainder trusts, 8:45 to 8:50

Deductions, estate and gift taxes, 8:46 to 8:50, 8:96, 8:97

Estate tax, **8:89, 8:96, 8:97**

Gift tax, 8:43 to 8:50

IRA, charitable gifts from, 19:85.50

Lead and lead annuity trusts, gift and generation-skipping transfer taxes, 8:48, 8:171

Remainder trusts, estate and gift taxes, 8:45, 8:49, 8:89, 8:251

SSI, support and maintenance in nonprofit retirement home as unearned income, **16:52**, **16:78**

Trusts

lead and lead annuity trusts, gift and generation-skipping transfer taxes, **8:48**, **8:171**

remainder trusts, estate and gift taxes, 8:45, 8:49, 8:89, 8:251

CHART

Special needs trusts, options for leaving assets to person who has disability, **16:170**

CHECKLISTS

Attorney or assistance of counsel, 2:13

Financial planning, 5:40 to 5:54

Postmortem planning and administration, 12:39, 12:50

Veterans' benefits, interviewing veteran or veteran's dependents, 17:6

CHENOWETH CASE

Disposing of businesses, 13:49

CHILDREN

For correlative topic, see **Parents** (this index)

Adoption, penalty taxes on premature distributions from qualified retirement plans or IRAs, 19:73

Adoption and Adopted Children (this index)

Aid To Families With Dependent Children (this index)

Birth, penalty taxes on premature distributions from qualified retirement plans or IRAs, 19:73

Generation-skipping transfer tax, **8:184**

Gift tax. 8:33

Grandchildren. **Grandparents and Grandchildren** (this index)

Life insurance, 14:77

Lifetime Transfers Planning (this index)

Medicaid, 29:11, 29:105, 29:109

Military retirement, 20:63

Penalty taxes on premature distributions from qualified retirement plans or IRAs, 19:73

Railroad retirement benefits, garnishment and assignment for child support, **20:120**

Social Security Administration, complaints for disallowance of benefits, judicial review, **18:227**, **18:228**

Social Security (this index) **Wills** (this index)

CHIROPRACTORS

Medicare, covered services, 26:65

CHOICES

Alternatives, Options or Variations (this index)

CHRISTIAN SCIENCE SANATORIUMS

Medicare, 25:60, 25:98

CIRCUMSTANTIAL EVIDENCE

Age Discrimination in Employment Act (this index)

CITIZENS AND CITIZENSHIP

Aliens (this index)

Noncitizen Spouses (this index) SSI, eligible individual, 16:8 Terminally ill clients, 11:16

CIVIL RIGHTS

As to discrimination, generally. **Discrimination** (this index)

Patients' rights, 23:3, 23:10, 23:11

CIVIL SERVICE RETIREMENT SYSTEM

United States Civil Service Retirement System (this index)

CLAIMS

Railroad retirement benefits, entitlement proceedings, 20:95 to 20:121

Social Security Administration, OASDI or SSI benefits, **18:1 to 18:229**

Veterans (this index)

CLASS ACTIONS

Age Discrimination in Employment Act, filing of class actions, **35:92, 35:105**

Medicaid, 31:38

Social Security Administration, judicial review, **18:220**

CLERK OF COURT

Age Discrimination in Employment Act, **35:125**

CLIENT INFORMATION

Cybersecurity, 2:18

CLINICAL CARE AND TESTS

Medicaid, clinic services, 30:68

CLINICAL CARE AND TESTS —Cont'd

Medicare, 26:69, 26:74

CLOSELY HELD BUSINESSES, CORPORATIONS AND STOCK

Disposing of businesses, 13:46 to 13:51, 13:73 to 13:88

Estate taxes. 8:63, 8:125

Postmortem planning and administration, 12:28 to 12:35

Terminally Ill Clients (this index)

CLOSING

Opening and Closing (this index)

CLOSING STATEMENTS

Opening and Closing (this index)

COBRA

Medicaid, COBRA premium coverage, cost sharing, **29:29**

CODES

Internal Revenue Code. **Taxes and Taxation** (this index)

Professional conduct and responsibility codes, **3:7 et seq.**

COERCION

Undue Influence (this index)

COINSURANCE

Medicare, 25:49 to 25:51, 25:83 to 25:86, 25:90, 25:178

COLLATERAL SOURCE OFFSET

Age Discrimination in Employment Act. **35:134**

COLLECTION

Medicare, 26:50, 28:42 Veterans' benefits, overpayments, 17:61

COLORADO

Elder victimization, abuse, and neglect, **4A:34**

Health care, declaration as to medical or surgical treatment form, 33:33

COLORECTAL CANCER SCREENING

Medicare coverage, 26:71

COMMENCEMENT

Lifetime distributions, qualified retirement plans and IRAs, 19:83

Nontax rules relating to qualified retirement plans, benefit payments, **19:37**, **19:38**

Railroad retirement benefits, beginning date, **20:91 to 20:93**

United States civil service retirement system, payment of annuity, **20:16**

COMMISSIONER

Social Security Administration (this index)

COMMUNICATION

Age Discrimination in Employment Act, oral communications, **35:92**

Disability discrimination, public entity's communicatory exclusion of disabled, **36:65**

Ethical issues, duties owing to clients, **3:12**

Mental capacity or condition, communication problems distinguished, **32:6**

COMMUNITY AND COMMUNITIES

Continuing Care Facilities, Continuing Care Retirement Communities, and Life Care Facilities (this index)

Functionally disabled elderly, home and community care for, **30:72** to **30:85**

Long-term and residential care facilities, availability in community, 21:7

Medicare, community mental health centers, **26:107**, **26:108**

Property. **Community Property** (this index)

SSI eligible individual, resident of community residence serving 16 or fewer persons, **16:4**

COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS (CLASS) PROGRAM

Long-term care insurance, 24:21

COMMUNITY PROPERTY

Distributions from qualified retirement plans and IRAs, 19:174

Medicare Catastrophic Coverage Act, community spouse resource allowance, 29:59

Real Property (this index) Wills, **10:33**

COMPENSATION

Guardians and conservators, **34:48**Railroad retirement benefits, record of compensation as evidence in applying for benefits, **20:110**

Veterans (this index)

Workers' Compensation (this index)

COMPENSATORY DAMAGES

Age Discrimination in Employment Act (this index)

Employment discrimination, generally, **35:140**

COMPETENCY OR INCOMPETENCY

Generally as to capacity. **Mental Capacity or Condition** (this index)

Age Discrimination in Employment Act, **35:78**

Continuing care retirement community prospective resident counseling, managerial competence questions, 21:56

Guardians and Conservators (this index)

COMPETING AGE GROUPS

Home care, hospices, and similar care alternatives, **22:38**, **22:40**

COMPLAINTS

Age Discrimination Act, complaint processing procedure, **35:223**, **35:224**

COMPLAINTS—Cont'd

Social Security Administration, judicial review, **18:213, 18:222** to **18:229**

COMPLEMENTARY HEALTH COVERAGE

Medicare, "Medigap" health coverage, **28:10**

COMPLETION

Gifts, 8:27

COMPOUNDING RULES

Special valuation rules for transfer taxes, **8:241 to 8:247**

COMPREHENSIVE MATTERS

Medicare, comprehensive outpatient rehabilitation facility services, Part B, 26:93 to 26:102

COMPROMISE AND SETTLEMENT

Medicare (this index)

Postmortem planning and administration, **12:46**

Social Security Administration, overpayment of OASDI benefits, 18:33

United States civil service retirement system, overpayment, **20:46**

COMPUTATIONS

Calculations and Computations (this index)

CONCLUSIONS OF LAW

Findings of Fact and Conclusions of Law (this index)

CONDITIONAL OR CONTINGENT MATTERS

Life insurance, contingent marital deduction trust, 14:65

Payments. **Medicare** (this index)

Social Security Administration, attorney's fees under Social Security Act, contingency fee agreements, 18:73

CONDOMINIUMS

Real property planning, 7:30

CONDUCT OF TRIAL

Guardians and conservators, 34:28

CONDUIT IRA

Income taxation, distributions from qualified retirement plans and IRAs, 19:161

CONFERENCES

Social Security Administration (this index)

CONFIDENTIALITY AND DISCLOSURE

Estate planning, conflicts of interest involving spouses, **10:10**, **10:11**

Ethical issues, 3:14

Medicaid, disclosure of provider surveys and evaluations, **30:15**

Medicare Advantage (MA)

Program (this index)

New Hampshire disclosure statement, 33:57

Patients' rights, 23:16

Special valuation rules for transfer taxes, **8:306**, **8:307**

Vermont terminal care document disclosure statement. **33:73**

CONFINEMENT

Home. **Confinement to Home** (this index)

SSI, amount of benefits when Medicaid pays for care of resident of medical treatment facility, **16:23 to 16:25**

CONFINEMENT TO HOME

Home care, hospices, and similar care alternatives, 22:28, 22:37
Medicare, 25:144

CONFLICT

Guardianship proceedings, **34:13**Interest. **Conflicts of Interest** (this index)

CONFLICTS OF INTEREST

Attorneys generally, 2:15 ethical issues, 3:15 to 3:18 Estate planning, 10:9 to 10:11, 10:27

CONFLICTS OF INTEREST

—Cont'd

Postmortem planning and administration, QTIP election, **12:9**

CONFUSED CLIENTS

As to mental capacity, generally.

Mental Capacity or Condition
(this index)

CONGREGATE AND SHELTERED HOUSING

Licensing requirements, 23:43
Rights of residents, 23:11
SSI eligible individual, resident of public emergency shelter, 16:6

CONGRESS

United States civil service retirement system, disability application by member of Congress, 20:42

CONNECTICUT

Credit discrimination, 35:188

Elder victimization, abuse, and neglect, **4A:35**

Health care agent, appointment, 33:34

Health care instructions, 33:34

CONSENT OR PERMISSION

Kinship caregivers, educational and legal consent laws, **37:5**

Nontax rules relating to qualified retirement plans, benefit payments, **19:46**

Survivor annuities, distributions from qualified retirement plans and IRAs, 19:195

CONSERVATION EASEMENTS

Real property planning, 7:1

CONSERVATORS

Guardians and Conservators (this index)

CONSOLIDATED ADMINISTRATIVE HEARING

Social Security Administration, 18:140, 18:141

CONSTITUTIONAL MATTERS

Disability discrimination, 36:20 to 36:22

Due Process (this index)

Employment discrimination, **35:148** to **35:151**

Grandparents' rights, 37:25, 37:26, 37:30

Health care, right to control personal decisions, **33:9**

CONSTRUCTION WORK

Building and Construction Work (this index)

CONSTRUCTIVE MATTERS

Discharge, Age Discrimination in Employment Act, **35:34**

Ownership, postmortem planning and administration, 12:34

Reopening of determination, Social Security Administration, **18:185**

CONSUMERS

Advance-loan schemes, 4:14

Advocacy and industry organizations for obtaining relief, **4:42**

Buyers clubs, 4:19

Charitable solicitations, 4:18

Credit card offers, 4:14

Credit card protection plans, 4:15

Credit issues, generally, 4:32 et seq.

Daily living problems, generally, 4:13 to 4:41

Debt consolidation, 4:14

Equal Credit Opportunity Act, 4:33

Fair Credit Billing Act, 4:36

Fair Credit Reporting Act, 4:35

Fair Debt Collection Practices Act, 4:37

Federal consumer protection laws, generally, **4:33 to 4:38**

Fraud, consumer fraud, generally, **4:13 et seq.**

Health-related fraud schemes, 4:27

Home repair, 4:30

Identity theft, 4:25

Internet fraud, 4:31

Lotteries, 4:16

Magazine sales, 4:17

CONSUMERS—Cont'd

Medicare Advantage (MA)

Program (this index)

Mortgages, reverse mortgages, 4:24

Nigerian money (advance fee) offers, 4:21

Online auctions, 4:31

"Phishing," "pharming," and "spoofing," **4:26**

Pig butchering scams, 4:20

Prize offers, 4:16

Relief, obtaining, 4:41, 4:42

Reverse mortgages, 4:24

Senior scares, 4:30

Social security scams, 4:29

"Spoofing," **4:26**

State consumer protection laws, generally, **4:39**, **4:40**

Sweepstakes, 4:16

Telephone "slamming," 4:22

Travel scams, 4:23

Truth in Lending Act, 4:34

Uniform Commercial Code warranties, **4:39**

Vacation scams, 4:23

Work-at-home offers, **4:30**

CONTINGENT MATTERS

Conditional or Contingent Matters (this index)

CONTINUATION

Benefits or coverage after termination of entitlement, Medicare, **26:24**

Services pending hearing, Medicaid, 31:22

CONTINUED QUALITY OF CARE

Long-term and residential care facilities, ensuring continued quality of care post-admission, **21:8**

CONTINUING CARE FACILITIES, CONTINUING CARE RETIREMENT

COMMUNITIES, AND LIFE CARE FACILITIES

Generally, 21:44 to 21:60

Admission agreement, 21:48, 21:57

Advertising that is misleading, state regulation, 21:50

CONTINUING CARE FACILITIES, CONTINUING CARE RETIREMENT COMMUNITIES, AND LIFE CARE FACILITIES—Cont'd

Counseling prospective resident of continuing care retirement community, 21:54 to 21:60

Description, 21:44

Federal involvement, regulation in industry, **21:51**

Financial matters

considerations, 21:53

risks, 21:45

stability of facility, counseling prospective resident of continuing care retirement community, 21:56

standing, state regulation, 21:47

General description, 21:44

General questions about facility, counseling prospective resident of continuing care retirement community, 21:55

Income tax planning, imputed interest income, **6:74**, **6:75**

Integrity of facility questions, counseling prospective resident of continuing care retirement community, 21:56

Living unit questions, counseling prospective resident of continuing care retirement community, 21:58

Managerial competence questions, counseling prospective resident of continuing care retirement community, 21:56

Medical services offered, counseling prospective resident of continuing care retirement community, 21:60

Misleading advertising, state regulation, **21:50**

Non-medical services offered, counseling prospective resident of continuing care retirement community, 21:59

Prospective resident of continuing care retirement community,

CONTINUING CARE FACILITIES, CONTINUING CARE RETIREMENT COMMUNITIES, AND LIFE CARE FACILITIES—Cont'd counseling, 21:54 to 21:60

Questions, counseling prospective resident of continuing care retirement community, 21:55 to 21:60

Regulation, 21:46 to 21:52

Rights of residents, state regulation, 21:49

Risks, financial, 21:45

Self-regulation, 21:52

Services offered, counseling prospective resident of continuing care retirement community, 21:59, 21:60

State involvement, regulation in industry, **21:46 to 21:50**

CONTINUING EDUCATION

Attorneys, 2:19 to 2:22

Newsletters, listserves, and the Web, 2:22

CONTRACTS OR AGREEMENTS

Attorneys' fees agreements, 2:14

Buy-Sell Agreements (this index)

Continuing care facilities, continuing care retirement communities, and life care facilities, admission agreement, 21:48, 21:57

Disposing of Businesses (this index)

Employment discrimination, contract claims, **35:162 to 35:167**

Endowment contracts, **14:19**, **14:39**

Income (this index)

Leases. Rental Property and Rents (this index)

Marriage and Marital Matters (this index)

Medicare, 25:25

Mental capacity or condition, contractual capacity, **32:12**

Nursing facility prospective resident, admission contract questions, 21:39

CONTRACTS OR AGREEMENTS

—Cont'd

Social Security Administration (this index)

CONTRIBUTIONS

Defined Benefit or Contribution Plans (this index)

Disposing of businesses, 13:77
Medicaid, contributions to cost of long-term care, 29:49

Pensions and Retirement (this index)

CONTROLLED CORPORATIONS

Generally, 11:25, 14:59

CONVERSION

Personal residence to rental property, income tax planning, **6:51**Special valuation rules for transfer taxes, **8:219**, **8:259**, **8:283**

CONVINCING EVIDENCE

Social Security Administration, support of claim for OASDI benefits, 18:22

COOPERATIVE HOUSING CORPORATIONS

Real property planning, stockholders, 7:21

COPAYMENTS

Medicare Part D, prescription drug benefits, **26B:2**, **26B:9**

Veterans, health care benefits, 17:33

COPY, COPIES OR COPYING

Social Security Administration (this index)

Wills, 10:77

CO-REPRESENTATIVE

Wills, 10:65

THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT OF 2020 (CARES)

Distributions from qualified retirement plans and IRAs, 19:9.90

CORPORATIONS

Age Discrimination in Employment Act, **35:5**, **35:6**

Closely Held Businesses, Corporations and Stock (this index)

Controlled corporations, **11:25**, **14:59** Directors, income tax planning, **6:64**

Disposing of businesses, 13:44

Disposing of Businesses (this index)

Life insurance, 14:34, 14:59

Retiree health benefits, 24:40

S Corporations (this index)

Special Valuation Rules for

Transfer Taxes (this index)
Stock and Stockholders (this index)

Terminally ill clients, transfer of assets to avoid taxes, 11:25, 11:27

CORPUS OF TRUST AVAILABILITY

Special needs trusts, treatment after Omnibus Budget Reconciliation Act of 1993, 16:94

CORRECTIONS

Prejudicial offset, Medicare, 25:35

COSMETIC SURGERY

Medicare, exclusion, 27:89

COST OF LIVING

Income tax planning, adjustments, **6:15**, **6:18**, **6:19**, **6:49**Social Security, **15:163**, **15:165**

COSTS, FEES AND EXPENSES

Administrators and administration, 10:63, 10:69, 12:25

Age Discrimination in Employment Act, 35:67, 35:143 to 35:147

Attorneys (this index)

Cost of Living (this index)

Disposing of businesses, 13:88

Estates (this index)

Ethical issues, duty as to reasonableness, **3:13**

Higher education expenses, penalty taxes on premature distributions of qualified retirement plans and IRAs. 19:72

COSTS, FEES AND EXPENSES —Cont'd

Income (this index)

Medicaid (this index)

Medical Matters (this index)

Medicare (this index)

Nigerian money (advance fee) offers, **4:21**

Postmortem planning and administration, 12:25

Pro bono services, 1:14

Revocable trusts, 10:86

Social Security Administration (this index)

Supplemental Security Income

(SSI) (this index)

Trusts and trustees, 10:86

Veterans (this index)

Wills (this index)

COUNSELING

Continuing care retirement community prospective resident, 21:54 to 21:60

Long-term care facility prospective resident, **21:37 to 21:43**

Medicare, 25:194

COUNTERFEITING

Forgery (this index)

COUNTING OR COUNTABLE

Benefit days, Medicare, **25:135** Social Security Administration,

countable resources value and waiver of overpayment of OASDI or SSI benefits, **18:37**

Supplemental Security Income (SSI) (this index)

COURT OF APPEALS FOR VETERANS' CLAIMS

Veterans' benefits, 17:57

COURTS

Appeal and Review (this index)

Generation-skipping transfer tax, judicial reformation, **8:200**

Medicare, court-ordered assignment of claims, **28:26**

COURTS-Cont'd

Patients' rights, prosecutorial enforcement, 23:53

Revocable trusts, avoidance of accountings, **10:81**

Social Security Administration (this index)

Special needs trusts, income taxes and designing supplemental trusts, 16:133

Wills, avoidance of accountings, **10:44**

COVERAGE

Nursing facility coverage, Medicaid, 21:25

State and local retirement systems, **20:123**

Veterans, health care benefits, 17:31, 17:32

COVER LETTERS

Estates, 10:19, 10:26, 10:29

Social Security Administration, filing date of application for OASDI or SSI benefits based on written statement, 18:11

CREDIBILITY DETERMINATIONS

Social Security Administration, administrative hearings, **18:151**

CREDIT AND CREDITING

Administrative enforcement, **35:179**Attorney General, institution of civil actions by, **35:180**

Civil Rights Act, transactions violating, **35:185**

Connecticut, discriminatory practices prohibited by state law, **35:188**

Consumer credit. **Consumers** (this index)

Defenses to liability, discriminatory credit practices, **35:183**

Definitions

Equal Credit Opportunity Act, 35:174

Iowa, discriminatory practices prohibited by state law, 35:191

CREDIT AND CREDITING	CREDIT AND CREDITING
—Cont'd	—Cont'd
Discrimination	Employment discrimination—Cont'd
employment. Employment	Montana, 35:199
discrimination, infra Equal Credit Opportunity Act.	New York, 35:200
Equal Credit Opportunity Act. Equal Credit Opportunity	Ohio, 35:201
Act (this index)	permissible acts, 35:175, 35:176
Disposing of businesses, 13:18	private actions by aggrieved applicants, 35:181
Employment discrimination	proof of liability, 35:182
generally, 35:173 to 35:203	records or other data relating to
administrative enforcement,	loans, duty to maintain,
35:179	35:178
Attorney General, institution of	remedies, 35:184, 35:185
civil actions by, 35:180	requesting information for
Civil Rights Act, transactions	purposes of monitoring
violating, 35:185	compliance, 35:176
Connecticut, 35:188	Rhode Island, 35:202
defenses to liability, 35:183	state laws prohibiting discrimina-
definitions	tion, generally, 35:187 to
Equal Credit Opportunity Act,	35:203
35:174	statement of reasons for adverse
Iowa, discriminatory practices	action, requirement of, 35:177
prohibited by state law, 35:191	Virginia, 35:203
	Equal Credit Opportunity Act (this
Equal Credit Opportunity Act exempted transactions, 35:186	index)
Maryland, state Equal Credit	Estates (this index)
Opportunity Act, 35:174	Fair Housing Act, transactions violat-
multiple federal laws, violating,	ing, 35:185
35:185	Federal law prohibiting discriminatory practice, generally, 35:173
prohibited acts under, 35:173,	to 35:187
35:174	Financial planning, 5:21
Fair Housing Act, transactions	Generation-Skipping Transfer Tax
violating, 35:185	(this index)
federal law prohibiting discrimina-	Gifts (this index)
tory practice, generally,	Illinois, discriminatory practices
35:173 to 35:187	prohibited by state law, 35:189
Illinois, 35:189	Income (this index)
Iowa, 35:190, 35:191	Iowa, discriminatory practices
judicial enforcement, 35:180,	prohibited by state law, 35:190 ,
35:181	35:191
Kentucky, 35:192	Judicial enforcement, discriminatory
Maine, 35:193	practices prohibited by federal
Maryland, 35:194, 35:195	law, 35:180, 35:181
Massachusetts, 35:196	Kentucky, discriminatory practices
Michigan, 35:197	prohibited by state law, 35:192
Missouri, 35:198	Maine, discriminatory practices
monitoring compliance, 35:176	prohibited by state law, 35:193

CREDIT AND CREDITING

-Cont'd

Maryland, discriminatory practices prohibited by state law, **35:194**, **35:195**

Massachusetts, discriminatory practices prohibited by state law, **35:196**

Michigan, discriminatory practices prohibited by state law, **35:197**

Missouri, discriminatory practices prohibited by state law, **35:198**

Monitoring compliance, 35:176

Montana, discriminatory practices prohibited by state law, **35:199**

New York, discriminatory practices prohibited by state law, **35:200**

Ohio, discriminatory practices prohibited by state law, **35:201**

Pensions and Retirement (this index)

Permissible acts, **35:175**, **35:176**Postmortem planning and administration, credit shelter trust, **12:8**, **12:27**

Private actions by aggrieved applicants, **35:181**

Proof of liability, 35:182

Records or other data relating to loans, duty to maintain, **35:178**

Remedies, 35:184, 35:185

Requesting information for purposes of monitoring compliance, **35:176**

Rhode Island, discriminatory practices prohibited by state law, **35:202**

Shelter trusts

funding, distributions from qualified retirement plans and IRAs, 19:224

generation-skipping transfer tax, **8:191**

postmortem planning and administration, 12:8, 12:27 terminally ill clients, 11:39 to 11:41

Social Security Administration, erroneous refusal to credit selfemployment income, **18:226**

CREDIT AND CREDITING

-Cont'd

Social Security (this index)

SSI unearned income exclusion, earned income credits, **16:77**

State laws prohibiting discrimination, generally, **35:187 to 35:203**

Statement of reasons for adverse action, requirement of, **35:177**

Terminally ill clients, credit shelter trusts, 11:39 to 11:41

Trusts. Shelter trusts, supra

Unified Transfer Tax System (this index)

Virginia, discriminatory practices prohibited by state law, **35:203**

CREDIT CARDS

Consumer issues, **4:14**, **4:15**

CREDITORS

Veterans' benefits, exemption from creditors, 17:62

CRIMES AND OFFENSES

Abuse, neglect, and victimization of elders, **4A:27**

Forgery (this index)

Imprisonment (this index)

Social Security (this index)

CRITICAL ACCESS HOSPITALS

Medicare, 25:58

CROSS-PURCHASE

Disposing of businesses, 13:41

CRUMMEY TRUSTS

Generally, 8:32, 9:29, 14:79

CURRENT CONNECTION WITH RAILROAD INDUSTRY

Railroad retirement benefits, eligibility, **20:80**

CUSTODIAL CARE

Medicare, 25:54, 27:78

CUSTODY OF CHILDREN

Grandparents and grandchildren, consequences of custody orders, 37:13

CYBERSECURITY

Preserving client information, 2:18

"D4A" TRUST

Special needs trusts, exempt selfsettled trusts, **16:150** to **16:152**

"D4" TRUSTS

Medicaid, asset transfer, 29:106

DAILY

Day or Daily (this index)

DAMAGES

Age Discrimination in Employment Act (this index)

Compensatory Damages (this index)

Liquidated Damages (this index) **Punitive Damages** (this index)

DATA

Information and Data (this index)

DATE

Time or Date (this index)

DAY OR DAILY

Home care, hospices, and similar care alternatives, day-care for adults, 22:8 to 22:11

Living problems, **4:1 et seq.**Medicare, care requirement, **25:113**

DEADLINE

Social Security Administration, good cause for missing deadline for requesting administrative review, 18:99

DEATH

For correlative topic, see **Life or Lifetime** (this index)

Benefits. **Death Benefits** (this index) **Burials and Funerals** (this index)

Disposing of businesses, 13:4, 13:42, 13:43, 13:62, 13:63

Distributions from qualified retirement plans and IRAs, 19:26

Expenses, financial planning, **5:9** Generation-skipping transfer tax,

8:166 to 8:168, 19:188

Income (this index)

DEATH—Cont'd

Lifetime distributions, qualified retirement plans and IRAs, 19:88, 19:90

Medicare (this index)

Penalty taxes on premature distributions of qualified retirement plans and IRAs, 19:62

Pensions and Retirement (this index)

Postmortem Planning and Administration (this index)

Social Security Administration (this index)

Social Security (this index)

SSI unearned income, death benefits, 16:54

Suicide (this index)

Survivors (this index)

Taxes, 8:99, 8:102, 10:63

Terminally Ill Clients (this index)

Veterans (this index)

Wills (this index)

DEATH BENEFITS

Distributions from qualified retirement plans and IRAs, 19:26

DEATH WITH DIGNITY ACT

Oregon, request form, 33:65

DEBTS

Loans and Debts (this index)

DECEIT

Fraud and Misrepresentation (this index)

DECERTIFICATION OF FACILITY

Patients' rights, 23:27

DECISIONS

Determinations and Decisions (this index)

DECLARATION

Medical Matters (this index)

DECREASES

Increases or Decreases (this index)

DECREES

Judgments, Decrees and Orders (this index)

DEDUCTIONS AND REDUCTIONS

Age Discrimination in Employment Act, 35:32, 35:35, 35:49, 35:71, 35:72

Charitable deductions, estate and gift taxes, **8:46 to 8:50, 8:96, 8:97**

Disposing of businesses, 13:22, 13:72

Distributions from qualified retirement plans and IRAs, 19:16, 19:17

Estates (this index)

Excess retirement accumulations, distributions from qualified retirement plans and IRAs, 19:107

Financial planning, reducing or restructuring debt, **5:21**

Gifts (this index)

Income (this index)

Life Insurance (this index)

Marriage and Marital Matters (this index)

Medicare (this index)

Nondeductibles

distributions from qualified retirement plans and IRAs, 19:18, 19:19

estate tax, 8:75

life insurance, 14:44

Pensions and Retirement (this index)

Postmortem planning and administration, 12:18, 12:25

Real property planning, deduction of state and local income tax payments, 7:25

Special valuation rules for transfer taxes, **8:285** to **8:287**

Supplemental Security Income (SSI) (this index)

DEEDS

Real property planning, transfer on death deeds, 7:46, 7:47

DEEDS—Cont'd

Trusts, sample deed from grantor to trustee, 10:106
Will substitutes, 10:126

DEEMED MATTERS

Medicare (this index)

Special needs trusts, deemed to be established trusts, **16:146**

DEFAMATION

Employment discrimination, 35:171

DEFAULT

Medicare Advantage (MA) Program, election process, **26A:17**

Social Security Administration, availability of default judgment against commissioner on judicial review, **18:200**

DEFECTIVE TRUSTS

Lifetime transfers planning, 9:32

DEFERRAL, DELAY OR POSTPONEMENT

Closely-held businesses, estate tax, **8:125**

Disposing of Businesses (this index)

Distributions from qualified retirement plans and IRAs, 19:20, 19:80, 19:139, 19:150, 19:218, 19:233 to 19:235

Estate tax, 8:124

Pensions and Retirement (this index)

Postmortem planning and administration, tax liability, 12:31 to 12:36

Railroad retirement benefits, proof of good cause for delay in applying for benefits, 20:107

Terminally ill clients, estate tax payment, **11:32**, **11:36**, **11:37**

DEFICIT REDUCTION ACT OF 2005 (DRA)

Generally, 29:83 et seq.
Definition of transfer, 29:90
Exempt transfers, 29:99 to 29:106
Fair hearing requirement, 29:98
Fair market value and
uncompensated value, 29:89

DEFICIT REDUCTION ACT OF DEFINITIONS—Cont'd 2005 (DRA)—Cont'd Deemed eligibles, 26B:2 Disability, 36:4, 36:5, 36:7, 36:8, Homeplace, transfers of, 29:107 Intent to receive adequate value, 36:13, 36:14, 36:33 29:100 Disposing of businesses, 13:1, 13:73 Look back period, 29:88 Divorced spouse, 15:89 Penalty period, 29:91 Donut hole (coverage gap), 26B:2 Presumption of penalty, 29:98 Dose restriction, 26B:2 Purpose other than qualifying for Drug categories or classes, 26B:2 Medicaid, 29:101 Dual-eligible, **26B:2** Resource transfer penalties after the Elderly homeowner, 7:30 DRA, generally, 29:86 Enhances alternative coverage, 26B:2 Spouses, transfers between, **29:103** Evidence, **15:133** Undue hardship, 29:102 Exceptions process, **26B:2** Exceptions request, 26B:21 **DEFINED BENEFIT OR** Exploitation, institutionalized adults, **CONTRIBUTION PLANS** 23:45, 23:48 Disposing of businesses, 13:70 Facilitated enrollment, 26B:2 Distributions from qualified retire-Federal estate tax, 8:72 ment plans and IRAs, 19:24 to Financial planning, 5:17 19:32, 19:49 to 19:52, 19:89, 19:192, 19:209 Formulary, 26B:2 Full and equal enjoyment, 36:75 **DEFINITIONS** Generation-skipping transfer tax, Abuse, 4A:2, 23:45, 23:46 8:140 to 8:151 Actuarial equivalence, 26B:2 Generic drug, 26B:2 Age Discrimination Act, 35:216 Goods and services, 36:76 Annual required out-of-pocket spend-Guardians and conservators, 34:1 ing limit, 26B:2 Handicap, 36:91 Appeal, 26B:2, 26B:21 Home equity conversion mortgage, Appointed representative, 26B:21 7:30 Auto-enrollment, 26B:2 Homeowner, 7:32 Benchmark plan, 26B:2 Incapacity, 32:7 to 32:14 Catastrophic coverage, 26B:2 Independent review entity (IRE), Child, 15:80 26B:21 Clawback, 26B:2 Initial coverage limit, 26B:2 Co-insurance, 26B:2 Initial enrollment period, 26B:2 Copay, 26B:2 Kinship caregiving, 37:2 Cost sharing, **26B:2** Late enrollment penalty, 26B:2 Coverage determination, 26B:2, Life insurance, 14:40 to 14:42 26B:21 Low-income subsidy (LIS), 26B:2 Covered drugs, 26B:2 Medicaid nursing facilities, 21:29 Credible coverage, **26B:2** Medicare advantage prescription drug Credit and crediting plan (MA-PDP), 26B:2 Equal Credit Opportunity Act, Medicare skilled nursing facilities, 35:174 21:28 Iowa, discriminatory practices Medicare supplement (Medigap), prohibited by state law, 26B:2 35:191 Deductible, 26B:2 Mental incapacity, 32:7 to 32:14

DEFINITIONS—Cont'd	DEFINITIONS—Cont'd
Neglect, 4A:2, 23:45, 23:47	True out-of-pocket spending, 26B:2
Negotiated discount prices, 26B:2	Trust, 16:144
Network pharmacy, 26B:2	Wills, 10:30 to 10:45, 10:72
Non-preferred drug, 26B:2	DELAWARE
Out-of-network pharmacy, 26B:2	
Out-of-pocket payments, 26B:2	Elder victimization, abuse, and
Part D eligible individual, plan, and	neglect, 4A:36
regulations, 26B:2	Health care advance directive, form, 33:35
Period of disability, 15:54	33.33
Preferred drug, 26B:2 Premium, 26B:2	DELAY
*	Deferral, Delay or Postponement
Prescription benefit managers (PBS), 26B:2	(this index)
Prior authorization, 26B:2	DELEGATION OF POWER
Public entity, 36:60	Kinship caregivers, delegation of
Qualified domestic relations orders, 19:201	power by parent or guardian, 37:6
Qualified domestic relations orders,	
19:201	DELUXE PRIVATE ACCOMMODATIONS
Qualified individual with disability, 36:37	Medicare, 25:64, 25:125
Qualified joint interests, 7:9	DEMENTIA
Quarter of coverage, 15:41	, ,
Reconsideration, 26B:21	As to mental capacity, generally. Mental Capacity or Condition
Regarded as having disability, 36:47 Revocable trusts, 10:80	(this index)
Social Security	DEMOGRAPHICS
child, 15:80	Elder population, 1:2 to 1:6
divorced spouse, 15:89	Residents in nursing homes, 21:2
evidence, 15:133	_
period of disability, 15:54	DEMONSTRATIVE EVIDENCE
quarter of coverage, 15:41	Age Discrimination in Employment
spouse, 15:73	Act, 35:121
Special valuation rules for transfer taxes, 8:233, 8:241, 8:252,	DEMOTIONS
8:256, 8:272	Age Discrimination in Employment
Sponsor, 26B:2	Act, 35:31
Spouse, 15:73	DENIAL
Standard coverage, 26B:2	Approval or Acceptance (this index)
State Pharmaceutical Assistance	Approval of Acceptance (this index)
Program (SAP), 26B:2	DENTISTS AND DENTAL
Step therapy, 26B:2	SERVICES
Supplemental benefits, 26B:2	Medicaid, 30:52, 30:88, 30:109
Supplemental drug benefits, 26B:2	Medicare, exclusion of expenses,
Therapeutic equivalency, 26B:2	27:79
Tiered cost-sharing or formulary, 26B:2	Veterans, dental benefits, 17:39, 17:41

DEPARTMENT OF LABOR FIDUCIARY RULE

Distributions from qualified retirement plans and IRAs, 19:9.50

DEPARTMENT OF VETERANS AFFAIRS

Veterans (this index)

DEPENDENTS AND DEPENDENCY

Children (this index)

Ethical problems generated by dependence upon others, **3:5**

Income (this index)

Medicare, home health care, 25:166

Veterans (this index)

DEPOSITIONS

Age Discrimination in Employment Act, **35:114**

DEPRECIATION DEDUCTIONS

Real property planning, determining adjusted basis of property, **7:4**

DEPRECIATION OF ESTATE

Postmortem planning and administration, 12:3

DESCRIPTION

Identification or Description (this index)

DESIGN AND LAYOUT OF OFFICE

Attorney or assistance of counsel, accommodating elderly clients, 2:2 to 2:4

DESIGNATION OF BENEFICIARIES

Benefits and Beneficiaries (this index)

DESIGNING SUPPLEMENTAL TRUSTS

Special needs trusts, **16:115 to 16:137**

DETERMINATIONS AND DECISIONS

Final Decision (this index)

DETERMINATIONS AND DECISIONS—Cont'd

Guardians and conservators, **34:23**, **34:24**, **34:33**

Initial determinations or decisions

Pensions and Retirement (this index)

Social Security Administration (this index)

Pensions and Retirement (this index)

Social Security Administration (this index)

Supplemental Security Income (SSI) (this index)

DEVELOPMENT

Nursing facility industry, 21:9 to 21:20

Social Security Administration, development of record by administrative law judge for unrepresented claimants, 18:145

DEVISEE

Wills, **10:35**

DIABETES

Medicare, special shoes for diabetics, **26:88**

DIAGNOSTIC ITEMS AND SERVICES

Medicaid, **30:91 Medicare** (this index)

DIAGNOSTIC SCREENING

Generally, 27:7

DIAGRAMS

Charts (this index)

DIALYSIS

Medicare, 25:19, 26:79, 27:90

DIC (DEPENDENCY AND INDEMNITY COMPENSATION)

Veterans' benefits, 17:47

DILEMMA OF THIRD PARTY

Special needs trusts, third party settled trusts, **16:168**

DILIGENCE

Ethical issues, 3:11

DILUTION OF OWNERSHIP

Disposing of businesses, 13:85

DIMINUTION OF VALUE OF ASSETS

Terminally ill clients, 11:27

DIRECTED VERDICTS

Age Discrimination in Employment Act, **35:123**

DIRECT EVIDENCE

Age Discrimination in Employment Act (this index)

DIRECTIVES

Do Not Resuscitate Orders (this index)

Forms, 33:27 et seq.

Health Care Directives (this index)

Living Wills (this index)

Medicare (this index)

DIRECT MATTERS

Distributions to trust beneficiaries, wills, **10:59**

Payment (this index)

Skip. **Generation-Skipping Transfer Tax** (this index)

DIRECTOR OF CORPORATION

Income tax planning, Social Security tax on retirement income, **6:64**

DISABILITY DISCRIMINATION

Generally, 36:1 to 36:97

Amendment or modification. Public programs and services, access, infra

Americans with Disabilities Act Accessibility Guidelines (ADAAG), **36:82**

Americans with Disabilities Act of 1990

definition, 36:13, 36:14

harmonization with Rehabilitation Act, **36:19, 36:62**

miscellaneous provisions, **36:18** overview, **36:12**

DISABILITY DISCRIMINATION —Cont'd

Americans with Disabilities Act of 1990—Cont'd

public programs and services, access, infra

Title I of Act, **36:15**, **36:34**, **36:35**Title II of Act, **36:16**, **36:62**, **36:68**to **36:72**

Title III of Act, **36:17**, **36:73 to 36:82**

Architectural barriers, 36:81

Auxiliary aids and services, modification of public entities' discriminatory practices, **36:70**

Common issues among all disabled,

Communicatory exclusion by public entity, **36:65**

Constitutional law, 36:20 to 36:22

Defenses, 36:3

Defenses. Employment, infra

Definitions, 36:4, 36:5, 36:7, 36:8, 36:13, 36:14, 36:33, 36:37, 36:47, 36:60, 36:61, 36:75, 36:76, 36:91

Employment

generally, 36:31 et seq.

accommodation

essential functions of job, creation of different job as accommodation, **36:43**

reasonable accommodations, infra this group

seniority system, reasonable accommodation as conflicting with, **36:51**

ADA Title I, **36:34**, **36:35**, **36:53** business necessity defense, **36:55** defenses

business necessity, 36:55

direct threat of harm to self or others, 36:54

reasonable accommodations constituting undue hardship, **36:52**

Title I of ADA, exemption under, **36:53**

DISABILITY DISCRIMINATION DISABILITY DISCRIMINATION —Cont'd —Cont'd Employment—Cont'd Employment—Cont'd seniority system, reasonable enforcement accommodation as conflicting available remedies, 36:58 with, **36:51** exhaustion of administrative Equal protection issues, 36:20 remedies, 36:56 Essential functions of job. Employlimitation of actions, 36:57 ment, supra essential functions of job Exhaustion of administrative remegenerally, 36:41 dies, employment, 36:56 determination, 36:42 Fair Housing Act different job creation as accomgenerally, 36:90 modation, **36:43** disparate impact and discriminaexhaustion of administrative remetory effects, 36:93 dies, enforcement, 36:56 enforcement, 36:95 hardship, reasonable accommodaexemptions and exceptions, 36:94 tion as creating, 36:52 handicap, defined, 36:91 limitation of actions, 36:57 prohibited discriminatory acts, medical examinations, 36:46 36:92 pre-employment screening Hardship or undue burden, accomgenerally, 36:44 modation as creating, 36:52, inquiries about disabilities. 36:85 36:45 Health and safety of others, modificamedical examinations, 36:46 tion of public accommodations as posing threat to, 36:86 prohibition, generally, 36:32 Health care organizations, access to public entities, discrimination by, public accommodations, 36:88 36:66 Hospitals, access to public accomqualified individual with disability modations, 36:88 generally, 36:36 Insurance offices, access to public defined, 36:37 accommodations, 36:87 former employees, 36:39 Limitation of actions, employment, potential grounds for determina-36:57 tion, 36:38 Limitations on who is disabled Social Security disability, effect generally, 36:23 of filing application for on major life activity, 36:27 status, **36:40** mental impairment, 36:25 reasonable accommodations mitigating measures, 36:28 generally, 36:49 physical impairment, 36:24 seniority systems, conflicts with, record of impairment, 36:29 36:51 regarded as having disability, undue hardship, reasonable 36:30 accommodations constitutsubstantial limitation, 36:26 ing, 36:52 Major life activity, generally, 36:27 regarded as having disability Mandatory compliance with ADA definition, 36:47 Title III, 36:78 elements of proof, 36:48 Medical examinations prior to remedies, 36:56, 36:58 employment, 36:46

DISABILITY DISCRIMINATION

-Cont'd —Cont'd Medical offices, access to public Public programs and services, access accommodations, 36:88 —Cont'd Mental impairment, generally, 36:25 modification of accommodations to fit needs—Cont'd Mitigating measures, effect on determination of disability, 36:28 reasonable modifications, 36:83 Modification. Public programs and threat to health or safety of othservices, access, infra ers, modification as posing, Nursing homes, access to public 36:86 accommodations, 36:89 undue burden, modification amounting to, 36:85 Physical impairment, **36:24** Pre-employment screening. Employmodification of policies, practices ment, supra and procedures Prevalence, 36:2 generally, 36:68 Private clubs exempt from compliauxiliary aids and services, ance with access to public 36:70 integration, 36:69 accommodations regulations, 36:79 nursing homes, 36:89 Public programs and services, access particular actions by entity, 36:63 generally, 36:59 to 36:89 to 36:67 ADA provisions, see more specific physical exclusion of people with lines in this group disabilities, 36:64 architectural barriers, 36:81 private clubs, exemption, 36:79 communicatory exclusion of public accommodations people with disabilities, 36:65 elements of Title III ADA claim. elements of Title III ADA claim. 36:74 36:74 full and equal enjoyment, employment discrimination, 36:66 defined, 36:75 enforcement of Title II of ADA, goods and services, defined, 36:71, 36:72 36:76 full and equal enjoyment, defined, public entity, defined, 36:60 36:75 qualified individual with disability, goods and services, defined, 36:76 defined, 36:61 guidelines, Americans with Disreligious entities, exemption, 36:79 abilities Act Accessibility remedies, 36:72 Guidelines (ADAAG), 36:82 types of prohibited discrimination, harmonization of ADA Title II 36:80 Rehabilitation Act, 36:62 types of public accommodations, health care organizations, 36:88 36:77 hospitals, 36:88 Qualified individual with disability insurance offices, 36:87 defined, 36:37, 36:61 integration, 36:69 employment, supra mandatory compliance with ADA Reasonable accommodations. Title III, 36:78 Employment, supra medical offices, 36:88 Record of impairment, 36:29 modification of accommodations to Regarded as having disability fit needs generally, 36:30 fundamental alteration not employment, supra required, 36:84

DISABILITY DISCRIMINATION

DISABILITY DISCRIMINATION —Cont'd

Rehabilitation Act of 1973

definition, 36:7, 36:8

harmonization with Americans with Disabilities Act, **36:19**, **36:62**

overview, 36:6

Section 501 of Act, 36:9

Section 503 of Act, 36:10

Section 504 of Act, 36:11

Religious entities exempt from compliance with access to public accommodations regulations, 36:79

Remedies

employment discrimination, 36:56, 36:58

public programs and services, access, **36:72**

Social Security disability, effect of filing application for on status as qualified individual with disability, **36:40**

Societal definitions, 36:4

Spending Clause, discrimination laws under, **36:22**

State statutes, 36:96, 36:97

Statute of limitations, employment, 36:57

Substantial limitation, generally, **36:26**

DISABILITY OR HANDICAP

Blindness. Vision and Visually Impaired Persons (this index)

Community care for functionally disabled elderly. **Medicaid** (this index)

Definitions, 36:4, 36:5, 36:7, 36:8, 36:13, 36:14, 36:33, 36:37, 36:47, 36:61, 36:91

Discrimination on basis of. **Disability Discrimination** (this index)

Disposing of businesses, disability insurance funded buy-sell agreements, 13:34, 13:35

Employment discrimination, Americans with Disabilities Act, 35:157

DISABILITY OR HANDICAP

—Cont'd

Estates, **10:114 to 10:117**

Hearing impairments, 2:4, 27:85

Income (this index)

Medicaid (this index)

Medicare (this index)

Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:62**

Pensions and Retirement (this index)

Revocable trusts, 10:114 to 10:117

Social Security (this index)

Special needs trusts for disabled persons, **16:91 to 16:175**

Supplemental Security Income (SSI) (this index)

Veterans (this index)

Vision and Visually Impaired Persons (this index)

DISALLOWANCE

Medicare, claim, 28:29

Social Security Administration, complaints for disallowance of benefits, judicial review, **18:223 to 18:229**

DISAPPROVAL

Approval or Acceptance (this index)

DISASTER ASSISTANCE

SSI, unearned income exclusion, **16:67**

DISCHARGE

For correlative topic, see **Admission to Facility** (this index)

Age Discrimination in Employment Act, 35:33 to 35:36, 35:84 to 35:87

Employment discrimination, wrongful discharge in violation of public policy, **35:168**

Home care, hospices, and similar care alternatives, 22:3

Medicaid, discharge from nursing facility, **30:31**

Medicare, discharge from hospital or skilled nursing facility, **25:104**,

DISCHARGE—Cont'd 25:106, 25:107, 25:137

Patients' rights, 23:24 to 23:27, 23:33

Veterans' disability compensation benefits, type of discharge, 17:12

DISCIPLINE

Age Discrimination in Employment Act, **35:30**

DISCLAIMERS

Attorney or assistance of counsel, **2:16**

Distributions from qualified retirement plans and IRAs, 19:225, 19:244

Employment discrimination, **35:164** Estates, **8:59**, **8:60**, **8:70**

Generation-skipping transfer tax, **8:199**

Postmortem planning and administration, 12:26, 12:27

Qualification or Disqualification (this index)

Revocable trusts, 10:99

Special needs trusts, self-settled supplemental trust, **16:142** Terminally ill clients, **11:20** Wills, **10:57**

DISCOUNTS

Disposing of businesses, 13:47

DISCOVERY

Age Discrimination in Employment Act, **35:95, 35:114**

Guardians and conservators, prehearing discovery, **34:19**

Social Security Administration, administrative hearings, **18:123 to 18:125**

DISCRETIONARY MATTERS

Special Needs Trusts (this index)

DISCRIMINATION

Age Discrimination Act (this index)
Age Discrimination in Employment
Act (this index)

Credit and Crediting (this index)

DISCRIMINATION—Cont'd

Employment Discrimination (this index)

Government-Assisted Programs, etc., Discrimination (this index)

Medicare Advantage (MA) Program, consumer protection, **26A:83**

Public Accommodations (this index)

DISEASE OR ILLNESS

Alzheimer's Disease (this index)
Medicare (this index)
Terminally Ill Clients (this index)

DISENROLLMENT

Medicare, 26:25

DISMISSAL

Age Discrimination in Employment Act (this index)

Medicare, review of QIC dismissal, **28:57**

Social Security Administration (this index)

DISPOSING OF BUSINESSES

Generally, 13:1 et seq.

Accumulated earnings tax, 13:17
Adjusted book value, purchase price term of agreement, 13:27

Agreements. Contracts or agreements, infra

Ahmanson Foundation case, valuation of closely-held businesses, 13:50

Allocations, employee stock option plans, 13:78

Alternatives and options

buy-sell agreements, **13:67 to 13:88**

employee stock option plans, 13:71, 13:73 to 13:88

minimum tax problems, life insurance funded buy-sell agreements, 13:15

nature of agreement, 13:32, 13:33

S corporations, **13:53**, **13:55**

Appraisal, purchase price term of agreement, 13:28

Artificially low price, valuation, 13:38

DISPOSING OF BUSINESSES -Cont'd Basis for income tax purposes, 13:21 Book value, purchase price term of agreement, 13:27 Buy-out of deceased partner, 13:63 Buy-sell agreements, 13:1 et seq. Capital gains, 13:19, 13:83 Capitalization of earnings, purchase price term of agreement, 13:29 C corporations, tax consequences, 13:44 Chenoweth case, valuation of closely-held businesses, 13:49 Choosing right type of buy-sell agreement, 13:11 to 13:22 Closely-held businesses or corporations, 13:46 to 13:51, 13:73 to 13:88 Compensation-based plans, alternatives to buy-sell agreements, 13:69 Contracts or agreements buy-sell agreements, 13:1 et seq. S corporations, 13:58, 13:59 stock redemption agreements, 13:40, 13:58 Contributions, employee stock option plans, **13:77** Corporations C corporations, 13:44 closely-held businesses or corporations, 13:46 to 13:51, 13:73 to 13:88 S corporations, 13:52 to 13:61 stock and stockholders, infra tax consequences, 13:44, 13:45 Costs, employee stock option plans, 13:88 Credit considerations, 13:18

Cross-purchase, tax consequences,

Current significance of buy-sell

Deceased owners, 13:4, 13:42,

13:43, 13:62, 13:63

Deductions and deductibility

interest, 13:22

agreements, 13:2

13:41

DISPOSING OF BUSINESSES -Cont'd Deductions and deductibility —Cont'd **Oualified Family Owned Business** Interest deduction, 13:72 Deferral estate tax payment and special valuation, alternatives to buysell agreements, 13:72 gains, employee stock option plans, 13:80 to 13:82 Defined benefit plans, alternatives to buy-sell agreements, 13:70 Definitions, 13:1, 13:73 Dilution of ownership, employee stock option plans, 13:85 Disability insurance funded buy-sell agreements, 13:34, 13:35 Disabled owner's objectives, buy-sell agreements, 13:5 Discounts, valuation of closely-held businesses, 13:47 Distributions employer securities, employee stock option plans, 13:84 S corporations, 13:56 Diversification requirements, employee stock option plans, 13:87 Dividends, employee stock option plans, **13:76** Divorce, 13:64 to 13:66 Employee stock ownership plans, alternatives to buy-sell agreements, 13:71, 13:73 to 13:88 Entity's objectives, buy-sell agreements, 13:3 Estate taxes, 13:33, 13:37 to 13:39,

13:46, 13:72

13:83

Fixed price method, purchase price

term of agreement, 13:26

Form or sample for buy-sell agree-

to 13:16, 13:34 to 13:36

Gains or losses, 13:19, 13:80 to

Funding of buy-sell agreement, 13:12

ment, 13:10, 13:61

DISPOSING OF BUSINESSES —Cont'd Gift tay, valuation of closely-be

Gift tax, valuation of closely-held businesses, 13:46

Insurance

funding of buy-sell agreement, 13:12 to 13:16, 13:34 to 13:35

tax consequences, **13:40**, **13:41** Internal Revenue Code (26 USCA § 2703), valuation, **13:39**

Life insurance funded buy-sell agreements, 13:12 to 13:16, 13:34, 13:35

Loans, employee stock option plans, 13:79

Mandatory nature of agreement, 13:32, 13:33

Objectives, buy-sell agreements, 13:3 to 13:6

One class of stock requirement, S corporations, 13:57, 13:58

Options. Alternatives and options, supra

Partnerships, 13:62, 13:63

Payment

deferral of estate tax payment and special valuation, alternatives to buy-sell agreements, 13:72

distributions to pay taxes, S corporations, 13:56

premium payment, life insurance funded buy-sell agreements, 13:13

terms of agreement, 13:31

Planning considerations, 13:7 to 13:36, 13:51, 13:73 to 13:88

Premiums

closely-held businesses, valuation, 13:48 to 13:51

life insurance funded buy-sell agreements, **13:13**

Preservation of S corporation election. **13:55**

Provident National Bank case, valuation of closely-held businesses, 13:50

Purchase price, terms of agreement, 13:25 to 13:30

DISPOSING OF BUSINESSES —Cont'd

Put requirements, employee stock option plans, 13:87

Qualified Family Owned Business Interest deduction, 13:72

Recapitalization, alternatives to buysell agreements, 13:68

Redemption agreements, stock, 13:40, 13:58

Remaining owners' objectives, buysell agreements, **13:6**

Restrictions, 13:9

Retired owner's objectives, buy-sell agreements, 13:5

Sale or exchange treatment, tax consequences, **13:43**

Sample or form for buy-sell agreement, **13:10**, **13:61**

S corporations, 13:52 to 13:61

State law, **13:20**

Stock and stockholders

C corporation, tax consequences, 13:44

employee stock option plans, alternatives to buy-sell agreements, 13:71, 13:73 to 13:88

one class of stock requirement, S corporations, **13:57**, **13:58**

redemption agreements, 13:40, 13:58

Suggested terms of buy-sell agreement, **13:23 to 13:33**

Taxes and taxation

generally, 13:37 to 13:51

accumulated earnings tax, 13:17

alternative minimum tax problems, life insurance funded buy-sell agreements, 13:15

basis for income tax purposes, 13:21

capital gain treatment, 13:19

consequences, 13:40 to 13:45 deductibility of interest, 13:22

distributions to pay taxes, S corporations, **13:56**

employee stock option plans, 13:75 to 13:83

INDEX DISPOSING OF BUSINESSES DISTRIBUTION OR DISTRIBUTIONS—Cont'd -Cont'd Qualified retirement plans, 19:1 et Taxes and taxation—Cont'd estate taxes, 13:33, 13:37 to 13:39, 13:46, 13:72 Retirement plans and accounts, 19:1 gift tax, valuation of closely-held et seq. businesses, 13:46 Roth IRAs, 19:31, 19:118, 19:162, valuation, 13:37 to 13:39 19:236 Transfer for value problems, life Special needs trusts, distribution proinsurance funded buy-sell agreevisions, 16:108 to 16:113 ments, 13:14 Special valuation rules for transfer Triggering events, terms of agreetaxes, 8:215, 8:221, 8:222, ment, 13:24 8:227 Types of buy-sell agreements, 13:8 Trusts and trustees, 19:96 to 19:102 Valuation DISTRICT OF COLUMBIA closely-held businesses, 13:46 to Advance directive form, 33:36 13:51 deferral of estate tax payment and Durable power of attorney for health care form, **33:36** special valuation, alternatives to buy-sell agreements, 13:72 Education, discrimination, 35:205 divorce, **13:66** Elder victimization, abuse, and S corporations, 13:60 neglect, 4A:37 tax considerations, 13:37 to 13:39 DIVERSIFICATION Voting rights, employee stock option Disposing of businesses, 13:87 plans, 13:85 DISPOSITION **DIVIDENDS** Social Security Administration (this Disposing of businesses, 13:76 index) DISQUALIFICATION Qualification or Disqualification (this index) **DISTRIBUTION OR**

Premature distributions, qualified

19:215

retirement plans and IRAs,

19:60 to 19:79, 19:135, 19:151,

Life Insurance (this index) Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:67** SSI, unearned income, 16:58 Terminally ill clients, 11:35 DISTRIBUTIONS **DIVORCE Disposing of Businesses** (this index) **Alimony** (this index) **Generation-Skipping Transfer Tax** (this index) Disposing of businesses, 13:64 to Guardians and conservators, distribu-13:66 tions from estate. 34:44 Railroad Retirement Benefits (this IRAs, **19:1** et seq. index) Medicaid, distribution of money **Social Security** (this index) recovered from third party, Terminally ill clients, 11:19 31:49 **DNR** Postmortem planning and administration, 12:37, 12:38, 12:47, 12:48 Do Not Resuscitate Orders (this

index)

Physicians (this index)

DOCTORS

DOCUMENTS

Age Discrimination in Employment Act, requests for production of documents, **35:112**

Mental Capacity or Condition (this index)

Transfer taxes, estate planning, 8:316

DOMESTIC TRUSTS

Trusts and Trustees (this index)

DOMICILE

Residence and Residency (this index)

DOMICILIARY CARE

Veterans, benefits, 17:38, 20:59

DONATIONS

For correlative topic, see **Gifts** (this index)

Charitable Matters (this index)

Kidney, Medicare, 25:75

Organ donations. **Anatomical Gifts** (this index)

DO NOT RESUSCITATE ORDERS

Generally, 33:17, 33:103 to 33:101

Arizona, 33:103

Georgia, 33:104

Indiana, 33:105

Kansas, 33:106

Louisiana declaration directing the withholding or withdrawal of life-sustaining procedures, 33:107

Michigan, 33:108

Oklahoma, 33:109

Pennsylvania, 33:110

South Carolina, emergency services non-resuscitation order, **33:111**

West Virginia, 33:101

DOUBLE OR DOUBLING

Special valuation rules for transfer taxes, taxation, 8:248, 8:249, 8:300

DRAFTING

Wills, **10:46 et seq.**

DRIVERS

The older driver, **4:43 to 4:45**

DRUGS

Abuse, neglect, and victimization of elders, **4A:8**

Daily living problems, pharmaceutical assistance, **4:47**

Medicaid, 30:100 to 30:108

Medicare (this index)

DUAL AWARDS

Social Security Administration, attorney's fees, **18:86**

DUE DATE

Estate tax return, 8:123

DUE PROCESS

Employment discrimination, 35:149, 35:150

Social Security Administration, judicial review, **18:204**

DURABLE MEDICAL

EQUIPMENT

Medicare, 26:80

DURABLE POWER OF ATTORNEY

As to powers of attorney in general. **Powers of Attorney** (this index)

Financial matters, durable powers of attorney for, **33:2 to 33:6**

Health care, durable powers of attorney for. **Health Care Powers of Attorney** (this index)

Terminally ill clients, 11:6, 11:7

DURABLE POWERS OF

ATTORNEY FOR HEALTH CARE

Health Care Powers of Attorney (this index)

DURATION

Guardianship or conservatorship, **34:46**

Railroad retirement benefits, **20:91 to 20:94**

DURESS

Undue Influence (this index)

DUTIES

Attorneys (this index)

Index-44

DUTIES—Cont'd

Guardians and conservators, 34:41, 34:42

Social Security Administration (this index)

DWELLING UNIT ASSISTANCE

SSI, unearned income exclusion, **16:75**

EAJA (EQUAL ACCESS TO JUSTICE ACT)

Social Security Administration, attorney's fees, **18:78** to **18:87**

EAP (EXPEDITED APPEALS PROCESS)

Social Security Administration, administrative review, **18:104 to 18:107**

EARLY RETIREMENT

Generally, 19:44

EARNED INCOME

Income (this index)

EARNING CAPACITY RECOVERED OR RESTORED

Federal employees' retirement system, disability annuity, **20:38**

EASEMENTS

Real property planning, determining adjusted basis of property, **7:4**

ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001

Generally, 8:20, 8:24, 8:56

Distributions from qualified retirement plans and IRAs, 19:9

Generation-skipping transfer tax, **8:132**

ECONOMIC RECOVERY TAX ACT OF 1981

Generally, 8:11, 8:12

ECONOMICS

Age Discrimination in Employment Act, reasonable factors other than age, **35:70**

EDUCATION

Schools and Education (this index)

EFFECTIVE DATES OR PERIODS

Generation-skipping transfer tax, 8:188, 8:189

Railroad retirement benefits, effective period of application for benefits, 20:101

Social Security Administration, effective period of application for OASDI of SSI benefits, **18:15 to 18:19**

ELDER VICTIMIZATION, ABUSE, AND NEGLECT

Generally, 4A:1 to 4A:82

Adult Protective Services (this index)

Alabama, 4A:29

Alaska, 4A:30

Arizona, 4A:31

Arkansas, 4A:32

Attorney or assistance of counsel, special problems of elder law practice, 2:7

California, 4A:33

Causes of elder abuse, 4A:14

Characteristics of victim, 4A:4, 4A:5

Civil remedies, 4A:26

Colorado, 4A:34

Connecticut, 4A:35

Conservators, abuse by, 4A:15

Criminal remedies, 4A:27

Definitions, 4A:2

Delaware, 4A:36

District of Columbia, 4A:37

Domestic abuse vs. institutional abuse, **4A:3**

Emergency contact information, **4A:29 et seq.**

Emotional abuse, 4A:9

Financial abuse or exploitation,

4A:10

Florida, 4A:38

Georgia, 4A:39

Guam, 4A:40

Guardian, abuse by, 4A:15

Hawaii, **4A:41**

ELDER VICTIMIZATION, ABUSE, AND NEGLECT—Cont'd Health care workers, abuse by, 4A:15 Home care, hospices, and similar care alternatives, 22:36 Idaho, 4A:42 Illinois, 4A:43 Incidence, 4A:13 Indiana, 4A:44 Institutional vs. domestic abuse, 4A:3 Iowa, 4A:45 Kansas, 4A:46 Kentucky, 4A:47 Louisiana, 4A:48 Maine, 4A:49 Mandatory reporting, 4A:29 et seq. Maryland, 4A:50 Massachusetts, 4A:51 Medications, abuse associated with, 4A:8 Michigan, 4A:52 Minnesota, 4A:53 Mississippi, 4A:54 Missouri, 4A:55 Montana, 4A:56 Nebraska, 4A:57 Nevada. 4A:58 New hampshire, 4A:59 New Jersey, 4A:60 New Mexico, 4A:61 New York, 4A:62 North Carolina, 4A:63 North Dakota, 4A:64 Nursing homes and residential care facilities, patients' rights, 23:14, 23:45 to 23:49 Ohio, 4A:65 Oklahoma, 4A:66 Oregon, 4A:67 Pennsylvania, 4A:68 Perpetrator behavior as indicator of abuse, 4A:12 Physical abuse, generally, 4A:7

Power of attorney abuse, 4A:15.50

Profile of perpetrator, 4A:14

Psychological abuse, 4A:9

Puerto Rico, 4A:69

Reporting, 23:49

ELDER VICTIMIZATION, ABUSE, AND NEGLECT—Cont'd

Rhode Island, 4A:70

Risk factors for abuse, 4A:4

Self-neglect, 4A:11

Sexual abuse, 4A:7

Signs and symptoms of abuse, generally, **4A:6**, **4A:12**

South Carolina, 4A:71

South Dakota, 4A:72

State laws, 4A:29 et seq.

Tennessee, 4A:73

Texas, 4A:74

Utah. 4A:75

Vermont, 4A:76

Virginia, 4A:78

Virgin Islands, **4A:77**

Washington, **4A:79**

West Virginia, 4A:80

Wisconsin, 4A:81

Wyoming, 4A:82

ELECTION OR CHOICE

Alternatives, Options or Variations (this index)

ELECTION OR VOTING

Voting and Elections (this index)

ELEVENTH AMENDMENT

Disability discrimination, 36:21

ELIGIBILITY

Qualification or Disqualification (this index)

EMERGENCIES

Adult protective services, emergency vs. non-emergency services, **4A:23**

Contact information, elder victimization, abuse, and neglect, **4A:29** et seq.

Guardians and conservators, emergency intervention, **34:17**

Medicaid coverage for undocumented aliens, **29:35**

Medicare, 28:4, 28:5, 28:8

SSI eligibility of resident of public emergency shelter, **16:6**

EMERGENCIES—Cont'd

Veterans' health care benefits, medical treatment in "civilian" hospitals, 17:37

EMOTIONAL ABUSE

Elder abuse, 4A:9

EMOTIONAL DISTRESS

Age Discrimination in Employment Act, **35:23**

Employment discrimination, intentional infliction of emotional distress, 35:169

EMPLOYEE RETIREMENT INCOME SECURITY ACT

Generally, 19:35, 19:36

Medicare Advantage (MA) Program, **26A:85**

Overview, 35:152

Participant's rights, 19:36

Retaliation for exercising right to benefits, **35:154**

State and local retirement systems, **20:123**

Statutory requirements

labor laws, 19:35

tax laws, 19:34

Termination of retirement health benefits, **35:155**

EMPLOYEE STOCK OWNERSHIP PLANS

Disposing of businesses, 13:71, 13:73 to 13:88

Distributions from qualified retirement plans and IRAs, 19:30, 19:67

Transfer taxes, 8:13, 8:14, 8:16 Unified transfer tax system, 8:13, 8:14, 8:16

EMPLOYERS AND EMPLOYEES

Age Discrimination in Employment Act (this index)

Employee Retirement Income Security Act (this index)

Employee Stock Ownership Plans (this index)

Employment Discrimination (this index)

EMPLOYERS AND EMPLOYEES —Cont'd

Government (this index)

Income tax planning, **6:40**, **6:44**

Life insurance, employer-provided insurance, **14:24**, **14:25**

Medicare, 26B:19, 27:65 to 27:71

MEDIGAP (Medicare Supplemental Insurance), impact on employersponsored Medicare supplements, **24:41**

Nontax rules relating to qualified retirement plans, labor laws, 19:35

Pensions and Retirement (this index)

Reemployment (this index)

Respondent superior, patients' rights of action, 23:11

Self-Employment and Self-Employment Income (this index)

Social Security (this index)

Staffing (this index)

Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the American Taxpayer Relief Act of 2012, and the Tax Cuts and Jobs Act of 2017, 8:20,50

Ticket to Work Program, 15:202

Workers' Compensation (this index)

EMPLOYMENT DISCRIMINATION

See also **Disability Discrimination** (this index)

Additional legal protection, generally, 35:148 to 35:172

Age discrimination, generally, **1:16**

Age Discrimination in Employment Act (this index)

Ageist slurs, 35:169

Alternative judicial forum, 35:161

Americans with Disabilities Act, overview, **35:157**

Attorneys' fees, 35:144 to 35:147

At-will employment relationships, 35:162 to 35:172

Back pay, 35:133

EMPLOYMENT

DISCRIMINATION—Cont'd

Business relationship, tortious interference with, **35:170** Compensatory damages, **35:168** Constitutional matters, **35:148 to 35:151**

Contract claims, **35:162 to 35:167** Credit. **Credit and Crediting** (this index)

Defamation, 35:171

Disclaimers, 35:164

Due process, 35:149, 35:150

Emotional distress, intentional infliction of, **35:169**

Employee Retirement Income Security Act (this index)

Equal protection, 35:148

ERISA. Employee Retirement Income Security Act (this index)

First Amendment guarantees of freedom of speech and association, **35:151**

Fraud, 35:167, 35:172

Freedom of speech and association, 35:151

Good faith, 35:167

Harassment, 35:169

Implied contract, **35:163 to 35:165**Implied covenant of good faith and fair dealing, **35:167**

Intentional infliction of emotional distress, **35:169**

Liquidated damages, 35:139

List of state statutes, 35:158

National Labor Relations Act, potential claims, **35:156**

Political affiliation of employee, **35:151**

Procedural due process, 35:149

Promissory estoppel, 35:166

Punitive damages, 35:140

Reinstatement, 35:136

Schools and Education (this index)

State antidiscrimination statutes,

35:158 to 35:161

Statute of frauds, 35:165

Substantive due process, 35:150

EMPLOYMENT

DISCRIMINATION—Cont'd

Tort claims, **35:168 to 35:172**

Unions, 35:156

Value of administrative process, **35:160**

Variations from federal act, **35:159** Wrongful discharge in violation of public policy, **35:168**

EMPLOYMENT RELATIONSHIP

Tortious interference with employment relationship as discrimination, **35:170**

ENCUMBRANCES

Liens or Encumbrances (this index)

END OF MARRIAGE DETERMINATION

SSI, married persons' eligibility, 16:18

ENDOWMENT CONTRACTS

Life insurance, 14:19, 14:39

END-STAGE RENAL DISEASE

Medicare, 25:15 to 25:21, 28:11

ENERGY

SSI unearned income exclusion, home energy assistance, **16:72**

ENROLLMENT

Medicare (this index)

Veterans, health care benefits, 17:29

ENTITLEMENT

Medicare (this index)

Railroad Retirement Benefits (this index)

ENTITY LOOK-THROUGH RULES

Generation-skipping transfer tax, 8:136

ENVIRONMENT OF FACILITIES

Medicare, comprehensive outpatient rehabilitation facility services, **26:102**

EQUAL ACCESS TO JUSTICE ACT

Social Security Administration, attorney's fees, **18:78 to 18:87**

Generally, 8:56 to 8:125

Administration

generally, 10:4

EQUAL CREDIT OPPORTUNITY ESTATES—Cont'd Administration—Cont'd ACT Consumer issues, 4:33 **Executors** (this index) postmortem planning and Exempted transactions, 35:186 administration, 12:40 to Maryland, state Equal Credit Opportunity Act, 35:174 Alternate valuation date, gross estate, Multiple federal laws, violating, 8:62 35:185 Annual payment of income, general Prohibited acts under, 35:173, 35:174 power of appointment trust, 8:79 **EQUAL PROTECTION** Annuities, **8:112, 19:177, 19:181** Disability discrimination, 36:20 Appointment Employment discrimination, 35:148 fiduciaries, 10:21 Real property planning, tax relief for planning, 10:21 elderly individuals, 7:39 powers, 8:77 to 8:81, 8:86, 8:116 to 8:119 **EQUIPMENT AND SUPPLIES** Charitable matters, 8:89, 8:96, 8:97 Home care, hospices, and similar care Closely-held business, 8:63, 8:125 alternatives, 22:3, 22:23, 22:37 Confidential information, conflicts of Income tax planning, deductibility of interest involving spouses, medical expenses, 6:70 10:10, 10:11 Medicaid, 30:61, 30:112 Conflicts of interest, 10:9 to 10:11, **Medicare** (this index) 10:27 **EQUITABLE DAMAGES** Costs, fees and expenses Age Discrimination in Employment planner of estate, 10:8 Act, 35:140 revocable trusts, 10:86 Cover letters, 10:19, 10:26, 10:29 **EQUITY** Social Security Administration, waiver of overpayment of estate tax paid on prior transfers, OASDI or SSI benefits, 18:39 8:101 foreign death taxes, 8:102 **ERISA** gift taxes, 8:100 **Employee Retirement Income** pre-1977 gifts, **8:100** Security Act (this index) prior transfers, tax, 8:101 **ERRORS** state death taxes, 8:99 **Mistakes or Errors** (this index) unified credit, 8:98 **ESOP** Date. Time or date, infra Death taxes paid, credit, 8:96, 8:102 **Employee Stock Ownership Plans** (this index) Deductions charitable deduction, 8:96, 8:97 ESTABLISHING OR marital deduction, infra **ESTABLISHMENT** nondeductibles, 8:75 Practice in elder law, 2:1 et seq. Deferral of tax for interests in Special Needs Trusts (this index) closely-held businesses, 8:125 **ESTATES** Definitions, 8:72

Disabled individuals, 10:114 to

Disclaimers, 8:59, 8:60, 8:70

10:117

noncitizen spouse, 8:90 to 8:95

ESTATES—Cont'd ESTATES—Cont'd Disposing of businesses, 13:33, Gratuitous transfers, 8:100, 8:105, 13:37 to 13:39, 13:46, 13:72 8:106, 8:114 Distributions from qualified retire-Gross estate, 8:56 to 8:60 ment plans and IRAs, taxation, Gross-up for gift taxes, transfers 19:169 to 19:184, 19:222, within three years of death, 19:243 8:105, 8:106 Due date, estate tax return, 8:123 Guardians and conservators, estate Economic Growth and Tax Relief distributions, 34:44 Reconciliation Act of 2001, 8:56 Implementing plan, 10:14 Enjoyment of income, retention of Incapacity, planning, 10:6 right, **8:108, 8:109** Incidents of ownership, life insur-Estate by entirety, retained interests ance, 8:121 and powers, 8:113 to 8:115 Income, retention of right, 8:108, Excise tax on transfer of taxable 8:109 estate, 8:56 Interview as means of gathering Exclusions and exceptions facts, 10:18, 10:19 Joint matters distributions from qualified retirement plans and IRAs, 19:170 powers of appointment of assets, to 19:172 8:118 gross estate, property or property tenants with right of survivorship, interests excepted, 8:58 retained interests and powers, marital deduction, 8:65, 8:77 to 8:113 to 8:115 Lapse of power of appointment, 8:89 terminable interest rule, 8:77 to 8:89 Large estates, generation-skipping transfer tax, 8:192, 8:193 Executors (this index) Letters and forms, 10:19 to 10:29, Expenses. Costs, fees and expenses, 10:78 **Life Estates** (this index) Farm or closely-held business, special valuation of gross estate, **Life Insurance** (this index) 8:63 Lifetime transfers planning, 9:12 to 9:15, 9:24, 10:2 Federal estate tax, generally, 8:56 to 8:125 **Living Wills** (this index) Fees. Costs, fees and expenses, supra Marital deduction Fiduciaries, determination and generally, **8:64 to 8:70** appointment, 10:21 absence of qualified domestic trust, Filing tax returns, **8:122**, **8:123** noncitizen spouse, 8:90 Financial planning, 5:15, 5:39 ascertaining passing requirement at Foreign death taxes, credit for, 8:102 time of death, 8:68 Forms and letters, 10:19 to 10:29, citizenship acquired by noncitizen 10:78 spouse, **8:94** distributions from qualified retire-Gathering of facts, 10:12, 10:18 to 10:29 ment plans and IRAs, 19:175 to 19:184 General rule of valuation of gross estate, 8:61 exceptions and exclusions, 8:65, 8:77 to 8:89 **Generation-Skipping Transfer Tax** marriage requirement, 8:66 (this index)

Goals of estate planning, 10:1

ESTATES—Cont'd ESTATES—Cont'd Marital deduction-Cont'd Qualified conservation easements, charitable deduction, 8:97 nonqualifying items, 8:65 passing requirement, 8:67 to 8:70 **Oualified** matters qualified disclaimer, 8:70 disclaimer, 8:59, 8:60, 8:70 qualified domestic trust, noncitizen domestic trust (ODT), marital spouse, 8:90 et seq. deduction for noncitizen requirements, generally, 8:64, 8:67 spouse, 8:90 et seq. to 8:70 terminable interest property, 8:84 residence of surviving spouse to 8:88, 19:178 outside United States, 8:95 Questionnaire as means of gathering terminable interest rule, 8:71 to facts, 10:18, 10:19, 10:26, 8:89 10:28 time or date, 8:66, 8:68 Recommendation of estate plan, will contest, 8:69 10:13 Marriage requirement for marital Recovery, medicaid, 29:4 deduction, 8:66 Reductions, Deductions, supra Maturation of plan, 10:16 Renunciation right of spouse, quali-Medicaid, adjustments and estate fied terminable interest property recoveries, 29:113 to 29:116 (QTIP) trust, 8:88 Noncitizen spouses, 8:90 to 8:95, Requirements for marital deduction, 19:184 8:64, 8:67 to 8:70 Nondeductible terminable interests, Retained interests and powers, 8:108 8:75 to 8:115 Nonqualifying items, marital deduc-Returns. Taxes and taxation, infra tion, 8:65 Reversionary or remainder interest, No-takers provision, 10:23 8:110, 8:124 Overview of elder law, 1:12 Reviewing and revising estate plan, Overview of estate planning, 10:1 et 10:15 Revocable transfers, retained Passing requirement for marital interests and powers, 8:111 deduction, 8:67 to 8:70 Role of estate planner, 10:7 Periodic review of estate plan, 10:15 Small estates, generation-skipping Planning, see lines throughout this transfer tax, 8:190 topic Special matters, 8:63, 8:107, 9:24 **Postmortem Planning and** Spouses, see lines throughout this **Administration** (this index) topic Postponement of estate tax payment State death taxes, credit for, 8:98 until reversionary or remainder Steps in estate planning process, geninterest vests, 8:124 erally, 10:12 to 10:16 Powers of appointment, 8:77 to 8:81, Stock shares in controlled corpora-8:86, 8:116 to 8:119 tion, retention of voting rights, Prior transfers, credit for tax paid on, 8:109 8:101 Subject matter of estate planning, Proceeds of life insurance, receipt by 10:5 executor, **8:120** Survivors, **8:76, 8:112 to 8:115** Property or property interests Taxes and taxation included in federal gross estate, annuities, 8:112, 19:177, 19:181 8:57 to 8:60

ESTATES—Cont'd ESTATES—Cont'd Taxes and taxation—Cont'd Transfers—Cont'd deferral of tax for interests in transfer taxes, estate planning closely-held businesses, goals, **8:310 to 8:316** returns, 8:125 within three years of death, 8:103 disposing of businesses, 13:33, to 8:107 13:37 to 13:39, 13:46, 13:72 Transition rules, estate tax, distribudistributions from qualified retiretions from qualified retirement ment plans and IRAs, 19:169 plans and IRAs, 19:170 to to 19:184 19:173 due dates, returns, 8:123 **Trusts and Trustees** (this index) federal estate tax, 8:56 to 8:125 Unified transfer tax system, 8:9 et filing, returns, **8:122**, **8:123** inclusion period, generation-skip-Unlimited charitable deduction, 8:96, 8:97 ping transfer tax, 8:172 to 8:174 Valuation of gross estate, **8:61 to** life insurance, 14:49 to 14:55, 8:63 14:104, 14:105, 14:115 Vesting of reversionary or remainder lifetime transfers planning, 9:12 to interest in property, 8:124 9:15, 9:24 Voting rights of stock in controlled postponement of payment until corporation, retention of rights, interest vests, returns, 8:124 8:109 returns ESTIMATED TAX PAYMENTS deferral of tax for interests in Real property planning, 7:23 closely-held businesses. 8:125 ESTOPPEL AND WAIVER due dates, 8:123 Waiver and Estoppel (this index) filing, 8:122, 8:123 postponement of payment until **ETHICAL ISSUES** interest vests, 8:124 Generally, 3:1 to 3:24 special needs trusts, designing Alternatives and variations to supplemental trusts, 16:137 intermediation model, 3:21 Tenants by entirety, retained interests Applicable codes of professional and powers, 8:113 to 8:115 conduct and responsibility, 3:7 Terminable interest rule, 8:71 to 8:89 et seq. Terminally ill clients, 11:32, 11:36, Avoiding conflicts of interest, **3:16** 11:37 Capacity. Mental Capacity or Testamentary capacity and undue **Condition** (this index) influence, determining, 10:6 Codes of professional conduct and Time or date responsibility, 3:7 et seq. marital deduction, 8:66, 8:68 Communication, duties owing to tax return due date, 8:123 clients, 3:12 transfers, infra Competency. Mental Capacity or **Condition** (this index) transfers within three years of death, 8:103 to 8:107 Conclusions, 3:24 valuation of gross estate, 8:61 to Confidentiality of information, 3:14 8:63 Conflicts of interest, 3:15 to 3:18 Transfers Declining or questionable capacity of lifetime, 10:2 client, 3:6, 3:19

ETHICAL ISSUES—Cont'd

Defining identity of client, duty owed to client, **3:8**

Dependence upon others as factor generating ethical problems, **3:5**

Diligence, duty owed to client, 3:11

Dual representation, duty to avoid conflicts of interest, **3:16**

Duties owing to clients, 3:7 to 3:20

Fees, duty as to reasonableness, 3:13

Fiduciaries, representation, 3:10

Former or current clients, 3:18

Guardianship proceedings, 34:7

Identification of client, 3:3, 3:8

Incompetency. **Mental Capacity or Condition** (this index)

Informed client decisions, duty of communication, **3:12**

Intermediary role, conflicts of interest, **3:21**

Mental capacity of client, declining or questionable, **3:6**, **3:19**

Minimizing ethical difficulties, **3:23**Model Rules of Professional Conduct

Model Rules of Professional Condu (MRPC), **3:7 et seq.**

Multidisciplinary practice debate, note on, **3:22**

Overview, 1:8

Professional conduct and responsibility codes applicable, **3:7 et seq.**

Prohibition of transactions, conflicts of interest, **3:17**

Reasonable diligence, duty owing to clients, **3:11**

Representative settings, **3:4**, **3:9**, **3:10**

Scope of representation, duties owing to clients, **3:9. 3:10**

Variations and alternatives to intermediation model, **3:21**

EUTHANASIA

Physician aid-in-dying, 33:22

EVALUATION OR EVALUATIONS

Age Discrimination in Employment Act, **35:23**, **35:55**

Guardians and conservators, independent and multidisciplinary evaluation of competence, **34:22**

EVALUATION OR EVALUATIONS —Cont'd

Home care, hospices, and similar care alternatives, **22:46**

Medicaid, disclosure of provider evaluations, **30:15**

Medicare, care plan, 25:116, 25:117, 25:157, 25:158

Social Security Administration, request for attorney's fees under Social Security act, 18:55, 18:56, 18:72

SSI, in-kind income, 16:31

EVIDENCE

Admissibility of Evidence (this index)

Circumstantial Evidence (this index)

Discovery (this index)

Expert and Opinion Evidence (this index)

Medicaid (this index)

Medicare Advantage (MA)
Program (this index)

Presumptions and Burden of Proof (this index)

Railroad retirement benefits, applying for benefits, 20:104 to 20:110

Social Security Administration (this index)

Social Security (this index)

Subpoenas (this index)

Supplemental Security Income

(SSI) (this index)

Witnesses (this index)

EXAMINATION OR INSPECTION

Medical Matters (this index)

Physical examinations, Medicare, **27:88**

Social Security Administration (this index)

Survey results, patients' rights, 23:31

EXCEPTIONS

Exclusions, Exemptions and Exceptions (this index)

EXCESS AMOUNTS

Retirement distributions or accumulations, qualified retirement plans

EXCESS AMOUNTS—Cont'd and IRAs, 19:106, 19:107

Special valuation rules for transfer taxes, **8:263**, **8:267**

EXCHANGES

Life insurance policies, **14:43**SSI nonincome items, exchange of resource, **16:38**

Terminally ill clients, 11:34, 11:35

EXCISE TAXES

Federal estate tax, 8:56

EXCLUSIONS, EXEMPTIONS AND EXCEPTIONS

Age Discrimination Act, exclusion of programs and activities from coverage, **35:218**

Age Discrimination in Employment Act (this index)

Annual Matters (this index)

Distributions from qualified retirement plans and IRAs, **19:61 et seq.**

Estates (this index)

Excess retirement distributions or accumulations, qualified retirement plans and IRAs, 19:106, 19:107

Generation-Skipping Transfer Tax (this index)

Gifts (this index)

Life Insurance (this index)

Lifetime Transfers Planning (this index)

Medicaid (this index)

Medicare (this index)

Medicare Catastrophic Coverage Act (this index)

Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:61 to 19:69**

Personal exemptions, **6:1**, **6:6**, **6:9**, **6:15**, **6:16**

Postmortem planning and administration, qualified disclaimer, 12:26

Real property planning, exclusion of gain on sale or exchange of principal residence, 7:19 to 7:22

EXCLUSIONS, EXEMPTIONS AND EXCEPTIONS—Cont'd

Social Security Administration (this index)

Special needs trusts, exempt selfsettled trusts, **16:149 to 16:158**

Special Valuation Rules for Transfer Taxes (this index)

Supplemental Security Income (SSI) (this index)

Survivor annuities, distributions from qualified retirement plans and IRAs, 19:194

Terminally ill clients, exclusion gifts, 11:42 to 11:44, 11:49

Veterans (this index)

EXECUTION

Wills and living wills, 10:46 et seq.

EXECUTORS

Federal estate tax, **8:120**

Generation-skipping transfer tax, **8:149**

Life insurance proceeds, receipt, 8:120

Wills, personal representatives, **10:34, 10:65, 10:66, 10:69**

EXEMPTIONS

Exclusions, Exemptions and Exceptions (this index)

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Disability discrimination, employment, **36:56**

Medicaid, 31:35

Social Security Administration, judicial review, **18:211 to 18:213**

EXISTENCE OF MARRIAGE DETERMINATION

SSI, married persons' eligibility, **16:11**

EXPEDITED MATTERS

Medicare (this index)

Social Security Administration, expedited appeals process,

EXPEDITED MATTERS—Cont'd 18:104 to 18:107

EXPENSES

Costs, Fees and Expenses (this index)

EXPERIMENTS

Medicaid, experimental procedures, **30:99**

EXPERT AND OPINION EVIDENCE

Age Discrimination in Employment Act, **35:59**, **35:60**

Grandparents' rights, expert witness fees, 37:32

Social Security Administration, administrative hearings, **18:151**

EXPLOITATION

Nursing homes and residential care facilities, patients' rights, 23:14, 23:45 to 23:49

EXPRESS RESIDENT RIGHTS

Nursing facility (NF) certification, Medicare and Medicaid, 21:33

EXTENSION OF TIME

Federal gift tax, 8:54

Medicare (this index)

Railroad retirement benefits, filing application for benefits, **20:98**

Social Security Administration, filing for appeal and review, **18:94 to 18:98**

EXTRAORDINARY PAYMENT RIGHTS

Special valuation rules for transfer taxes, 8:215 to 8:221, 8:227

EYES AND EYESIGHT

Vision and Visually Impaired Persons (this index)

FACILITATING ADMINISTRATION OF ESTATE

Terminally ill clients, 11:17 to 11:23

FACILITIES

Admission to Facility (this index)

FACILITIES—Cont'd

Assisted Living Facilities (this index)

Continuing Care Facilities, Continuing Care Retirement Communities, and Life Care Facilities (this index)

Income tax planning, **6:45**Long-term care facilities, **21:1 to 21:60**

Medicare (this index)

Nursing Homes/ Facilities (this index)

Residential Care Facilities (this index)

Skilled Nursing and Intermediate Care Facilities (this index)

Supplemental Security Income (SSI) (this index)

FACT OR FACTS

Findings of Fact and Conclusions of Law (this index)

FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES

Social Security Administration, judicial review, **18:213**

FAILURE TO GIVE EVIDENCE REQUESTED

Social Security Administration, support of claim for OASDI benefits, 18:23

FAILURE TO TIMELY REQUEST ATTORNEY'S FEES

Social Security Administration, 18:59

FAIR CREDIT BILLING ACT

Consumer issues, 4:36

FAIR CREDIT REPORTING ACT

Consumer issues, 4:35

FAIR DEBT COLLECTION PRACTICES ACT

Consumer issues, 4:37

FAIR HEARING

Medicaid, 31:19 to 31:32

FAIR HEARING—Cont'd

Social Security Administration, unrepresented claimant's right, 18:144, 18:145

FAIR HOUSING ACT

Credit discrimination, transactions violating both Equal Credit Opportunity Act and Fair Housing Act, **35:185**

Disability Discrimination (this index)

Patients' rights, 23:6

FAIR MARKET VALUE

Postmortem planning and administration, 12:2, 12:12, 12:15, 12:38

FAMILY OR RELATIVES

Children (this index)

Generation-Skipping Transfer Tax (this index)

Grandparents and Grandchildren (this index)

Lifetime transfers planning, partnerships, **9:33 to 9:42**

Medicare, exclusion of charges imposed by, **27:24 to 27:26**

Parents (this index)

Patients' rights, 23:37

Postmortem planning and administration, family-owned business deduction, **12:18**

Special Valuation Rules for Transfer Taxes (this index)

Spouses (this index)

SSI, financial responsibility of relatives, **29:41**, **29:42**

Veterans (this index)

FARMS

Agriculture and Farms (this index)

FATHERS AND MOTHERS

Parents (this index)

FAVORABLE TAX TREATMENT Terminally ill clients, 11:32 to 11:38

FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Generally, 20:19 to 20:38, 20:48 to 20:50

FEDERAL EMPLOYEES' RETIREMENT SYSTEM

—Cont'd

Administrative review, **20:50**

Allotment of benefits, 20:48

Alternative forms of annuity, 20:21

Annuities, 20:19 to 20:38, 20:48 to 20:50

Appeal and review, 20:50

Applications, 20:49

Assignment of benefits, 20:48

Basic annuity, 20:25 to 20:32

Benefits, 20:19 to 20:38, 20:48 to 20:50

Computation of basic annuity, 20:31, 20:32

Contributions

basic annuity, 20:25

thrift savings plan, 20:33

Creditable service, basic annuity, **20:27**

Deductions and reductions, basic annuity, 20:25, 20:32

Deferred retirement, eligibility for basic annuity, **20:29**

Disability annuity, 20:37, 20:38

Earning capacity recovered or restored, disability annuity, **20:38**

Eligibility, basic annuity, 20:28 to 20:30

Former spouse annuity, survivor annuity, **20:36**

Husband and wife. Spouses, infra Immediate retirement, eligibility for basic annuity, **20:28**

Involuntary separation, eligibility for basic annuity, **20:30**

Judicial review, 20:50

Lump sum benefit, 20:23

Mandatory separation, basic annuity, **20:26**

Payment of annuity, 20:24

Proceedings, 20:48 to 20:50

Protection for spouses, thrift savings plan, **20:34**

Recovery of earning capacity, disability annuity, **20:38**

index)

FEDERAL EMPLOYEES' FEDERAL MATTERS—Cont'd RETIREMENT SYSTEM Patients' rights, generally, 23:2 to 23:37 —Cont'd Reductions and deductions, basic Pensions and retirement, benefits and annuity, 20:25, 20:32 systems, **20:1 to 20:121** Relationship to workers' compensa-Real property planning, federal tax tion benefits, 20:20 rates. 7:5 Removal, eligibility for basic annuity, Social Security Administration (this 20:30 index) Restoration of earning capacity, dis-Tort Claims Act, Medicare, 27:20 ability annuity, 20:38 **United States** (this index) Review and appeal, 20:50 Wills, inheritance taxes, 10:63 Separation FEDERAL TORT CLAIMS ACT involuntary separation, eligibility Medicare, 27:20 for basic annuity, 20:30 mandatory separation, basic annu-**FEES** ity, 20:26 Costs, Fees and Expenses (this Service creditable, basic annuity, index) 20:27 Spouses Medicare, 26:88, 27:83, 27:84 protection for spouses, thrift savings plan, 20:34 **FELLOWSHIPS** survivor annuity, 20:35, 20:36 SSI, unearned income exclusion, Supplement to annuity, 20:22 16:66 Survivor annuity, 20:35, 20:36 **FIDUCIARIES** Thrift savings plan, 20:33, 20:34 Estates, 10:21 Wife and husband. Spouses, supra Executors (this index) Workers' compensation benefits, rela-Guardians and conservators, fiduciary tionship to, 20:20 principles and issues, 34:43, **FEDERAL MATTERS** 34:44 Consumer protection laws, generally, Life insurance, 14:60 4:33 to 4:38 Terminally ill clients, **11:14**, **11:15** Continuing care facilities, continuing **Trusts and Trustees** (this index) care retirement communities, United States civil service retirement and life care facilities, federal system, payment of annuity to involvement, 21:51 fiduciary, **20:15** Department of Veterans Affairs. Wills (this index) **Veterans** (this index) **FILING** Employers, Age Discrimination in Age Discrimination Act, filing Employment Act coverage, 35:9 complaints, 35:224 **Estates** (this index) Age Discrimination in Employment Gifts (this index) **Act** (this index) Health center, federally qualified. Estate taxes, 8:122, 8:123 **Medicare** (this index) **Generation-Skipping Transfer Tax Income** (this index) (this index) **Medicaid** (this index) Gift taxes, 8:53, 8:54 **Medicare** (this index) Guardianship petition, 34:15 Nursing Homes/Facilities (this

Income (this index)

FILING—Cont'd

Medicare (this index)

Postmortem planning and administration, **12:45**

Railroad retirement benefits, application for benefits, **20:96 to 20:100**

Social Security Administration (this index)

Social Security (this index)

FINAL DECISION

Social Security Administration (this index)

United States civil service retirement system, 20:41

FINALITY OF DETERMINATIONS AND DECISIONS

Social Security Administration, administrative review, **18:108**

FINANCIAL MATTERS

Abuse, neglect, and victimization of elders, **4A:10**

Accounts and Accounting (this index)

Bankruptcy, postmortem planning and administration, **12:27**

Continuing Care Facilities, Continuing Care Retirement Communities, and Life Care Facilities (this index)

Distributions from qualified retirement plans and IRAs, 19:12

Funds and Funding (this index)

Long-term and residential care facilities, **21:6**

Long-term care insurance, 21:36, 24:1 et seq.

Medicaid (this index)

Nursing facility (NF) certification, Medicare and Medicaid, 21:23, 21:25

Planning. **Financial Planning** (this index)

Profits (this index)

Real Property (this index)

Special needs trusts do not impact all public benefits, **16:98 to 16:103**

FINANCIAL MATTERS—Cont'd Supplemental Security Income

(SSI) (this index)

Support (this index)

Veterans' pension benefits, financial eligibility, **17:26**

FINANCIAL PLANNING

Generally, **5:1** et seq.

Accumulating capital, **5:30 et seq.**Adjusting insurance coverage, **5:22**Age, characteristics of elderly clients, **5:5**

Alternatives and options, capital accumulation, **5:30**, **5:31**

Analysis, long-term care planning and assets, **5:20**

Annual expenses method, figuring retirement income needs, **5:46**

Assets

analysis, 5:20

list of assets, **5:43**

recording and safeguarding, 5:42

Balancing risk and return, capital accumulation, **5:32**

Basic steps, 5:16, 5:17

Capital accumulation, 5:30 et seq.

Characteristics of elderly clients, **5:5**, **5:6**

Checklists and forms, **5:40 to 5:54**Cohorts of elderly clients, **5:11 to 5:15**

Concepts of financial planning, 5:11 to 5:39

Concerns of elderly clients, 5:4

Credit review, 5:21

Currently expected retirement income, **5:25**

Database, recordkeeping, 5:19

Death expenses, 5:9

Debts. 5:21, 5:45

Definitions, basic steps, 5:17

Estate planning, 5:15, 5:39

Figuring retirement income needs, 5:46

Fixed retirement income, inflation protection, **5:53**

Forms and checklists, 5:40 to 5:54

FINANCIAL PLANNING—Cont'd FINDINGS OF FACT AND CONCLUSIONS OF LAW Gender, characteristics of elderly clients, 5:6 Guardians and conservators, 34:30, Goal setting, 5:18 34:31 Growth vs income, capital accumula-Medicaid, 31:29 tion. 5:33 FINES, PENALTIES AND Health care expenses, **5:8, 5:9 FORFEITURES** Home care, hospices, and similar care Distributions from qualified retirealternatives, 22:3 to 22:18, ment plans and IRAs, 19:58 to 22:32 to 22:42, 22:48 19:107, 19:151, 19:215, 19:216 Illness expenses, 5:8 Income taxation, distributions from Income requirements, 5:1 et seq. qualified retirement plans and Inflation, 5:26 to 5:28, 5:53, 5:54 IRAs, 19:151 Insurance, 5:22, 5:41 **Medicaid** (this index) Investments, capital accumulation, **Medicare Catastrophic Coverage** 5:30 et seq. Act (this index) Knowing your client, 5:3 to 5:10 Medicare Part D, delayed enrollment Legal and financial advice as one in prescription drug plan, 26B:2, service, 5:2 26B:13 Liquidity, capital accumulation, 5:34 Nonforfeiture benefits, long-term Lists, assets and debts, 5:43, 5:45 care insurance, 24:17 Long-retired cohort, 5:14, 5:15 Omnibus Budget Reconciliation Net worth determination, 5:20, 5:44 Act (this index) Overview of elder law, 1:9 Real property planning, penalty for Personal objectives, capital underpayment of estimated accumulation, 5:37 taxes, 7:23 Preretirement cohort, 5:12 Social Security Administration, Priority establishment with financial attorney's fees under Social Security Act, 18:66 pyramid, capital accumulation, 5:38 Special needs trusts, SSI rules relat-Process of planning, 5:16 to 5:39 ing to self-settled trusts, 16:160 Profiles, 5:10, 5:49 to 5:51 Taxes, qualified retirement plans and IRAs, 19:58 to 19:105 Purchasing power, inflation, 5:27 Realistic goals, 5:18 **FIREFIGHTERS** Real property, financial planning with Age Discrimination in Employment respect to. Real Property (this Act, mandatory retirement, index) 35:14 Recently-retired cohort, **5:13** Recordkeeping, **5:19**, **5:42** FISCAL YEAR Reducing or restructuring debt, 5:21 Postmortem planning and administra-

Safeguarding assets, **5:42** Sources of wealth, **5:7**

Summary sheet, form, 5:48

needs, 5:52

Tax matters, 5:35, 5:39

Worksheets, 5:37, 5:51

Supplemental retirement income

Three-fourths method, figuring retire-

ment income needs, 5:47

FIVE-YEAR RULES

Distributions from qualified retirement plans and IRAs, 19:129

tion, 12:21, 12:22

FIXED MATTERS

Price, disposing of businesses, **13:26** Retirement income, financial planning, **5:53**

FLEXIBILITY OF TRUSTEE

Special needs trusts, non-tax design issues for supplemental trusts, 16:121

FLORIDA

Elder victimization, abuse, and neglect, **4A:38**

Health care surrogate declaration form, **33:37**

Living will, form, 33:37

FOOD TAX REFUNDS

SSI, unearned income exclusion, **16:64**

FOOT OR FEET

Medicare, 26:88, 27:83, 27:84

FOREIGN MATTERS

Age Discrimination in Employment Act. **35:7**

Aliens (this index)

Death taxes, credit, 8:102

Medicare (this index)

Social Security (this index)

FORFEITURES

Fines, Penalties and Forfeitures (this index)

FORIDA

Homestead exemption, 7:37, 7:39

FORMAL CONFERENCE TO RECONSIDER INITIAL DETERMINATION

Social Security Administration, request, **18:103**

FORMER MATTERS

Prior, Previous or Former Matters (this index)

FORM OR FORMAT

Federal employees' retirement system, alternative forms of annuity, **20:21**

Guardian, order appointing, **34:37**Social Security Administration, decision of administrative law judge, **18:154**

FORMS

Directives to physicians, 33:27 et seq.

Disclaimer forms, gathering and preserving client information, 2:16

Disposing of businesses, 13:10, 13:61

Do Not Resuscitate Orders (this index)

Durable Power of Attorney for Health Care (this index)

Estates, 10:19 to 10:29, 10:78

Financial planning, 5:40 to 5:54

Health Care Powers of Attorney
(this index)

Health Care Proxy Declaration Forms (this index)

Life insurance, 14:117, 14:118

Lifetime Transfers Planning (this index)

Living Wills (this index)

Medical Matters (this index)

Mental health care advance directives, powers of attorney, and health care proxies. **Mental Capacity or Condition** (this index)

Social Security Administration (this index)

Trusts and Trustees (this index) Veterans' benefits appeal, **17:53** Wills, form for simple will, **10:78**

FOSTER CARE

Grandparents and grandchildren, 37:21

FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008 (FCSIAA)

Generally, 37:23.50

401(K) PLANS

Distributions from qualified retirement plans and IRAs, 19:30, 19:43

FRATERNAL BENEFIT SOCIETIES

Religious fraternal benefit (RFB) society plans, Medicare

FRATERNAL BENEFIT

SOCIETIES—Cont'd

Advantage (MA) program, **26A:6, 26A:8**

FRAUD AND

MISREPRESENTATION

Age Discrimination in Employment Act, **35:97**, **35:99**

Consumer fraud. **Consumers** (this index)

Employment discrimination, 35:167, 35:172

Fraud targeting veterans, **4:28** Internet fraud, **4:26**, **4:31 Medicare** (this index) Social Security, **15:19**

FRAUDS, STATUTE OF

Employment discrimination, 35:165

FREE CHOICE

Medicaid, free choice of providers, 30:12, 30:13
Patients' rights, 23:13

FREEDOM OF SPEECH AND ASSOCIATION

Employment discrimination, 35:151

FREEZING TRANSACTIONS

Special valuation rules for transfer taxes, 8:202 to 8:205

FRONT PAY

Age Discrimination in Employment Act, **35:1, 35:138**

FULFILL

SSI unearned income exclusion, income used to fulfill self-support plan, **16:74**

FULL AND EQUAL ENJOYMENT

Disability discrimination, access to public accommodations, **36:75**

FUNDS AND FUNDING

Disposing of businesses, 13:12 to 13:16, 13:34 to 13:36

Grants (this index)

Older Americans Act programs, **4:4** Patients' rights, **23:36**

FUNDS AND FUNDING—Cont'd

Revocable trusts, 10:83

State and local retirement systems, 20:125, 20:126

Terminally ill clients, 11:39 to 11:41 Trusts and trustees, 10:83, 19:224

FUNERALS

Burials and Funerals (this index)

FUTURE

Advance or Future Matters (this index)

GAINS OR LOSSES

Capital gains or losses disposing of businesses, 13:19, 13:83

distributions from qualified retirement plans and IRAs, 19:130 to 19:135

income, **6:4**, **6:8**, **19:130** to **19:135** real property, capital gains and losses, **7:5**

Disposing of businesses, 13:19, 13:80 to 13:83

Distributions from qualified retirement plans and IRAs, **19:130 to 19:135**

Income (this index)

Railroad retirement benefits, loss of annuity, **20:85**

Recognition, 19:141

Terminally ill clients, 11:44, 11:50, 11:51

GALLO EXEMPTION

Generation-skipping transfer tax, 8:159, 8:199

GARNISHMENT

Railroad retirement benefits, 20:119, 20:120

GATEKEEPERS AND TRIGGERS

Long-term care insurance, 24:13

GENDER

Financial planning, 5:6

GENERAL DESCRIPTION

Continuing care facilities, continuing care retirement communities.

GENERAL DESCRIPTION—Cont'd and life care facilities, 21:44

GENERAL ENROLLMENT PERIOD

Medicare, 25:33

GENERAL HEALTH OF RESIDENT

Long-term and residential care facilities, factors that limit choice, 21:5

GENERAL PARTNERSHIP AGREEMENT

Lifetime transfers planning, 9:39

GENERAL QUESTIONS

Continuing care retirement community, counseling prospective resident, **21:55**

Nursing facility, advising prospective resident, **21:38**

GENERAL RULE OF VALUATION OF GROSS ESTATE

Federal estate tax, 8:61

GENERATION-SKIPPING TRANSFER TAX

Generally, **8:126 to 8:201**

Adoption, assignment of generation, **8:143**

Allocations of exemptions at date of death, 8:155, 8:165, 8:167

American Taxpayer Relief Act of 2012, **8:132**

Amount of tax, Tax Reform Act of 1976, **8:128**

Annual exclusion, 8:152

Applicable tax rate, **8:161**, **8:162**Assignment of generation, **8:142 to**

8:145, 8:177, 8:178

Automatic allocation of exemption, 8:155, 8:156

Basis adjustment, 8:175

Charitable lead annuity trusts, tax computation, **8:171**

Computation of tax, 8:161 to 8:174

Credits. Exclusions, exemptions, and credits, infra

Date. Time or date, infra

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

Date of birth of unrelated individual, generation assignment, **8:144**

Death, 8:166 to 8:168, 19:188

Definitions and special rules, 8:140 to 8:151

Direct skip

generally, 8:134

entity look-through rules, 8:136 estate planning in relation to tax, 8:197, 8:198

filing of return and payment of tax, **8:179, 8:182, 8:185**

form of return for filing, 8:180

liability for tax, 8:182

lifetime transfers, automatic allocation of exemption, 8:155

predeceased parent rule, example, **8:135**

skip person, 8:140, 8:141

taxable amount, **8:163**Tax Reform Acts, **8:129, 8:130**

Disclaimer, post mortem planning in relation to tax, 8:199

Disregard of certain interests in generation-skipping trust, 8:148

Distributions

qualified retirement plans and IRAs, **19:185** to **19:188** taxable, **8:139**, **8:163**, **8:180**

Economic Growth and Tax Relief Reconciliation Act of 2001, 8:132

Educational expenses exclusion, 8:153

Effective dates, filing of return and payment of tax, transition rules, 8:188, 8:189

Entity look-through rules, direct skip transfer to trust, **8:136**

Estates

avoiding tax, large estate, **8:193** direct skips, **8:197**, **8:198**

election by personal representative, 12:10

goals of planning, **8:312** inclusion ratio, **8:196**

GENERATION-SKIPPING GENERATION-SKIPPING TRANSFER TAX—Cont'd TRANSFER TAX—Cont'd Estates—Cont'd Exclusions, exemptions, and credits judicial reformation, post mortem —Cont'd planning, **8:200** Tax Reform Act of 1976, **8:129** large estates, 8:192, 8:193 Executor defined, 8:149 medium estates, 8:191 Filing of return and payment of tax outright bequests, 8:190 credit for state taxes, 8:187 planning, 8:190 to 8:201, 8:312, direct skips at death, liability for 12:10 tax, 8:182 post mortem planning, 8:199 to effective dates, transition rules, 8:201, 12:10 8:188, 8:189 powers of appointment, post form of return, 8:180 mortem planning, 8:207 liability for tax, 8:181 qualified disclaimer, post mortem liens, 8:186 planning, 8:199 limitation on trustee's liability for separate trusts, 8:195, 8:196 tax, **8:183** small estates, 8:190 minors, 8:184 tax inclusion period, inter vivos time and place for filing, 8:185 transfer, 8:172 to 8:174 transition rules, 8:189 terminations, taxable, 12:10 Treasury Department require-Exclusions, exemptions, and credits ments, 8:179 generally, 8:154 to 8:158, 8:167 Gallo exemptions, **8:159**, **8:199** annual exclusion, 8:152 Gifts, valuation rules, 8:165 automatic allocation of exemption, GST trust, generally, **8:151** 8:155, 8:157, 8:163 death, automatic allocation of Half-blood relationship, assignment exemption, 8:157 of generation, 8:143 direct skip, 8:129 Historical perspective, 8:126 to 8:132 distributions from qualified retirement plans and IRAs, 19:185 Inclusion ratio, 8:172, 8:175, 8:177, to 19:188 educational expenses, 8:153 Interest in property in trust, defined, grandchild (Gallo) exemptions, 8:147, 8:148 8:159 Inter vivos transfers, 8:172 to 8:174, lifetime transfer, automatic allocation of exemption, 8:155 Judicial reformation, post mortem medical expenses, 8:153 estate planning in relation to tax, 8:200 predeceased parent rule, 8:160 prior transfer of property, 8:153 Large estates, planning in relation to tax, **8:192, 8:193** shelter trust, planning in relation to Liability for tax, **8:181 to 8:183** tax, 8:191 Liens, filing of return and payment of special valuation rule, allocations tax, 8:186 of exemptions at death, 8:167 Life insurance, 14:106 to 14:112 state taxes, filing of return and payment of tax, 8:187 Lifetime transfers planning, 8:155, 19:187 substantial compliance, 8:158 taxation, special valuation rule, Limitation on trustee's liability for 8:167 tax, **8:183**

GENERATION-SKIPPING TRANSFER TAX—Cont'd

Location for filing of return and payment of tax, 8:185

Marriage to transferor or descendant, generation assignment, **8:143**

Medical expenses exclusion, 8:153

Medium estates, planning in relation to tax, **8:191**

Minor's return, filing and payment of tax, 8:184

Multiple matters

assignment of generation, 8:145

skips, special rules, **8:178**

transfers to trust, computation of tax, 8:169, 8:170

Outright bequests, estate planning in relation to tax, **8:190**

Partially taxable termination transfer, **8:138**

Payment of tax. Filing of return and payment of tax, supra

Personal representative, tax election, 12:10

Place for filing of return and payment of tax, 8:185

Planning, estates, **8:190 to 8:201**, **8:312**, **12:10**

Postmortem planning, **8:199 to 8:201, 12:10**

Powers of appointment, post mortem estate planning in relation to tax, 8:201

Pre-1977, background, 8:126

Predeceased parent rule, direct skip transfer, **8:135**, **8:160**

Prior transfer of property, exclusion, 8:153

Qualified matters

disclaimer, post mortem planning in relation to tax, **8:199**

terminable interest property (QTIP) trust, 8:145, 8:168, 8:194, 8:195, 12:10

Rate applicable, computation of tax, 8:161, 8:162

Returns. Filing of return and payment of tax, supra

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

Reverse QTIP election, **8:146**, **8:168**, **8:194**, **8:195**

Rule against perpetuities, background, **8:126**

Separate trusts, **8:176**, **8:195**, **8:196**

Skip person defined, **8:140**, **8:141**

Small estates, planning in relation to tax, **8:190**

Special rules

basis adjustment, 8:175

direct skips at death, liability for tax, **8:182**

inclusion ratio, 8:177

multiple skips, 8:178

tax computation, **8:171 to 8:174**

trusts created as separate trusts, **8:176**

State tax credit, filing of return and payment of tax, 8:187

Tax Cuts and Jobs Act of 2017, 8:132

Tax Reform Acts of 1976 and 1986, 8:127 to 8:130

Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, **8:132**

Tax return. Filing of return and payment of tax, supra

Technical and Miscellaneous Revenue Act of 1988, **8:131**

Terminally ill clients, 11:20

Terminations and termination transfers, taxable, 8:137, 8:138, 8:163, 8:175, 8:180, 12:10

Time or date

allocations of exemptions, **8:155**, **8:165**, **8:167**

birth date of unrelated individual, generation assignment, **8:144**

death date, valuation of transfers at time of, 8:166 to 8:168

effective dates, filing of return and payment of tax, 8:188, 8:189

filing of return and payment of tax, 8:179, 8:185

gift tax return timely filed, allocation of exemption, 8:165 valuation date. 8:171 to 8:175

GENERATION-SKIPPING GENERATION-SKIPPING TRANSFER TAX—Cont'd TRANSFER TAX—Cont'd Transferor defined, 8:146 Valuation—Cont'd Transition rules, 8:189 date, 8:164 to 8:168 Treasury Department requirements, gifts, 8:165 filing of return and payment of inter vivos transfers, **8:173** tax, 8:179 reverse QTIP election, 8:168 Trusts and trust arrangements transfers at death, 8:166 to 8:168 charitable lead annuity trusts, tax **GEORGIA** computation, 8:171 Advance directive for health care, credit shelter trust, medium estate 33:38 planning in relation to tax, Do not resuscitate order, 33:104 8:191 Elder victimization, abuse, and direct skip transfer to, entity lookneglect, 4A:39 through rules, 8:136 grandchild (Gallo) exemption, **GERIATRIC CARE** 8:159, 8:199 **MANAGEMENT** GST trust, generally, 8:151 Generally, **22:16** interest in property in trust, **GIFTS** defined, 8:147, 8:148 judicial reformation, division of For correlative topic, see **Donations** (this index) trust, 8:175 Generally, 8:25 to 8:55 limitation on trustee's liability for Anatomical Gifts (this index) tax, 8:183 Annual exclusion multiple transfers to trust, tax generally, 8:30 computation, 8:169, 8:170 qualified terminable interest proppresent interest rule, 8:31 to 8:33 erty (QTIP) trusts, 8:146, right of withdrawal, exception to 8:168, 8:194, 8:195, 12:10 present interest rule, 8:32 separate trusts, 8:176, 8:195, 8:196 trusts benefiting minors, exception to present interest rule, 8:33 skip person defined, **8:140**, **8:141** unified transfer tax system, 8:7, substantial compliance, 8:158 8:11 tax computations, multiple Assumption of tax liability by donee, transfers to trust, 8:169, 8:170 8:29 trust and trustee defined, 8:150 Charitable deduction, lead trust and Types of generation-skipping remainder trusts, 8:45 to 8:50 transfers, 8:133 to 8:139 Charitable Matters (this index) Unified credit against estate tax, large Child benefiting from trust, exception estate planning in relation to tax, to present interest rule, 8:33 8:193 Completed gifts, transfers subject to Unified transfer tax system, 8:4, 8:5, tax. 8:27 8:10, 8:11, 8:13, 8:15, 8:24 Credit. Exclusions and credit, infra Unrelated individual, generation Crummey power, exception to preassignment based on date of sent interest rule, 8:32 birth, 8:144 Deductions Valuation charitable, 8:46 to 8:50 allocation at death date, special rule, 8:167 marital deduction, infra basis adjustment, 8:175 Disposing of businesses, 13:46

lifetime transfers planning, 9:11

GIFTS—Cont'd GIFTS—Cont'd Marital deduction—Cont'd Distributions from qualified retirement plans and IRAs, taxation, nondeductible terminable interest, 19:163 to 19:168 8:38 to 8:40 Education expenses, exclusions and nonspouse, interest passing to, credit, 8:34 disqualification of gift, 8:39 Exclusions and credit qualified terminable interest property exception, **8:43**, **8:44** annual exclusion, supra retention of interest, disqualificaeducation expenses, 8:34 tion of gift, **8:38** medical care expenses, 8:34 retention of power by donee terminable interest rule, 8:41 to spouse, **8:40** 8:45 terminable interest rule, 8:38 to unified credit. 8:36, 8:52 8:45 waiver of survivor annuity, 8:35 Medical care expenses, exclusions Extensions for filing gift tax returns, and credit, 8:34 8:54 Mental capacity or condition, dona-Federal gift tax, generally, 8:25 to tive capacity, 32:11 8:55 Minor benefiting from trust, excep-Filing requirements, gift tax returns, tion to present interest rule, 8:33 8:53, 8:54 Nondeductible terminable interest, Generation-skipping transfer tax, marital deduction, 8:38 to 8:40 8:165 Nonspouse, interest passing to, Gift splitting, **8:47**, **8:51**, **8:52**, **11:42** disqualification for marital Gratuitous transfers, estates, 8:100, deduction, 8:39 8:105, 8:106, 8:114 Payment of tax due with tax return. 8:55 Income tax planning, gift of resi-Pooled income fund, charitable dence, **6:53** deduction, 8:50 Joint matters, 8:41, 8:44, 19:166 to Present interest rule, annual exclu-19:168 sion, 8:31 to 8:33 Lead trust, charitable matters, 8:48 **Qualified** matters Life estate with general power of disclaimer, 8:25 appointment, exception to terminable interest rule, 8:42 terminable interest property, 8:43, Life insurance, 14:49 to 14:55, 14:93 8:44, 19:167, 19:168 to 14:100 **Real Property** (this index) Lifetime Transfers Planning (this Reductions. Deductions, supra index) Remainder trusts, charitable, 8:45, Marital deduction 8:49 Retention of interest or power, 8:38, generally, 8:37 8:40 charitable remainder trust excep-Returns. Taxes and taxation, infra tion, **8:45 Special Needs Trusts** (this index) exceptions to terminable interest rule, 8:41 to 8:45 Special valuation rules for transfer taxes, 8:210 joint and survivor annuity, 8:44 Split gifts joint interest with right of survivorship exception, 8:41 generally, 8:47, 8:51, 8:52 federal gift tax, 8:47 life estate with general power of

appointment exception, 8:42

GIFTS—Cont'd GIFTS—Cont'd Waiver, gift tax, 8:35, 19:165 Split gifts—Cont'd terminally ill clients, 11:42 Withdrawal right of beneficiary, Spouses, see lines throughout this exception to present interest rule, 8:32 topic SSI, unearned income, **16:55**, **16:76** GIVING UP RIGHT TO RETURN Survivors, annuities, 8:35, 19:165 to TO WORK 19:168 Railroad retirement benefits, eligibil-Taxes and taxation ity, 20:79 generally, 8:25 assumption of tax liability by **GOOD CAUSE** donee, 8:29 Age Discrimination in Employment completed gifts, 8:27 Act, 35:83 disposing of businesses, 13:46 Railroad retirement benefits, delay, distributions from qualified retire-20:107 ment plans and IRAs, 19:163 Social Security Administration, missto 19:168 ing deadline for requesting extensions for filing, returns, 8:54 administrative review, 18:99 federal gift tax, 8:25 to 8:55 GOOD CONSCIENCE filing requirements, returns, 8:53, Social Security Administration, 8:54 waiver of overpayment of life insurance, 14:49 to 14:55, OASDI or SSI benefits, 18:39 14:93 to 14:100 payment of tax, returns, 8:55 GOOD FAITH qualified disclaimer, 8:25 Age Discrimination in Employment returns Act, mistake in good faith, extensions for filing, 8:54 35:77 filing requirements, 8:53, 8:54 Employment discrimination, implied payment of tax, 8:55 covenant of good faith, 35:167 special needs trusts, designing GOODS OR SERVICES supplemental trusts, 16:134 to 16:136 Disability discrimination, access to public accommodations, 36:76 transfer taxes, 8:26, 8:28, 8:311 valuation rules, 8:165 **GOVERNMENT** waiver, 8:35, 19:165 **Employment** Terminable interest rule, marital Age Discrimination in Employdeduction, 8:38 to 8:45 ment Act, coverage of Terminally ill clients, 11:42 to 11:49 governmental employers, Transfer taxes, 8:26, 8:28, 8:311 35:10, 35:11 Trusts Medicare, 25:23 to 25:27 charitable trusts, 8:45, 8:48, 8:49 **Federal Matters** (this index) present interest rule, gift to trust, **Medicare** (this index) 8:31 to 8:33 **State or States** (this index) terminable interest rule, charitable remainder trust exception, **GRACE PERIOD** 8:45 Medicare, 26:51 to 26:53 Unified credit, 8:36, 8:52 GRANDFATHERED GROUPS Unified transfer tax system, 8:7 et Medicaid, 29:18 seq.

GRANDPARENTS AND GRANDPARENTS AND GRANDCHILDREN GRANDCHILDREN—Cont'd Generally, 37:1 to 37:34 Kinship caregivers—Cont'd consent laws, educational and Adoption legal, 37:5 grandparents. "Rights" of custody orders, consequences of, grandparents, infra 37:13 kinship caregivers, 37:15 to 37:17 definition, 37:2 notice, 37:24 delegation of powers by parent or visitation, 37:33 guardian, 37:6 Attorneys' fees and costs, educational consent laws, 37:5 grandparents' "rights," 37:32 foster care, 37:21 Best interests of child Fostering Connections to Success adoption, **37:33** and Increasing Adoptions Act kinship caregivers, 37:12 of 2008, **37:23.50** visitation, 37:26, 37:29 goals of a kinship caregiver seek-Child protection proceedings and ing legal counsel, 37:3 kinship caregivers, 37:18 to initiating a third-party custody or 37:23 guardianship proceeding, Consent laws, educational and legal, 37:11 medical consent laws, 37:5 Constitutional issues, 37:25, 37:26, parental preference doctrine, 37:12 37:30 public benefits and assistance for Custody orders, consequences of, kinship caregivers, 37:23 37:13 standby guardian, designation of, Definition, kinship caregiving, 37:2 37:7 to 37:9 Delegation of powers by parent or statistics, 37:1 guardian, 37:6 temporary guardian, designation Educational consent laws, 37:5 of, 37:7 to 37:9 Foster care, 37:21 third-party custody and guardian-Fostering Connections to Success and ship, generally, 37:10 to Increasing Adoptions Act of 37:14 2008, **37:23.50** Lifetime transfers planning, 9:30, Goals of a kinship caregiver seeking 9:31 legal counsel, 37:3 Medical consent laws, 37:5 "Harm" test, standards for awarding Parental preference doctrine, 37:12 visitation, 37:30 Presumptions and burden of proof, Income tax planning, 6:48 grandparents' rights, 37:26, Initiating a third-party custody or 37:29, 37:31 guardianship proceeding, 37:11 Public benefits and assistance for Intervention to oppose adoption, kinship caregivers, 37:23 37:34 "Rights" of grandparents Jurisdiction, "rights" of generally, 37:24 to 37:34 grandparents, 37:27 adoption Kinship caregivers notice, 37:24, 37:34 adoption, 37:15 to 37:17 visitation after adoption, 37:33 best interest of child, **37:12**, **37:25** attorneys' fees and costs, 37:32 child protection proceedings and kinship caregivers, 37:18 to best interests of child, 37:26.

37:29, 37:33

37:23

16:66

GRATUITOUS TRANSFERS

Estates, 8:100, 8:105, 8:106, 8:114

GRANDPARENTS AND **GRIEVANCES, PATIENTS'** GRANDCHILDREN—Cont'd RIGHTS "Rights" of grandparents—Cont'd Generally, 23:18 "harm" test, standards for award-Medicaid managed care organization, ing visitation, 37:30 fair hearings for applicants and intervention to oppose adoption, recipients, 31:19.50 37:34 Medicare Advantage (MA) **Program** (this index) jurisdiction, 37:27 Medicare Parts A and B, 28:64 presumptions and burden of proof, 37:26, 37:29, 37:31 **GROSS ESTATE** standing, 37:28, 37:34 Generally, 8:56 to 8:60 termination of parental rights, **GROSS INCOME** 37:24, 37:33, 37:34 Generally, **6:2**, **6:5**, **6:59**, **6:60** Troxel v Granville, 37:26 et seq. Life insurance exclusion from gross visitation, generally, 37:24 et seq. income, 14:28 to 14:36 Standby guardian, designation of, 37:7 to 37:9 **GROUP HEALTH PLANS** Standing, 37:28, 37:34 Medicaid, cost sharing, 29:28 Statistics, 37:1 **GROUP INSURANCE** Temporary guardian, designation of, Generally, 14:24, 24:20 37:7 to 37:9 Termination of parental rights, 37:24, **GUAM** 37:33, 37:34 Elder victimization, abuse, and Third-party neglect, 4A:40 custody and guardianship, gener-**GUARDIANS AND** ally, 37:10 to 37:14 **CONSERVATORS** visitation. "Rights" of Generally, 34:1 to 34:49 grandparents, infra Abuse, neglect, and victimization of Visitation. "Rights" of grandparents, elders, **4A:15** supra Accounting, 34:45 Wills (this index) Actions and proceedings generally, 34:7, 34:12, 34:13, **GRANTOR TRUSTS** 34:15 to 34:33 Special needs trusts, income taxes appeals, 34:33, 34:40 and designing supplemental Uniform Guardianship and Protectrusts, 16:129, 16:130 tive Proceedings Act, 34:4 **GRANTS** Adjudication of capacity or incompetence, order, **34:29** Income tax planning, 6:56 Ad litem guardian, appointment, Nursing home facilities, availability 34:21 of grants to build and improve, Advantages and disadvantages of 21:12 guardianship, 34:9, 34:10 Special valuation rules for transfer Advocacy, guardianship proceedings, taxes, 8:204 34:13, 34:25 SSI, unearned income exclusion,

Alternatives to guardianship, 34:8

Applications and petitions, 34:15,

Appeals, 34:33, 34:40

34:38

GUARDIANS AND GUARDIANS AND CONSERVATORS—Cont'd CONSERVATORS—Cont'd Findings of fact, 34:30 Appointment attorney, guardian ad litem or visi-Form and content of order appointing tor, 34:21 guardian, 34:37 form and content of order appoint-Grounds for termination of guardianing guardian, 34:37 ship or conservatorship, 34:46 guardian or conservator, 34:34 Hearings, 34:23, 34:26 Attorneys Independent evaluation of competence, 34:22 appointment of attorney, 34:21 Interested persons and parties, 34:26 fees, 34:48 Interim intervention, 34:17 Authority. Power or authority, infra Interstate issues in guardianship, Bifurcated character of guardianship 34:49 proceedings, 34:12 Intervention, interim, temporary and Bonds, 34:38 emergency, 34:17 Capacity, order adjudicating, 34:29 Jurisdiction, 34:16 Certification, 34:39 Jury trial, **34:27** Compensation of guardians and Kinship guardianship assistance payconservators, 34:48 ments, 37:23.50 Conclusions of law. 34:31 Lawyers. Attorneys, supra Conduct of trial. 34:28 Letters, application for, 34:38 Conflict, nature of guardianship Limitations on powers of guardian, proceedings, 34:13 34:32 Content and form of order appointing Monitoring, 34:45 guardian, **34:37** Motions, prehearing, 34:19 Counsel. Attorneys, supra Multidisciplinary evaluation of com-Determinations, 34:23, 34:24, 34:33 petence, 34:22 Disadvantages and advantages of Nature of guardianship proceedings, guardianship, 34:9, 34:10 34:13 Discovery, prehearing, 34:19 Notice, 34:18, 34:34 Distributions from estate, fiduciary Oath. 34:38 issues, 34:44 Orders Duration of guardianship or conservatorship, 34:46 adjudicating capacity or incompetence, 34:29 Duties of guardians and conservators, 34:41, 34:42 appeal from order determining competency, 34:33 Emergency intervention, 34:17 form and content of order appoint-Estate distributions, fiduciary issues, ing guardian, 34:37 34:44 Paternal supervision of court, 34:25 Ethical considerations in guardianship proceedings, 34:7 Permanent matters. Temporary matters, infra Evaluation of competence, indepen-Petitions and applications, 34:15, dent and multidisciplinary, 34:22 34:38 Fees, attorneys, 34:48 Power or authority Fiduciary principles and issues, guardians and conservators, gener-34:43, 34:44 ally, 34:41, 34:42 Filing of petition for guardianship, limitations on powers of guardian, 34:15 34:32

GUARDIANS AND CONSERVATORS—Cont'd

Power or authority—Cont'd table of statutory authority, **34:11** Prehearing motions and discovery, **34:19**

Proceedings. Actions and proceedings, supra

Professional guardians, 34:36

Public guardians, 34:36

Qualifications of guardians and conservators, **34:35**

Restoration, termination of guardianship or conservatorship, **34:47**

Rights of respondent, 34:20

Service of process, 34:18

Significance of state law, 34:2

Standards for determining competence, **34:24**

State laws, 34:1 to 34:49

Statutes, 34:1 to 34:49

Table of statutory authority, 34:11

Temporary matters

intervention, 34:17

kinship caregivers, temporary guardian, **37:7 to 37:9**

Termination of guardianship or conservatorship, **34:46**, **34:47**

Terminology, **34:1** Training, **34:39**

Trial, 34:26 to 34:28

Uniform Guardianship and Protective Proceedings Act, **34:4**

Uniform Probate Code, 34:3

Uniform Veterans Guardianship Act, 17:60, 34:5

United States civil service retirement system, payment of annuity to guardian, 20:15

Venue, 34:16

Wills, 10:68

Visitor, appointment, **34:21** Voluntary guardianship, **34:14**

HALF-BLOOD RELATIONSHIP

Generation-skipping transfer tax, **8:143**

HANDICAP

Disability or Handicap (this index)

HANGING POWER

Life insurance, 14:95 to 14:100

HARDSHIP

Disability discrimination, accommodation as creating undue hardship or burden, **36:52**, **36:85**

HARDSHIP WAIVERS

Medicaid, 29:117

Special needs trusts, treatment after Omnibus Budget Reconciliation Act of 1993, 16:95

HAWAII

Advance health care directive form, 33:39

Elder victimization, abuse, and neglect, **4A:41**

Health care directives, Advance mental health care directive, 33:83

HEAD OF HOUSEHOLD

Income tax planning, 6:25 to 6:27

HEALTH AND HEALTH MATTERS

For correlative topic, see **Medical Matters** (this index)

Agent for health care, Connecticut, 33:34

Consumer issues, health-related fraud schemes, **4:27**

Day-care for adults, home care, hospices, and similar care alternatives, 22:10

Declarations. **Health Care Proxy Declaration Forms** (this index)

Directives. **Health Care Directives** (this index)

Disability discrimination, access to public accommodations, 36:86, 36:88

Disability discrimination in access to public accommodations, medical offices, 36:88

Distributions from qualified retirement plans and IRAs, 19:13

Do Not Resuscitate Orders (this index)

Financial planning, 5:8, 5:9

HEALTH AND HEALTH MATTERS —Cont'd

HMOs. **Medicare** (this index)

Insurance. **Health Insurance** (this index)

Medicaid (this index)

Medicare (this index)

Mental capacity or condition, health care decision making, **32:13**

Nursing Care or Services (this index)

Overview of elder law, 1:13

Palliative care, improvements to health care, **33:24**

Planning tools. Planning Tools for Heath Care Decision Making (this index)

Powers of attorney for health care. **Health Care Powers of**

Attorney (this index)
Private health insurance, 24:1 et seq.

Rural emergency hospitals, **25:57** Rural health clinics, **26:106**

Uniform Health-Care Decisions Act (this index)

Veterans, health care benefits, 17:29 to 17:43

HEALTH CARE DIRECTIVES

Generally, 33:23, 33:27 et seq.

See also **Health Care Proxy Decla**ration Forms; Living Wills (this index)

Advance directives, generally, **33:13**, **33:19**, **33:21**, **33:27** et seq.

Alabama advance health care directive, form, **33:28**

Alaska advance health care directive, form, **33:29**

Alaska declaration for mental health treatment, form, **33:79**

California advance health care directive form, **33:32**

Connecticut, health care instructions, 33:34

Delaware advance health care directive form, 33:35

District of Columbia declaration of advance instructions, **33:81**

HEALTH CARE DIRECTIVES —Cont'd

Georgia advance health care directive form, **33:38**

Georgia psychiatric advance directive, **33:82**

Hawaii advance mental health care directive, **33:83**

Health Insurance Portability and Accountability Act, 33:20

Hospice option, 33:24

Idaho declaration for mental health treatment, form, **33:84**

Illinois declaration for mental health treatment form, **33:85**

Improving palliative care, **33:24**

Indiana psychiatric advance directive, 33:86

Kentucky form of advance directive for mental health treatment, 33:87

Louisiana directive for mental health treatment, form, **33:88**

Maine advance health care directive form, **33:47**

Maryland health care decision-making forms, **33:48**

Massachusetts advance directive form, **33:49**

Medicare (this index)

Minnesota health care directive, 33:90

Montana mental health care advance directive, **33:91**

New Hampshire advance directive and durable power of attorney, 33:57

New Jersey advance directive for mental health care, **33:92**

New Jersey advance medical directive form, **33:58**

New Mexico optional advance health care directive, form, **33:59**

New Mexico optional form

directive for mental health care, 33:93

New Mexico optional form for advance directive for mental health treatment, 33:89

HEALTH CARE DIRECTIVES —Cont'd

Oklahoma advance directive for health care

form, generally, **33:64** mental health treatment, form, **33:95**

Oregon advance directive form, **33:65**

Oregon declaration for mental health treatment, form, **33:96**

Pennsylvania mental health declaration, **33:97**

Tennessee, warning statement for health care power of attorney, 33:70

Tennessee declaration for mental health treatment, form, **33:98**

Texas declaration for mental health treatment, form, **33:99**

Utah advance health care directive, form, **33:72**

Utah declaration for mental health treatment, form, **33:100**

Veterans, advance directives in VA facilities, **17:30.5**

Virginia advance medical directive form, **33:74**

Washington health care directive, 33:75, 33:101

Wyoming, 33:78

HEALTH CARE POWERS OF ATTORNEY

Generally, 11:7, 33:1, 33:16, 33:25 et seq.

Alaska, form, 33:29

Arizona

form, generally, **33:30** mental health care power of attorney, form, **33:80**

Checklist, 33:26

District of Columbia, form, 33:36

Drafting effective health care powers of attorney, **33:25**, **33:26**

Durable powers of attorney, generally, **33:25 et seq.**

Forms, generally, 33:27 to 33:99

Idaho, Advance care planning document, **33:40**

HEALTH CARE POWERS OF ATTORNEY—Cont'd

Illinois, form, 33:41

Iowa, form, 33:43

Kansas, form, 33:44

Mental health care power of attorney, form, Arizona, **33:80**

Mississippi, form, 33:52

Missouri, form, 33:53

Nebraska, form, 33:55

Nevada, form, 33:56

New Hampshire, form, 33:57

North Carolina, form, **33:61**

North Dakota, form, 33:62

Ohio, form, 33:63

Pennsylvania, 33:66

Pennsylvania mental health declaration, **33:97**

Rhode Island, form, 33:67

South Carolina, form, 33:68

State laws, generally, 33:27 et seq.

Texas medical power of attorney, form, **33:71**

Vermont, form, 33:73

West Virginia medical power of attorney, form, **33:76**

Wisconsin, form, 33:77

HEALTH CARE PROVIDERS

Abuse, neglect, and victimization of elders, **4A:15**

Medicare (this index)

HEALTH CARE PROXY DECLARATION FORMS

As to directives. **Health Care Directives** (this index)

As to living wills. **Living Wills** (this index)

Generally, 33:27 et seq.

Alabama, 33:28

Arkansas, 33:31

Colorado, 33:33

District of Columbia, 33:36

Florida, 33:37

Hawaii, 33:39

Indiana, 33:42

Minnesota, 33:51

Mississippi, 33:52

HEALTH CARE PROXY DECLARATION FORMS

—Cont'd

Missouri, **33:53**

Montana, 33:54

Nevada, 33:56

New York, 33:60

HEALTH INSURANCE

Coverage issues, 24:11

Individual shared responsibility payment (Obamacare), **6:14**

Medicaid (this index)

Medicare (this index)

Premiums for coverage after age 64, **6:67**

Private health insurance, 24:1 et seq.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996

Coverage issues, Medicaid as affected by, **29:82**

Health care directives. 33:20

HEARING [EARS AND HEARING]

Aids and examinations, Medicare, **27:85**

Impairments, 2:4, 27:85

Medicaid, services for hearing disorders, **30:89**

HEARINGS

Fair Hearing (this index)

Guardians and conservators, 34:23, 34:26

Medicaid (this index)

Medicare (this index)

Prehearing Matters (this index)

Railroad retirement benefits, hearings and appeals board, **20:113**

Social Security Administration, administrative review, 18:96,

18:110 to 18:154, 18:189

HEIGHTENED DUTY OF ADMINISTRATIVE LAW JUDGE TO DEVELOP RECORD

Social Security Administration, unrepresented claimants, **18:145**

HILL-BURTON PROGRAM

Patients' rights, 23:7

HISTORY

Background or History (this index)

HIV

Medicaid, identification of HIV antibody, laboratories, **30:56**

HMO (HEALTH MAINTENANCE ORGANIZATION)

Medicare (this index)

HOLDING PERIOD

Real property planning, 7:5

HOME, HOUSE, HOUSING AND HOUSEHOLDS

Confinement to Home (this index)

Congregate and Sheltered Housing (this index)

Consumer issues, home repair, 4:30

Dialysis at home, 26:79

Equity conversions. Real Property (this index)

Fair Housing Act (this index)

Head of household, 6:25 to 6:27

Home Care, Hospices, and Similar Care Alternatives (this index)

Income (this index)

Medicaid (this index)

Medicare (this index)

Modifications, deductibility of medical expenses, **6:70**

Moving (this index)

16:103

Nursing Homes/Facilities (this index)

Patients' rights, home visits, 23:26

Real Property (this index)

Residence and Residency (this index)

Special needs trusts, assisted housing,

Supplemental Security Income (SSI) (this index)

HOME CARE, HOSPICES, AND SIMILAR CARE ALTERNATIVES

Abuse/neglect protections under Medicaid, **22:36**

HOME CARE, HOSPICES, AND SIMILAR CARE

ALTERNATIVES—Cont'd

- Adult day-care, components of home health care, 22:8 to 22:11
- Agency provided personnel and services, 22:12 to 22:15, 22:29, 22:30, 22:46
- Aid and attendance program, Veterans Administration compensation, 22:37
- Allowable home health care visits, **25:150**
- Alzheimer's day-care resource center, **22:11**
- Appeal of denial of Medicare coverage, practice pointers, 22:47
- Automatic Medicaid coverage, 22:32
- Caregiver burnout, 22:7
- Case management services, 22:16
- Certification of home health care agency, 22:13 to 22:15, 22:29, 22:30
- Community-based or home services, 29:21, 30:72 to 30:85
- Competing age groups, **22:38**, **22:40** Components of home health care,
 - 22:3 to 22:6
- Confinement to home requirement, 22:28, 22:37
- Denial of coverage or services, 22:45 to 22:49
- Discharge of hospital patients, Diagnosis Related Groups (DRGs), **22:3**
- Eligibility requirements, 22:24, 22:32 Equipment and supplies, 22:3, 22:23, 22:37
- Evaluation of agency's claim for Medicare coverage, practice pointers, **22:46**
- Financing home care, 22:3 to 22:18, 22:32 to 22:42, 22:48
- Geriatric case or care management services, **22:16**
- Health care decision-making, **33:24** Health day-care for adults, **22:10**
- Homebound or housebound requirement, 22:28, 22:37

HOME CARE, HOSPICES, AND SIMILAR CARE

ALTERNATIVES—Cont'd

- Home health aide services, 22:22 Homemaker services, 22:5, 25:190
- Individual rights under Medicarecertified home health agency, 22:30
- Industry standards, agencies providing personnel and services, 22:15
- In-Home Supportive Services (IHSS), **22:40**, **22:49**
- Intermittent need rule, Medicare coverage, **22:27**
- Irreversible dementia, day-care resource center, **22:11**
- Maintenance therapy, Medicare coverage, **22:26**
- Medicaid coverage, 22:3 to 22:18, 22:32 to 22:36, 22:48, 30:66, 30:67, 30:70 to 30:85
- Medical social services, Medicare coverage, 22:23
- Medicare, 22:3 to 22:47, 25:174 to 25:194, 26A:22
- Misappropriation of property, protections under Medicaid, **22:36**
- National Association of Professional Geriatric Care Managers (NAPGCM), **22:16**
- Neglect/abuse protections under Medicaid, **22:36**
- Nonmedical services funding, **22:18**Nursing facility (NF) certification,
 Medicare and Medicaid, hospice benefit, **21:24**
- Obtaining personnel and services, 22:12 to 22:16
- Older Americans Act, 22:39
- Personal care services, 22:4, 30:71
- Plan ordered by physician, reimbursement by Medicare, **22:20**
- Practice pointers for advocate, 22:43 to 22:49
- Private insurance, 22:41, 22:44
- Property misappropriation, Medicaid protections, **22:36**

HOME CARE, HOSPICES, AND SIMILAR CARE

ALTERNATIVES—Cont'd

Reasonable and necessary care, Medicare coverage, 22:25

Reconsideration of denial of Medicare coverage, practice pointers, 22:47

Recurring need for skilled services, Medicare coverage, **22:27**

Respite care, 22:7 to 22:11

Share of costs, Medicaid coverage, 22:32

Situational factors, 22:2

Skilled care and therapeutic services, 22:3, 22:21, 22:25

Social day-care for adults, 22:9

Social Security Act, **22:38**, **22:40** Social Services Block Grants, **22:38**,

22:40 Supplemental Security Income (SSI),

22:32, 22:40

Supplies and equipment, **22:3**, **22:23**, **22:37**

Temporary Assistance to Needy Families (TANF), automatic Medicaid coverage, 22:32

Therapeutic services, 22:3, 22:21, 22:25

Title XX of Social Security Act, 22:38, 22:40

Veterans, 22:37

HOMELESS VETERANS

Health care benefits, 17:36

HOMEMAKER SERVICES

Generally, 22:5, 25:190

HOMICIDE

Physician aid-in-dying, 33:22

HOSPICES

Home Care, Hospices, and Similar Care Alternatives (this index)

HOSPITALS

Generally. **Medical Matters** (this index)

Critical access hospitals, **25:58**Disability discrimination in public accommodations, **36:88**

HOSPITALS—Cont'd

Do Not Resuscitate Orders (this index)

Medicaid (this index)

Medicare (this index)

Rural emergency hospitals, **25:57** SSI eligibility of married persons, living in same hospital, **16:17**

Veterans, benefits, 17:30, 17:37, 20:59

HOSTILE OR HOSTILITY

Age Discrimination in Employment Act, **35:18**, **35:42**

HOUSE AND HOUSEHOLDS

Home, House, Housing and Households (this index)

HOUSEBOUND BENEFITS

Veterans, 17:28

HUSBAND AND WIFE

Spouses (this index)

HYPOTHETICAL QUESTIONS

Social Security Administration, examination of witnesses at administrative hearings, **18:150**

IDAHO

Advance care planning document, 33:40

Elder victimization, abuse, and neglect, **4A:42**

Mental health treatment, declaration for, form, **33:84**

IDENTIFICATION OR DESCRIPTION

Age Discrimination in Employment Act (this index)

Continuing care facilities, continuing care retirement communities, and life care facilities, 21:44

Ethical issues, identification of client, 3:3, 3:8

Medicare Advantage (MA) Program, alternative benefits upon notice of termination, **26A:37**

Older population, 1:3

IDENTIFICATION OR DESCRIPTION—Cont'd

Special needs trusts, non-tax design issues for supplemental trusts, 16:124

Trust as beneficiary, distributions from qualified retirement plans and IRAs, 19:99

Wills, identification of community property, **10:33**

IDENTITY

Attorney's duties and responsibilities, importance of defining identity of client, 3:8

Consumer issues, identity theft, **4:25**, **4:26**

IHSS (IN-HOME SUPPORTIVE SERVICES)

Home care, hospices, and similar care alternatives, **22:40**

IHSS [IN-HOME SUPPORTIVE SERVICES]

Home care, hospices, and similar care alternatives, 22:49

ILLINOIS

Credit, discriminatory practices prohibited by state law, **35:189**

Durable power of attorney for health care, form, **33:41**

Education, discrimination, 35:206

Elder victimization, abuse, and neglect, **4A:43**

Homestead exemption, 7:39

Living wills, form, 33:41

Mental health treatment declaration, form, **33:85**

ILLNESS

Disease or Illness (this index)

IMMEDIATE RETIREMENT

Pensions and Retirement (this index)

IMPACT

Special Needs Trusts (this index)

IMPAIRMENT-RELATED WORK EXPENSES

SSI, earned income exclusion, **16:49**, **16:50**

IMPLANTS

Medicaid, 30:110

IMPLIED CONTRACT

Employment discrimination, **35:163** to **35:165**

IMPLIED COVENANTS

Employment discrimination, implied covenant of good faith and fair dealing, **35:167**

IMPRISONMENT

Medicare, conditions for payment of services for individuals in custody of penal authorities, **27:14**

IMPROVED PENSION BENEFITS

Veterans, 17:21 to 17:28, 17:48

IMPROVEMENTS

Nursing home facilities, availability of loans and grants, **21:12**

Palliative care, improvements to health care, 33:24

Real property planning, determining adjusted basis of property, **7:4**

Special valuation rules for transfer taxes, **8:259**, **8:280**

IMPUTED INTEREST INCOME

Generally, 6:74, 6:75

INCAPACITY

Mental Capacity or Condition (this index)

INCARCERATION

Imprisonment (this index)

INCIDENTAL DEATH BENEFIT RULE

Lifetime distributions, qualified retirement plans and IRAs, 19:90

INCLUSION RATIO INCOME—Cont'd Generation-skipping transfer tax, Blindness, 6:19 8:172, 8:175, 8:177, 8:196 Capital gains, 6:4, 6:8, 19:130 to 19:135 **INCOME** Child tax credit, 6:46 Generally, **6:1 to 6:14 Compensation** (this index) Additional information concerning Conduit IRA, distributions from tax planning, 6:76 qualified retirement plans and Adjustments IRAs, 19:161 cost-of-living, 6:15, 6:18, 6:19, Continuing care facility, imputed 6:49 interest income, **6:74**, **6:75** gross income, 6:5 Contracts or agreements Age continuing care facility contracts, credit for children, 6:46 6:74, 6:75 credit for elderly or disabled multiple support agreement, effect individuals, **6:33 to 6:39** on filing status, **6:16**, **6:26** filing requirements, 6:29, 6:30 Conversion of personal residence to imputed interest income, loan to rental property, 6:51 continuing care facility, 6:74 Corporate directors, 6:64 medical insurance premiums for Cost-of-living adjustments, 6:15, coverage after age 64, 6:67 6:18, 6:19, 6:49 65 or older, **6:29 to 6:39, 6:67,** Costs, fees and expenses 6:74 medical expenses, infra standard deduction, 6:19, 6:20 Age Discrimination in Employment moving expenses, **6:72**, **6:73** Act, 35:1, 35:23, 35:28, 35:130 Credits to 35:135, 35:138 amount of credit, 6:34 to 6:37 Agreements. Contracts or agreebase amount, **6:34**, **6:36**, **6:37** ments, infra child tax credit, 6:46 Alternatives dependents, 6:40 to 6:46 distributions from qualified retiredistributions from qualified retirement plans and IRAs, 19:126, ment plans and IRAs, 19:127, 19:139, 19:160 19:128 minimum tax, 6:12 earned income, **6:32**, **6:47** to **6:49** payee, distributions, 19:160 elderly or disabled individuals, taxation, 6:12, 19:126, 19:139, 6:33 to 6:39 19:160 filing status, **6:34 to 6:38** Amount, Number or amount, infra income limits, 6:38 Annuities, distributions from qualireduction in base amount, 6:36, fied retirement plans and IRAs, 6:37 19:124, 19:125, 19:181 separated spouse, special rule, 6:39 **Attorneys** (this index) Death Averaging, distributions from qualified retirement plans and IRAs, distributions from qualified retire-19:126, 19:130 to 19:135, ment plans and IRAs, 19:143 to 19:148, 19:245, 19:247 19:152 Balance, distributions from qualified income in respect of decedent, 11:52 to 11:55 retirement plans and IRAs, 19:127, 19:128 planning and taxation, 6:24, Basis, 6:3, 6:4, 19:111 to 19:113 19:143 to 19:148

INCOME—Cont'd	INCOME—Cont'd
Death—Cont'd	Employment-related expenses for
spouse, survivor filing return, 6:24 , 6:30	household services, dependent care credit, 6:40 , 6:44
Decision to dispose of personal residence, 6:50	Equipment, deductibility of medical expenses, 6:70
Decreases. Increases or decreases, infra	Expenses. Costs, fees and expenses, supra
Deductions and reductions distributions from qualified retire-	Facility requirements, dependent care credit, 6:45
ment plans and IRAs, 19:145 , 19:147	Favorable averaging, distributions from qualified retirement plans
itemized deductions, 6:1 , 6:6 , 6:10	and IRAs, 19:152
marital deduction formula,	Fees. Costs, fees and expenses, supra
distributions from qualified	Filing
retirement plans and IRAs,	generally, 6:22 , 6:28
19:147	cost of maintaining household,
medical expenses, 6:65 to 6:71	status, 6:27
moving expenses, 6:72 , 6:73	credit for elderly or disabled
standard deduction, infra	individuals, status, 6:34 to
Deferral, distributions from qualified	6:38
retirement plans and IRAs, 19:139, 19:150	dependent, 6:31
Dependents	head of household, 6:25 to 6:27
additional personal exemptions,	joint return, 6:23 , 6:24
6:16	married couple, 6:23 , 6:24 , 6:30
care center, 6:40 to 6:45	multiple support agreement, 6:16,
filing requirements, 6:31	6:26
married couple, 6:43	single taxpayer, 6:29
standard deduction, 6:21	Social Security benefits, base
Director of corporation, 6:64	amount, 6:58
Disabilities	surviving spouse, 6:24 , 6:30
blindness, 6:19	Financial planning, 5:1 et seq.
credit for elderly or disabled	Fines and penalties, distributions
individuals, 6:33 to 6:39	from qualified retirement plans
Disposing of businesses, 13:69	and IRAs, 19:151
Disposition of personal residence,	Five-year rules, distributions from
6:50 to 6:56	qualified retirement plans and
Distributions from qualified retire-	IRAs, 19:129
ment plans and IRAs, 19:11 et	Gains or losses
seq. Earned income	capital gains, 6:8, 19:130 to
credit, 6:47 to 6:49	19:135
Supplemental Security Income	determination, 6:3 , 6:4
(SSI) (this index)	planning, 6:3 , 6:4 , 6:8
Employee Retirement Income	recognition, distributions from
Security Act (this index)	qualified retirement plans and
Employment discrimination, 35:1,	IRAs, 19:141
35:23, 35:28, 35:130 to 35:135, 35:138	Gift of residence, disposition of personal residence, 6:53

filing status, **6:16**, **6:26**

INCOME—Cont'd INCOME—Cont'd Grantor retained income trust, dispo-Life insurance—Cont'd sition of personal residence, proceeds, distributions from quali-6:56 fied retirement plans and IRAs, 19:148 **Gross Income** (this index) Head of household filing status, 6:25 **Lifetime Transfers Planning (this** to 6:27 index) Home, house and households Limitations credit for elderly or disabled aged or infirm, deductibility of medical expenses, 6:69 individuals, **6:38** modifications of home, deductdependent care credit, 6:42 ibility of medical expenses, Loan to continuing care facility, 6:70 imputed interest income, 6:74 personal residence, disposition, Lodging expenses, deductibility as 6:50 to 6:56 medical expense, 6:71 planning, 6:25 to 6:27, 6:69, 6:70 Long-term capital gain tax rate, 6:8 Husband and wife. Spouses, infra Long-term care insurance, deduction of premiums, 24:22 Imputed interest income, 6:74, 6:75 Long-term care insurance premiums, Increases or decreases 6:68 deductions and reductions, supra Losses. Gains or losses, supra standard deduction, 6:19 Lump-sum treatment, distributions vesting after separation, distribufrom qualified retirement plans tions from qualified retireand IRAs, 19:32, 19:119 to ment plans and IRAs, 19:128 19:129, 19:179, 19:246 Individual shared responsibility pay-Marital deduction formula, distribument (Obamacare), 6:14 tions from qualified retirement Institution other than hospital, plans and IRAs, 19:147 deductibility of cost of care, 6:69 Marriage penalty, 6:23 **Medicaid** (this index) Insurance Medical expenses **Health Insurance** (this index) deductions, 6:65 to 6:71 life insurance, infra defined, 6:66 long-term care premiums, 6:68 equipment and home modificamedical insurance premiums for coverage after age 64, 6:67 tions, **6:70** proceeds, distributions from qualiinsurance premiums for coverage fied retirement plans and after age 64, **6:67** IRAs, **19:117**, **19:148** lodging expenses, **6:71** IRS publications, 6:76 long-term care premiums, 6:68 Itemized deductions, **6:1**, **6:6**, **6:10** nursing home costs, 6:69 Joint return, filing status, 6:23, 6:24 **Medicare Catastrophic Coverage** Landlord and tenant, conversion of **Act** (this index) personal residence to rental Medicare payroll tax, additional, 6:13 property, 6:51 Moving Liability for taxes, **6:11** expenses, **6:72**, **6:73** Life estate and tenant, disposition of smaller home, disposition of personal residence, 6:52 personal residence, 6:54 Life insurance generally, 14:28 to 14:48, 14:101 Multiple support agreement, effect on

to 14:103

INCOME—Cont'd

Net investment income, 6:13

Net unrealized appreciation, distributions from qualified retirement plans and IRAs, 19:138

Nonqualified deferred compensation plans, Social Security tax on retirement income, **6:64**

Number or amount

additional information concerning tax planning, **6:76**

gains or losses, supra

increases or decreases, supra

multiple support agreement, effect on filing status, **6:16**, **6:26**

Nursing home costs, medical expenses deductions, **6:69**

Ordinary income, distributions from qualified retirement plans and IRAs, 19:108 to 19:110

Outright gift, disposition of personal residence, **6:53**

Overview of elder law, 1:11

Partial rollovers, qualified retirement plans and IRAs, 19:157, 19:158

Pecuniary bequest, distributions from qualified retirement plans and IRAs, 19:146, 19:147

Personal exemptions, **6:1**, **6:6**, **6:9**, **6:15**, **6:16**

Personal residence, disposition, **6:50** to **6:56**

Phaseout percentages, earned income credit, **6:49**

Planning

income requirements, **5:1 et seq.** postmortem planning and administration, **12:38**

taxes and taxation, 6:1 to 6:76

Postmortem planning and administration, 12:38

Premature distributions from qualified retirement plans and IRAs, 19:135, 19:151

Property, basis, 6:3, 6:4

Recovery of basis, distributions from qualified retirement plans and IRAs, 19:111 to 19:113

INCOME—Cont'd

Reductions. Deductions and reductions, supra

Relocation to smaller home, disposition of personal residence, **6:54**

Remainder interest in personal residence, sale to family member, **6:55**

Rental property, conversion of personal residence to, **6:51**

Restrictions. Limitations, supra Retention of life estate, disposition of personal residence. **6:52**

Return to United States, deductibility of moving expenses, **6:72**

Rollovers, distributions from qualified retirement plans and IRAs, 19:142, 19:149 to 19:162

Sales

remainder interest, disposition of personal residence, **6:55**

subsidiary or division sale, lump sum distributions from qualified retirement plans and IRAs, 19:123

Securities of employer, distributions from qualified retirement plans and IRAs, 19:136 to 19:142

Self-Employment and Self-Employment Income (this index)

Separate accounts, distributions from qualified retirement plans and IRAs, 19:115

Separated spouse, credit for elderly or disabled individuals, **6:39**

Separation from service, lump sum distributions from qualified retirement plans and IRAs, 19:122, 19:123, 19:128

Shared responsibility payment, **6:14**Short-term capital gain tax rate,
introduction to federal system, **6:8**

Single taxpayer, filing requirements, **6:29**

Sixty-day requirement, distributions from qualified retirement plans and IRAs, 19:153

Smaller home relocation, disposition of personal residence, **6:54**

INCOME—Cont'd	INCOME—Cont'd
Social Security (this index)	Taxes and taxation—Cont'd
Special averaging and capital gain	conduit IRA, 19:161
treatment, distributions from	death and decedents, 19:143 to
qualified retirement plans and	19:148, 19:245, 19:247
IRAs, 19:130 to 19:135	deferral, 19:139, 19:150
Special Needs Trusts (this index)	distributions from qualified retire-
Spouses	ment plans and IRAs, 19:85,
dependent care credit, 6:43	19:85.50, 19:108 to 19:162
filing, 6:23 , 6:24 , 6:30	favorable averaging, 19:152
rollovers, distributions from quali-	five-year rules, 19:129
fied retirement plans and IRAs, 19:159	increased vesting after separation, 19:128
separated spouse, credit for elderly or disabled individuals, 6:39	insurance proceeds, 19:117 , 19:148
surviving spouse, filing return, 6:24, 6:30	life insurance, 14:28 to 14:48, 14:101 to 14:103, 19:148
Standard deduction	loans on qualified retirement plans,
generally, 6:17	19:109, 19:110
age, 6:18 , 6:19	lump-sum treatment, distributions,
amount, 6:18	19:119 to 19:129, 19:179
blindness, 6:19	marital deduction formula, 19:147
dependents, 6:21 determination of age, 6:20	minimum distributions from quali-
introduction to federal system, 6:1,	fied retirement plans and IRAs, 19:85, 19:85.50
6:6	net unrealized appreciation, 19:138
Step-up in basis, distributions from	ordinary income, distributions
qualified retirement plans and IRAs, 19:144	from qualified retirement
Supplemental Security Income	plans and IRAs, 19:108 to
(SSI) (this index)	19:110
Support, agreement, 6:16 , 6:26	partial rollovers, qualified retire-
Surviving spouse, filing return, 6:24 ,	ment plans and IRAs, 19:157 ,
6:30	19:158
Taxes and taxation	pecuniary bequest, 19:146, 19:147
generally, 6:11	penalties, 19:151
alternatives, 6:12, 19:126, 19:139,	planning, 6:1 to 6:76, 19:217
19:160	postmortem planning and
annuity contracts, 19:124, 19:125	administration, 12:38
averaging, 19:126, 19:130 to 19:135, 19:152	premature distributions, 19:135, 19:151
balance, 19:127, 19:128	qualification for lump-sum treat-
basis, 6:3 , 6:4 , 19:111 to 19:113	ment, 19:119 to 19:129
calculation of tax, distributions	rates, 6:7, 6:8
from qualified retirement	recovery of basis, 19:111 to 19:113
plans and IRAs, 19:125 , 19:131	rollovers, 19:142, 19:149 to 19:162
capital gain treatment, distributions, 19:130 to 19:135	securities of employer, 19:136 to 19:142

INCOME—Cont'd

Taxes and taxation—Cont'd self-employed persons, lump sum distributions from qualified retirement plans and IRAs, 19:121

self-employment income, tax on, **6:32**

separate accounts, 19:115

separation from service, lump sum distributions, 19:122, 19:123, 19:128

sixty-day requirement, distributions, 19:153

special averaging, distributions, 19:130 to 19:135

special needs trusts, designing supplemental trusts, **16:128 to 16:133**

spousal rollovers, 19:159

step-up in basis, 19:144

ten-year averaging, distributions, 19:132

transition rule, 19:116, 19:126, 19:134, 19:135

withdrawals, 19:114 to 19:116

Ten-year averaging, distributions from qualified retirement plans and IRAs, 19:132

Terminally Ill Clients (this index)

Transfer of residence to grantor retained income trust, **6:56**

Transition rule, distributions from qualified retirement plans and IRAs, 19:116, 19:126, 19:134, 19:135

Trusts and Trustees (this index)

Unrealized income, 6:3, 6:4

Withdrawals, distributions from qualified retirement plans and IRAs, 19:114 to 19:116

INCOMPETENCY

Competency or Incompetency (this index)

INCREASES OR DECREASES

Appreciation (this index)

Deductions and Reductions (this index)

INCREASES OR DECREASES —Cont'd

Depreciation of estate, postmortem planning and administration, 12:3

Diminution of value of assets, terminally ill clients, 11:27

Extension of Time (this index)

Gains or Losses (this index)

Income (this index)

Life insurance, 14:37

Medicare, premiums, 25:42 to 25:44, 26:30, 26:31

Reductions. **Deductions and Reductions** (this index)

United States civil service retirement system, increases in annuity, 20:13

INDEMNITY AND INDEMNIFICATION

Medicare, indemnification of beneficiary, 28:30 to 28:33

Veterans' benefits, dependency and indemnity compensation, **17:47**

INDEPENDENT EVALUATION OF COMPETENCE

Guardians and conservators, 34:22

INDIANA

Do not resuscitate order, 33:105

Elder victimization, abuse, and neglect, **4A:44**

Health care, life prolonging procedures declaration form, 33:42

Health care directives, Psychiatric advance directive, **33:86**

Living will, form, 33:42

INDIANS

Medicaid, Indian health service facilities, **30:69**

Medicare, 27:19

INDIGENT PERSONS

Poor Persons (this index)

INDIRECT HOLDINGS

Special valuation rules for transfer taxes, **8:233**, **8:252**

INDIVIDUAL RETIREMENT ACCOUNTS

Distributions, **19:1 et seq.**Terminally ill clients, **11:57 to 11:59**

INDIVIDUALS

Home care, hospices, and similar care alternatives, rights, 22:30 SSI, eligibility, 16:2 to 16:8

INDUSTRY STANDARDS

Home care, hospices, and similar care alternatives, 22:15

INFANTS OR MINORS

Children (this index)

INFLATION

Financial planning, **5:26 to 5:28**, **5:53**, **5:54**

Long-term care insurance, 24:16
Medicare Catastrophic Coverage Act,
treatment of resources of married individuals, inflation of
aggregate non-exempt resources,
relief from community spouse
resource allowance limitation,
29:63

INFLUENCE

Undue Influence (this index)

INFORMAL CONFERENCE TO RECONSIDER INITIAL DETERMINATION

Social Security Administration, request, **18:103**

IN FORMA PAUPERIS

Poor Persons (this index)

INFORMATION AND DATA

Age Discrimination Act, duty to provide information, **35:220**

Confidentiality and Disclosure (this index)

Ethical issues, informed client decisions, **3:12**

Financial planning, 5:19 Life insurance, 14:26, 14:27 Medicaid, 31:3, 31:40 to 31:42 Medicare Advantage (MA)

Program (this index)

INFORMATION AND DATA

-Cont'd

Medicare exclusions, third party payments, 27:28

Postmortem planning and administration, 12:2

Qualified domestic relations orders, distributions from qualified retirement plans and IRAs, 19:203

INFREQUENT UNEARNED INCOME

SSI, exclusion, 16:70

INHERITANCE OR INHERITANCES

Special needs trusts, self-settled supplemental trust, **16:141** SSI, unearned income, **16:55** Taxes, **10:63**

IN-HOME SUPPORTIVE

SERVICES [IHSS]
Home care, hospices, and similar care alternatives, 22:40, 22:49

INITIAL OR PRELIMINARY MATTERS

Age Discrimination in Employment Act, preliminary injunctions, 35:131

Determinations and Decisions (this index)

Medicare (this index)

Postmortem planning and administration, 12:2

Social Security Administration, initial review of request for waiver of overpayment of OASDI or SSI benefits, 18:35

INJUNCTIONS

Age Discrimination Act, private actions for injunctions, **35:231**

Age Discrimination in Employment Act (this index)

IN-KIND

Supplemental Security Income (SSI) (this index)

IN LIMINE MOTIONS

Age Discrimination in Employment Act, **35:117**

INPATIENTS

Medicaid, inpatient hospital services, 30:17 to 30:20

Medicare (this index)

INQUIRY

Social Security Administration, filing date of application for SSI benefits based on oral inquiry, 18:12, 18:13

INSANITY

Mental Capacity or Condition (this index)

IN-SERVICE DISTRIBUTIONS

Nontax rules relating to qualified retirement plans, benefit payments, 19:41 to 19:43

INSPECTION

Examination or Inspection (this index)

INSTALLMENT SALES AND PAYMENTS

Lifetime transfers planning, 9:44 to 9:49

Terminally ill clients, 11:32, 11:36, 11:37, 11:54

INSTITUTIONS

Income tax planning, **6:68**, **6:69 Medicaid** (this index)

SSI eligible individual, resident of public educational institution, 16:5

INSTRUCTIONS

Health care

Health Care Directives (this index)

Health Care Proxy Declaration Forms (this index)

Living Wills (this index)

INSTRUCTIONS TO JURY

Age Discrimination in Employment Act. **35:125**

INSURANCE

Disability discrimination in access to public accommodations, insurance organization, **36:87**

Disposing of Businesses (this index) Distributions from qualified retirement plans and IRAs, **19:117**,

19:148

Financial planning, **5:22**, **5:41** Group insurance, **14:24**, **24:20**

Health Insurance (this index)

Income (this index)

Life Insurance (this index)

Medicare (this index)

MEDIGAP (Medicare

Supplemental Insurance) (this index)

Private Matters (this index)

Real Property (this index)

Special valuation rules for transfer taxes, **8:261**, **8:281**

Veterans' health care benefits and private insurance, **17:34**

INTANGIBLE OR TANGIBLE PERSONAL PROPERTY

Wills, **10:48 to 10:50, 10:53**

INTEGRATION

Disability discrimination by public entities, **36:69**

INTEGRITY OF FACILITY OUESTIONS

Continuing care retirement community, counseling prospective resident, **21:56**

INTELLECTUALLY DISABLED PERSONS

Mental Capacity or Condition (this index)

INTENT

Age Discrimination in Employment Act. **35:17**

Employment discrimination, intentional infliction of emotional distress, **35:169**

Special needs trusts, intent of settlor, **16:107, 16:120**

INTEREST ON MONEY

Life insurance, 14:47, 14:48

Postmortem planning and administration, 12:23

SSI, unearned income, 16:58, 16:71

INTEREST OR INTERESTS

Conflicts of Interest (this index)

Guardians and conservators, interested persons and parties, 34:26

INTERFERENCE

Employee Retirement Income Security Act, wrongful interference with benefits, **35:153**

Employment discrimination, tortious interference with employment relationship, **35:170**

INTERIM MATTERS

Distributions, postmortem planning and administration, **12:47**, **12:48** Intervention, guardians and conserva-

tors, **34:17**

INTERMEDIATE CARE FACILITIES

Skilled Nursing and Intermediate Care Facilities (this index)

INTERMITTENT HOME HEALTH CARE

Generally, 22:27, 25:154, 25:170

INTERNAL REVENUE CODE

Taxes and Taxation (this index)

INTERNET FRAUD

Generally, 4:26, 4:31

INTERN'S SERVICES

Medicare, 25:74, 25:128, 25:173

INTERPOLATED TERMINAL RESERVE

Life insurance, 14:51

INTERPRETATION RULES

Special needs trusts, intent of settlor, **16:107**

INTERROGATORIES

Age Discrimination in Employment Act, **35:111, 35:113, 35:126**

INTERSTATE ISSUES

Guardianship, 34:49

INTERVENTION

Grandparents, intervention to oppose adoption, **37:34**

Guardians and conservators, interim, temporary and emergency intervention, **34:17**

Social Security Administration (this index)

INTERVIEWS

Estate planning, **10:18**, **10:19**Veterans' benefits, checklist for interviewing veteran or veteran's dependents, **17:6**

INTER VIVOS TRANSFERS AND TRUSTS

Generation-skipping transfer tax, 8:172 to 8:174, 8:179

Privacy, **10:45**

Special needs trusts, third party settled trusts, living trust, 16:172 to 16:175

Wills, 10:42 to 10:45, 10:55

INTESTATE

Wills, terminology, 10:31

INTRODUCTION OF ADMINISTRATIVE LAW JUDGE AT HEARING

Social Security Administration, **18:147**

INVENTORY

Postmortem planning and administration, **12:43**, **12:44**

INVESTIGATIONS

Adult protective services, failure to investigate, **4A:24**

Age discrimination, **35:101**, **35:226** Medicaid, investigation of applicant by state agency, **31:7**

INVESTMENTS

Financial planning, **5:30**Net investment income, **6:13**State and local retirement systems, **20:126**

INVOLUNTARY MATTERS

Voluntary or Involuntary Matters (this index)

IOWA

Credit, discriminatory practices prohibited by state law, **35:190**, **35:191**

Durable power of attorney for health care, form, **33:43**

Elder victimization, abuse, and neglect, **4A:45**

Life-sustaining procedures, declarations relating to, form, **33:43**

IRA

Individual Retirement Accounts (this index)

IRD (INCOME IN RESPECT OF DECEDENT)

Terminally ill clients, 11:52 to 11:55

IRREGULAR UNEARNED INCOME

SSI, exclusion, 16:70

IRREVERSIBLE DEMENTIA

Home care, hospices, and similar care alternatives, 22:11

IRREVOCABLE MATTERS

Revocable or Irrevocable Matters (this index)

IRS PUBLICATIONS

Income tax planning, 6:76

IRS RESTRUCTURING AND REFORM ACT OF 1998

Generally, 8:19

ISSUANCE

Social Security Administration (this index)

ITEMIZATION

Income tax planning, deductions, **6:1**, **6:6**, **6:10**Medicare, bill, **28:17**

JAILS

Imprisonment (this index)

JOB CREATION ACT OF 2010

Transfer taxes, 8:20.50

JOB DISCRIMINATION

Employment Discrimination (this index)

JOINT MATTERS

For correlative topic, see **Separate Matters** (this index)

Accounts, bank account as substitute for will, **10:127**

Annuities

distributions from qualified retirement plans and IRAs, 19:165 to 19:168, 19:193

gift tax, 8:44, 19:165 to 19:168

Bank account as substitute for will, 10:127

Debts of married couples, drafting and execution of simple will, 10:62

Distributions from qualified retirement plans and IRAs, 19:165 to 19:168, 19:193

Estates (this index)

Gifts and gift tax, 8:41, 8:44, 19:166 to 19:168

Interest with right of survivorship, exception to terminable interest rule, **8:41**

Medicare Catastrophic Coverage Act, jointly owned property, **29:94**

Powers of appointment of assets, 8:118

Returns, income tax planning, **6:23**, **6:24**

Social Security Administration, joint administrative hearing, 18:142

Tenants and Tenancy (this index) **Wills** (this index)

JUDGES

ALJs. **Administrative Matters** (this index)

Social Security Administration (this index)

JUDGMENTS, DECREES AND ORDERS

Age Discrimination in Employment Act, **35:116**, **35:118**, **35:127**

Directives (this index)

Guardians and Conservators (this index)

Medicare, judgment on recovery of conditional primary payment, **27:39**

Social Security Administration (this index)

Summary Judgment (this index)

JUDICIAL MATTERS

Courts (this index)

JUNIOR EQUITY INTERESTS

Special valuation rules for transfer taxes, **8:222**, **8:243**

JURISDICTION

Age Discrimination in Employment Act, **35:108**

Grandparents' rights, 37:27

Guardians and conservators, 34:16

Medicaid, federal court jurisdiction, judicial review, **31:34**

Postmortem planning and administration, 12:41

Social Security Administration (this index)

JURY AND JURY TRIAL

Age Discrimination in Employment Act, 35:109, 35:118, 35:125, 35:126

Guardians and conservators, **34:27 Instructions to Jury** (this index)

JUSTIFICATION

Social Security Administration, substantial justification standard for attorney's fees under Equal Access to Justice Act, 18:81

KANSAS

Do not resuscitate order, **33:106** Elder victimization, abuse, and neglect, **4A:46**

Health care power of attorney, form, 33:44

Life-sustaining procedures, declaration regarding withholding or withdrawal of, form, 33:44

KENTUCKY

Advance directive for mental health treatment, form, **33:87**

Credit, discriminatory practices prohibited by state law, **35:192**

Elder victimization, abuse, and neglect, **4A:47**

Health care surrogate, designation of, form, form, **33:45**

Living will directive, form, 33:45

KIDNEY DISEASE

Medicare (this index)

KINSHIP CAREGIVERS

Grandparents and Grandchildren (this index)

KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS

Generally, 37:23.50

KNOWLEDGE

Notice (this index)

LABOR

Employers and Employees (this index)

LABORATORIES AND LABORATORY SERVICES

Medicaid, 30:54 to 30:56 Medicare, laboratory tests, 26:69

LABOR ORGANIZATIONS

Age Discrimination in Employment Act, **35:12**

LAND

Real Property (this index)

LANDLORD

Tenants and Tenancy (this index)

LANGUAGE THERAPY

Medicaid, optional services, 30:89

LAPSE

Power of appointment, federal estate tax, 8:119

Special valuation rules for transfer taxes, **8:296 to 8:309**

Wills, provisions, 10:36, 10:49

LARGE ESTATES

Generation-skipping transfer tax, 8:192, 8:193

LATE MATTERS

Medicare, 25:43, 25:137, 26:30

LAW ENFORCEMENT OFFICERS

Age Discrimination in Employment Act, mandatory retirement, **35:14**

LAWFUL RESIDENT

SSI, eligible individual, 16:8

LAWYERS

Attorneys (this index)

LAYOFFS

Age Discrimination in Employment Act, **35:33 to 35:36**

LAYOUT AND DESIGN OF OFFICE

Attorneys, 2:2 to 2:4

LAY WITNESSES

Witnesses (this index)

LEAD AND LEAD ANNUITY TRUSTS

Charitable trusts, gift and generationskipping transfer taxes, **8:48**, **8:171**

LEARNING CURVES

Age Discrimination in Employment Act, reasonable factors other than age, **35:68**

LEASES

Rental Property and Rents (this index)

LEGATEE

Wills, terminology, 10:35

LESS THAN EFFECTIVE DRUGS

Medicare, 27:80

LETTERS

Age Discrimination in Employment Act, sample notice letter from employer, **35:86**

Closing letters, 2:17

Cover Letters (this index)

Dual representation letters, 2:15

Estates, 10:19 to 10:29, 10:78

Guardians and conservators, application for letters, 34:38

Social Security Administration (this index)

Trusts and Trustees (this index)

LIABILITY

Generation-skipping transfer tax, 8:181 to 8:183 Income tax planning, 6:11 Medicare, 28:26, 28:29 to 28:35 Third party, medicaid, 29:4

LIBEL AND SLANDER

Employment discrimination, defamation, **35:171**

LICENSES OR PERMITS

Drivers' licenses, the older driver, **4:45**

LIENS OR ENCUMBRANCES

Generation-skipping transfer tax, 8:186

Medicaid, 29:112, 29:117, 31:54

LIFE

Life or Lifetime (this index)

LIFE ESTATES

Federal gift tax, 8:42
Income tax planning, 6:52
Real Property (this index)
Special valuation rules for transfer taxes, 8:205
Wills, 10:54

LIFE INSURANCE

Accumulation test, cash value, 14:41

LIFE INSURANCE—Cont'd Allocations, generation-skipping transfer tax and irrevocable life insurance trusts, 14:110, 14:111 Amount of policy, **14:3** Annual exclusion, irrevocable life insurance trusts. 14:75 to 14:92. 14:107, 14:108 Applicant, terminology, 14:10 Ascertainable standard, estate taxes and irrevocable life insurance trusts. 14:105 Assets, irrevocable life insurance trusts, 14:75 to 14:78, 14:84, 14:101, 14:102 Avoidance, irrevocable life insurance trusts, 14:94, 14:104 Basic terms, 14:9 Beneficiaries designation, 14:27 irrevocable life insurance trusts. 14:93 et seq. notice, withdrawal rights in irrevocable life insurance trusts, 14:87 tax consequences, 14:93 et seq. Business uses, 14:7 Buy-sell agreements, exclusion from gross income and exceptions, 14:33 Cash values accumulation test, 14:41 guideline premium and cash value corridor test, 14:42 income taxation, 14:37 to 14:39, 14:41, 14:42 satisfaction of withdrawal request, irrevocable life insurance trusts, 14:85 whole life insurance, 14:18 Child asset transferee, irrevocable life insurance trusts, 14:77

Contingent marital deduction trust.

death, 14:65

Corporations, 14:34, 14:59

14:59

transfers within three years of

Controlled corporations, includability

of proceeds in gross estate,

LIFE INSURANCE—Cont'd Crummey power, withdrawal rights in irrevocable life insurance trusts, 14:79 **Deductions** contingent marital deduction trust, transfers within three years of death, 14:65 limitations on deductibility of interest on policy loans, income taxation, 14:48 nondeductibles, 14:44 premium payments, income taxation, 14:45 Definitions, income taxation, 14:40 to 14:42 Designation of beneficiary, 14:27 Disposing of businesses, 13:12 to 13:16, 13:34, 13:35 Dividends cash values, income taxation, 14:37 exclusion from gross income and exceptions, 14:36 terminology, 14:12, 14:13 Drafting considerations, irrevocable life insurance trusts, 14:113 to 14:116 Employer-provided insurance, 14:24, 14:25 Endowment contracts, **14:19**, **14:39** Estates incidents of ownership, 8:121 planning, 14:1 et seq. proceeds receivable by executor, 8:120 taxes, 14:49 to 14:55, 14:104, 14:105, 14:115 Exchanges of policies, income taxation, 14:43 Exclusions and exceptions annual exclusion, irrevocable life insurance trusts, 14:75 to 14:92, 14:107, 14:108

generation-skipping transfer taxes,

irrevocable life insurance

trusts, 14:106 to 14:112

gross income, 14:28 to 14:36

LIFE INSURANCE—Cont'd LIFE INSURANCE—Cont'd Exclusions and exceptions—Cont'd Liquidity, 14:5, 14:6 permanent life insurance policies, Loans on policies valuation, **14:52** income taxation, 14:47, 14:48 Fiduciary holding of incidents of valuation for gift and estate tax ownership, includability of purposes, **14:55** proceeds in gross estate, 14:60 Long-term care provided through, Forms, irrevocable life insurance 24:19 trusts, 14:117 to 14:122 Modified endowment contracts, cash Generation-skipping transfer taxes, values, 14:39 irrevocable life insurance trusts, Naked powers, withdrawal rights in 14:106 to 14:112 irrevocable life insurance trusts, Gift taxes, 14:49 to 14:55, 14:93 to 14:91 14:100 Nondeductible premium payments, Grantor's life, irrevocable life insurincome taxation, 14:44 ance trusts designed to hold Nontaxable transactions, exclusion policies on, 14:118 from gross income and excep-Group term insurance, employertions, 14:30 provided insurance, 14:24 Notice, 14:86, 14:87 Guideline premium and cash value Options, terminology, 14:13 corridor test, 14:42 Outright asset transfers, irrevocable Hanging power, irrevocable life life insurance trusts, 14:76 insurance trusts, 14:95 to Owner, terminology, 14:10 14:100 Permanent life insurance policies, Incidents of ownership, includability valuation, 14:50 to 14:52 of proceeds in gross estate, Planning, generally, 14:1 et seq. 14:57 to 14:60 Premiums Inclusion of premiums in employee's deductible premium payments, income, 14:46 income taxation, 14:45 **Income** (this index) gifts, 14:49 Increase in cash values, income taxation, 14:37 guideline premium and cash value Information needed for planning, corridor test, 14:42 14:26, 14:27 inclusion in employee's income, Insurer selection, 14:4 14:46 Interest on policy loans, income taxanondeductible premium payments, tion, 14:47, 14:48 income taxation, 14:44 Interpolated terminal reserve, valuasingle premium policy, irrevocable tion of permanent life insurance life insurance trusts, 14:72 policies, **14:51** term life insurance, 14:15 Irrevocable life insurance trusts, withdrawal rights in irrevocable 14:66 to 14:118 life insurance trusts, 14:83 Larger estates, irrevocable life insur-Present interests, withdrawal rights in ance trusts, 14:69 irrevocable life insurance trusts, Lifetime transfers planning, 9:25 14:91 Limitations Proceeds of policy deductibility of interest on policy distributions from qualified retireloans, income taxation, 14:48 ment plans and IRAs, 19:148 withdrawal rights, irrevocable life estate tax payment, 14:115 insurance trusts, 14:80, 14:81, gift, 14:49

14:88, 14:89

includability in gross estate, 14:56 to 14:60 Reasonable period to exercise withdrawal rights, irrevocable life insurance trusts, 14:90 Reductions, Deductions, supra Replacement of income, 14:2 to 14:4 Reserve value, whole life insurance, 14:18 Restrictions. Limitations, supra Retention of right to limit withdrawal rights, irrevocable life insurance trusts, 14:88, 14:89 Reversionary interest, includability of proceeds in gross estate, 14:58 Riders, terminology, 14:11 Sample forms, irrevocable life insurance trusts, 14:117, 14:118 Satisfaction of withdrawal request, irrevocable life insurance trusts, 14:84, 14:85 Second-to-die policy, withdrawal rights in irrevocable life insurance trusts. 14:82 Single premium policy, irrevocable life insurance trusts. 14:72 Smaller estates, irrevocable life insurance trusts, 14:66 Special rules, 8:261, 14:43 to 14:48 Split-dollar insurance, 14:25, 14:54, 14:73 **Spouses** contingent marital deduction trust, transfers within three years of death, 14:65 irrevocable life insurance trusts, 14:67, 14:68, 14:81 limit on withdrawal rights, irrevocable life insurance trusts, 14:81 sales, exclusion from gross income and exceptions, 14:34 Survivorship insurance, 14:23 Taxes and taxation, generally, 14:28 et seq.

Technical and Miscellaneous Reve-

LIFE INSURANCE—Cont'd

Proceeds of policy—Cont'd

```
LIFE INSURANCE—Cont'd
  Terminally ill clients, 11:56
  Terminology, 14:9 to 14:13
  Term life insurance
     generally, 14:14 to 14:16
     group term insurance, employer-
         provided, 14:24
     transfer tax valuation, 14:53
  Three-year rule, transfer taxation,
       14:61 to 14:65
  Transfers
     asset transfers, irrevocable life
         insurance trusts, 14:75 to
          14:78
     policies, irrevocable life insurance
         trusts, 14:70
     taxation, 8:315, 14:49 to 14:65,
         14:97, 14:106 to 14:112
     transfer for value rule, exclusion
         from gross income and excep-
         tions, 14:28 to 14:35
  Trusts
     contingent marital deduction trust,
         transfers within three years of
         death, 14:65
     irrevocable life insurance trusts,
         14:66 to 14:118
     sample life insurance trust, 10:109
  Types of policies, 14:3, 14:14 to
       14:23, 14:71
  Universal life insurance, 14:20,
       14:21
  Value and valuation
     cash values, supra
     transfer for value rule, exclusion
         from gross income and excep-
         tions, 14:28 to 14:35
     transfer taxation, 14:49 to 14:55
     whole life insurance, 14:18
  Variable insurance, 14:22
  Whole life insurance, 14:17, 14:18
  Withdrawals
     cash values, 14:38
```

nue Act of 1988, irrevocable life insurance trusts, **14:107**, **14:108** index)

For correlative topic, see **Death** (this index)

irrevocable life insurance trusts,

14:79 to 14:93

LIFE OR LIFETIME

LIFE OR LIFETIME—Cont'd LIFETIME TRANSFERS Care facilities. Continuing Care PLANNING—Cont'd **Facilities, Continuing Care** Exclusions or exceptions Retirement Communities, and annual exclusion, 9:6, 9:7, 9:34 **Life Care Facilities** (this index) generation-skipping transfer tax, Distributions from qualified retire-19:187 ment plans and IRAs, life expecterminable interest rule, spousal tancies, 19:87 gifts, 9:17 Estates. **Life Estates** (this index) Family partnerships, 9:33 to 9:42 Insurance. Life Insurance (this Forms index) general partnership agreement, Life sustaining treatment, physician's 9:39 order for, **33:14** grandchild's trust, 9:31 Medicare, lifetime reserve days, limited liability company deed of 25:80 to 25:82 gift, 9:42 Qualified retirement plans and IRAs, limited liability company operating distributions, 19:83 to 19:90 agreement, 9:41 Transfers planning. Lifetime limited partnership agreement, **Transfers Planning** (this index) 9:40 General partnership agreement, fam-LIFE-SUSTAINING TREATMENT ily partnerships, 9:39 Termination of life-sustaining treat-Generation-skipping transfer tax, ment. Do Not Resuscitate 8:155, 19:187 **Orders** (this index) Gifts, generally, 9:1 et seq. LIFETIME TRANSFERS Grandchildren, trusts, 9:30, 9:31 **PLANNING** Grantor trust, installment sale to, Generally, 9:1 et seq. nongift transfers, 9:49 Annual exclusion, 9:6, 9:7, 9:34 Income Annuities, nongift transfers, 9:50 to family partnerships, 9:35 9:54 installment sales, nongift transfers, Appreciation removal from gross 9:45, 9:46 estate, tax objectives, 9:8 private annuities, nongift transfers, Basis considerations, spousal gifts, 9:51, 9:52 9:21 removal from gross estate, tax Capacity and undue influence, objectives, 9:8 determining, 10:6 tax consequences, 9:4, 9:5, 9:45, Children 9:46, 9:51, 9:52 grandchildren, trusts, 9:30, 9:31 trusts, 9:28 installment sales, nongift transfers, Installment sales, nongift transfers, 9:45, 9:46 9:44 to 9:49 trusts, 9:27, 9:30, 9:31 Life insurance policies, selection of Uniform Transfers (Gifts) to property for gifts, 9:25 Minors Act, 9:26 Limited liability company deed of Crummey trusts, 9:29 gift, family partnerships, 9:42 Defective trusts, 9:32 Limited liability company operating Drafting considerations, family agreement, family partnerships, partnerships, 9:37 9:41 Estate planning, 10:2 Limited partnership agreement, fam-Estates, 9:12 to 9:15, 9:24, 10:2 ily partnerships, 9:40

Special valuation rules for transfer

taxes, 8:307

LIFETIME TRANSFERS LIFETIME TRANSFERS PLANNING—Cont'd PLANNING—Cont'd Multiple gifts in same year, selection Taxes and taxation—Cont'd of property for gifts, **9:23** installment sales, nongift transfers, 9:45 to 9:47 Nongift transfers, 9:43 to 9:49 nongift transfers, 9:43 to 9:49 Parents, installment sale nongift transfers, 9:46 objectives, 9:3, 9:6 to 9:11 Partnerships, family, 9:33 to 9:42 present interest requirement, Present interest requirement, annual annual exclusion, 9:7 exclusion, 9:7 private annuities, nongift transfers, Private annuities, nongift transfers, 9:51 to 9:53 9:50 to 9:54 reciprocal trusts, estate tax considerations, 9:15 QTIP, spousal gifts, 9:19 Reasons for making gifts, 9:1 recognition of gain by donor, income tax consequences, 9:5 Reciprocal trusts, estate tax considerations, 9:15 removing gift tax from transfer tax Recognition of gain by donor, income base, **9:9, 9:10** retained interests and powers, tax consequences, 9:5 estate tax considerations, Reluctance to make gifts, 9:2 9:12, 9:13 Removing gift tax from transfer tax split gift treatment for married base, 9:9, 9:10 couples, **9:11** Residence transfer, spousal gifts, spousal gifts, 9:16, 9:17 9:20 three-year inclusion rule, estate tax Retained interests and powers, 9:12, considerations, 9:14 9:13, 9:37 Terminable interest rule, spousal Sale to grantor trust, nongift gifts, **9:16**, **9:17** transfers, 9:49 Three-year inclusion rule, estate tax Selection of property for gifts, 9:22 considerations, 9:14 to 9:25 Trusts Self-cancelling installment note, children, 9:27, 9:30, 9:31 nongift transfers, 9:48 Crummey trusts, 9:29 Special estate tax treatment, selection defective trusts, 9:32 of property for gifts, 9:24 grandchildren, 9:30, 9:31 Special valuation rules, family partnerships, 9:36 income, 9:28 Split gift treatment for married reciprocal trusts, estate tax couples, tax objectives, 9:11 considerations, 9:15 Unified credit, spousal gifts, 9:18 gifts, 9:16 to 9:21 Uniform Transfers (Gifts) to Minors Act, 9:26 split gift treatment for married couples, tax objectives, 9:11 LIMITATION OF ACTIONS Taxes and taxation Age Discrimination in Employment annual exclusion, 9:6, 9:7, 9:34 Act, 35:93 to 35:99, 35:102 appreciation and income, removal Disability discrimination, employfrom gross estate, **9:8** ment matters, 36:57 estate taxes, 9:12 to 9:15, 9:24 Special valuation rules for transfer family partnerships, 9:34 to 9:37 taxes, 8:306

income tax consequences. 9:4, 9:5.

9:45, 9:46, 9:51, 9:52

LIMITATION OF ACTIONS

—Cont'd

Transfer taxes, 8:306, 8:307

LIMITATION OF LIABILITY

Lifetime Transfers Planning (this index)

LIMITATIONS AND RESTRICTIONS

Older Americans Act, restrictions on AAAs, **4:5**

LIMITATIONS OR RESTRICTIONS

Actions. **Limitation of Actions** (this index)

Disabled status. **Disability Discrimination** (this index)

Disposing of businesses, 13:9

Distributions from qualified retirement plans and IRAs, 19:74, 19:155, 19:170, 19:171, 19:214

Estate tax, 19:170, 19:171

Generation-skipping transfer tax, 8:183

Guardian's powers, 34:32

Income (this index)

Life Insurance (this index)

Lifetime Transfers Planning (this index)

Long-term and residential care facilities, factors that limit choice, 21:4 to 21:7

Medicare (this index)

Penalty taxes on premature distributions of qualified retirement plans and IRAs, 19:74

Real property planning, limitation to one sale or exchange of principal residence every two years, 7:21

Social Security (this index)

Special Valuation Rules for Transfer Taxes (this index)

Supplemental Security Income (SSI) (this index)

Terminally ill clients, 11:24

Veterans' health care benefits, coverage, **17:32**

LIMITED LIABILITY COMPANIES

Lifetime Transfers Planning (this index)

LIMITED PARTNERSHIPS

Lifetime transfers planning, limited partnership agreement, **9:40**Real property planning, **7:1**

LIQUIDATED DAMAGES

Age Discrimination in Employment Act, 35:1, 35:139

Employment discrimination, **35:139**

LIQUIDATIONS

Special valuation rules for transfer taxes, 8:221, 8:296 to 8:309

LIQUIDITY

Financial planning, **5:34** Life insurance, **14:5**, **14:6**

LISTS

Attorney's continuing education, listservs, 2:22

Distribution to beneficiaries, 12:37 Employment discrimination, list of state statutes, 35:158

Financial planning, 5:43, 5:45

Postmortem planning and administration, 12:2, 12:37

LIVING IN SAME HOSPITAL, HOME OR FACILITY

SSI, married persons' eligibility, **16:17**

LIVING TRANSFERS OR TRUSTS

Inter Vivos Transfers and Trusts (this index)

LIVING UNIT QUESTIONS

Continuing care retirement community, counseling prospective resident, **21:58**

Nursing facility, advising prospective resident, **21:40**

LIVING WILLS

Generally, **11:8**, **33:15**, **33:27** et seq. Alabama, form, **33:28** Anatomical gifts, **33:18**

LIVING WILLS-Cont'd

Arizona, form, 33:30

Constitutional bases, 33:9

Do not resuscitate orders. Do Not

Resuscitate Orders (this index)

Florida, form, 33:37

Forms

generally, see lines throughout this topic

Idaho, document, 33:40

Illinois, form, 33:41

Incompetency. **Mental Capacity or Condition** (this index)

Indiana, form, 33:42

Louisiana, form, 33:46

New Hampshire, 33:57

Pennsylvania, 33:66

Rhode Island, 33:67

South Dakota, 33:69

Specific requirements, 33:15

States, forms. See name of specific state

Suicide, physician aid-in-dying, 33:22

Tennessee, 33:70

Termination of life-sustaining treatment. **Do Not Resuscitate Orders** (this index)

Washington, 33:75

West Virginia, 33:76

LIVING WITH PERSON OF OPPOSITE SEX

SSI, married persons' eligibility, **16:13**

LOANS AND DEBTS

Consolidation of debt, 4:14

Discriminatory credit practices. **Credit and Crediting** (this

index)

Disposing of businesses, 13:79

Distributions from qualified retirement plans and IRAs, plan loans taxed as ordinary income, 19:109, 19:110

Financial planning, 5:21, 5:45

Income tax planning, 6:74

Life Insurance (this index)

LOANS AND DEBTS—Cont'd

Nursing home facilities, availability of loans to build and improve, 21:12

Postmortem planning and administration, **12:46**

Wills, repayment, **10:61**, **10:62**

LOCAL RETIREMENT SYSTEMS

Generally, 20:122 to 20:130

LOCATION

Place or Location (this index)

LODESTAR

Age Discrimination in Employment Act, **35:145**, **35:146**

LODGING EXPENSES

Income tax planning, 6:71

LONG-TERM CARE FACILITIES

Generally, 21:1 to 21:57

LONG-TERM CARE INSURANCE

Generally, 24:5 to 24:24

Aging demographics and health, 24:5

Benefits, 24:14

Cancellation of policy, 24:18

Characteristics of policies, 24:11

Community Living Assistance Services and Supports (CLASS) program, 24:21

Deficiencies of Medicaid, 24:7

Financing and financial planning, **24:1 et seq.**

24.1 et seq.

Gatekeepers and triggers, 24:13

Group insurance, 24:20

Income tax planning, 6:68

Inflation protection, 24:16

Life insurance, long-term care provided through, **24:19**

Loss of policy, 24:18

Medicaid (this index)

Medicare Catastrophic Coverage Act, **24:26**

Nonforfeiture benefits, 24:17

Policy, 24:10 to 24:23

Premiums, ability to pay, 24:8

Private health insurance, 24:5 to

24:24

LONG-TERM CARE INSURANCE —Cont'd

Private long-term care insurance, financial considerations, 21:36
Recommendations, 24:23
Regulation, 24:10
Renewability of policies, 24:15
Risks, hierarchy of, 24:4
Tax benefits, 24:22
Underwriting, 24:12

LONG TERM OR SHORT TERM

Upgrading of policies, 24:15

Income tax planning, **6:8**Insurance. **Long-Term Care Insurance** (this index)
Medicare, short-term inpatient care, **25:193**

LOSSES

Gains or Losses (this index)

LOTTERIES

Consumer issues, 4:16

LOUISIANA

Elder victimization, abuse, and neglect, **4A:48**Life-sustaining procedures, dec

Life-sustaining procedures, declaration directing the withholding or withdrawal of, 33:107

Living will, form, **33:46**Mental health treatment, advance directive for, form, **33:88**

LUMP SUMS

Estate tax, distributions, 19:179
Income taxation, distributions from qualified retirement plans and IRAs, 19:121 to 19:132

Medicare, 27:45 to 27:48

Pensions and Retirement (this index)

Qualified retirement plans and IRAs, distributions, 19:32, 19:119 to 19:129, 19:246

Workers' compensation cases, 27:45 to 27:48

MAGAZINE SALES

Consumer issues, 4:17

MAGISTRATE JUDGE

Social Security Administration, assignment of judicial case to magistrate, **18:199**

MAINE

Credit, discriminatory practices prohibited by state law, **35:193** Elder victimization, abuse, and

neglect, 4A:49

Health care advance directive, form, 33:47

MAINTENANCE

Support and Maintenance (this index)

Therapy, home care, hospices, and similar care alternatives, 22:26

MAMMOGRAPHY

Generally, 26:70, 27:7

MANAGERS AND MANAGEMENT

Case management services, home care, hospices, and similar care alternatives, **22:16**

Continuing care retirement community, counseling prospective resident, managerial competence questions, 21:56

Distributions from qualified retirement plans and IRAs, 19:226

Medicare, management of care plan, **25:116, 25:157**

MANDAMUS

Social Security Administration, exception for statutory mandamus jurisdiction from exclusive nature of Social Security Act's provisions for judicial review, 18:192

MANDATORY MATTERS

Compliance, disability discrimination, access to public accommodations, ADA Title III, **36:78**

Coverage groupings, Medicaid, 29:11 to 29:17

Reporting, elder victimization, abuse, and neglect, **4A:29 et seq.**

Separation. **Pensions and Retirement** (this index)

MANDATORY MATTERS—Cont'd

Services or programs. **Mandatory Services or Programs** (this index)

MANDATORY SERVICES OR PROGRAMS

Medicaid, **30:2**, **30:5**, **30:17 to 30:65** Older Americans Act, **4:6**

MARITAL DEDUCTION

Trusts and Trustees (this index)

MARKETING

Attorneys, developing and maintaining elder law practice, 2:25 Succession planning, 2:26

MARRIAGE AND MARITAL MATTERS

Contracts or agreements

distributions from qualified retirement plans and IRAs, 19:211

terminally ill clients, 11:19

Deduction

Estates (this index)

Gifts (this index)

income taxation, 19:147

postmortem planning and administration, 12:4, 12:7, 12:27

special valuation rules for transfer taxes. **8:246**

trust beneficiary, 19:228

Trusts and Trustees (this index)

unified transfer tax system, 8:3, 8:8, 8:9, 8:12, 8:15

Distributions from qualified retirement plans and IRAs, contracts, 19:211

Estates (this index)

Generation-skipping transfer tax, **8:143**

Gifts (this index)

Income taxation, deduction, 19:147

Marriage penalty, filing status, 6:23

Postmortem planning and administration, deduction, 12:4, 12:27

Remarriage

effect on entitlement to programs for widows, widowers, and

MARRIAGE AND MARITAL MATTERS—Cont'd

Remarriage—Cont'd surviving divorced spouses, 15:86

postmortem planning and administration, 12:20

Special valuation rules for transfer taxes, deduction, **8:246**

Spouses (this index)

SSI, eligibility, **16:10 to 16:18**

Terminally ill clients, contracts, 11:19

Termination of marriage. **Divorce** (this index)

Trust beneficiary, deduction, 19:228 Unified transfer tax system, deduction, 8:3, 8:8, 8:9, 8:12, 8:15

MARYLAND

Credit discrimination, **35:194**, **35:195** Elder victimization, abuse, and neglect, **4A:50**

Health care decision-making forms, 33:48

MASSACHUSETTS

Advance directive for health care, form, **33:49**

Credit, discriminatory practices prohibited by state law, **35:196**

Elder victimization, abuse, and neglect, **4A:51**

MATURATION OF PLAN

Estate planning, 10:16

MAXIMUMS OR MINIMUMS

Distributions from qualified retirement plans and IRAs, 19:85, 19:85.50

Ethical issues, 3:23

Medicaid (this index)

Medicare, 25:78, 25:134

Social Security (this index)

SSI, maximum payment amounts of benefits. **16:21**

Top-heavy plans, nontax rules relating to qualified retirement plans, 19:54

MAXIMUMS OR MINIMUMS	MEDICAID—Cont'd
—Cont'd	Assessment, nursing facilities, 30:33,
Veterans' disability compensation	30:34, 30:37, 30:39
benefits, minimum disability	Asset transfer
rating, 17:14	generally, 29:82 to 29:117
MCCA	annuities, 29:96
Medicare Catastrophic Coverage Act (this index)	blind or disabled child, transfers to 29:105
	"d4" trusts, transfers into, 29:106
MEDIATION	domicile. Principal residence, infra
Age Discrimination Act, 35:225	this group
MEDICAID	exempt transfers, 29:99 to 29:111
As to Medicare. Medicare (this	fair hearing requirement, 29:98
index)	fair market value and
Generally, 29:1 et seq.	uncompensated value, 29:89
Adjustments and estate recoveries, 29:113 to 29:116	fines and penalties, generally, 29:83 to 29:111
Adult child who provided care, asset transfer, 29:111	intent to receive adequate value, exempt transfers, 29:100
Aged persons. Disabled, blind, or	Medicare Catastrophic Coverage
aged persons, infra	Act (this index)
Aides, nursing, 30:30 , 30:44	minor, blind, or disabled children,
Aid to Families with Dependent Chil-	principal residence, 29:109
dren, 29:11	penalties, generally, 29:83 to 29:111
Aliens	presumption of penalty, 29:98
eligibility, 29:34 to 29:36	principal residence
limitations on covered services,	generally, 29:107 to 29:111
30:6	adult child who provided care,
Ambulatory services, 30:63 to 30:65	29:111
Annuities, 29:96	minor, blind, or disabled chil-
Antibiotic drugs, 30:104	dren, 29:109
Anti-Fraud and Abuse Amendments	sibling with equity interest,
of 1977, patients' rights, 23:8	29:110
Appeal and review	spouse, transfer of homeplace
generally, 31:33 to 31:39	to, 29:108
exhaustion of remedies, 31:35	purchase of goods and services,
fair hearings for applicants and	29:95
recipients, appeals to	qualifying for Medicaid, purpose
Medicaid managed care orga-	other than, 29:101
nization, 31:19.50	residence. Principal residence,
federal court jurisdiction, 31:34	supra this group
nurses aide training, 30:29	sibling with equity interest,
nursing care or services, infra	principal residence, 29:110
standard of review, 31:36	sole benefit of spouse, transfers to
Appeal to Medicaid managed care	another for, 29:104
organization, 31:19.50	spouses, transfers between,
Applying for medical assistance, 31:3	29:103, 29:108
to 31:11	Assignments, 31:47 , 31:48

eligibility for Medicaid, 16:96

MEDICAID—Cont'd MEDICAID—Cont'd Attorney fees, 31:37 Covered services, generally, **30:1** to 30:99 Blind persons. Disabled, blind, or "D4" trusts, transfers into, 29:106 aged persons, infra Capacity or incapacity. Mental capac-Denial of payment, 31:14, 31:53 ity or condition, infra Dentists and dental services, 30:52, Case management services, 30:92, 30:88, 30:109 30:93 Dentures, 30:109 Cases involving institutionalized Determination of eligibility, 31:8 to spouse, right to notice, 31:17 31:11 Cash assistance Disabled, blind, or aged persons financial requirements, individuals cost sharing, 29:27 meeting, 29:19 home and community care for historical link to, 29:8 functionally disabled elderly. institutionalized persons, ineligibil-Home and community-based ity for cash assistance, 29:20 services, infra Categorically needy groups, 29:10, mandatory coverage groupings, 29:11, 29:18 to 29:23, 30:2 29:12 to 29:17 Certification, nursing facilities, optional categorically needy persons, 29:23 30:27, 30:40 Certified family nurse practitioner, transfer of assets, 29:105, 29:109 services furnished by, 30:53 Discharge and transfer from nursing Changes in benefits or other assisfacility, 30:31 tance programs, 31:12, 31:13 Disclosure of provider surveys and Children, 29:11, 29:105, 29:109 evaluations, 30:15 Distribution of money recovered Circumstances requiring hearing, from third party, 31:49 31:19 Domicile. Asset transfer, supra Claims and procedures, generally, Drugs, 30:100 to 30:108 31:1 et seq. Eligibility Class actions, 31:38 generally, 29:31 to 29:47 Clinical records, nursing personnel, applying for medical assistance, 30:45 31:8 to 31:11 Clinic services, generally, 30:68 citizenship and alienage, 29:34 to COBRA premium coverage, cost 29:36 sharing, **29:29** cost sharing, 29:25, 29:27, 29:28 Community care for functionally disdetermination of eligibility, 31:8 to abled elderly. Home and community-based services, infra 31:11 federally-qualified health center Comparability requirement, 30:11 services, 30:64, 30:65 Conduct of hearing, 31:25 financial eligibility, 29:36 Contents of Medicaid application, general eligibility rules, 29:31 31:5 laboratories, 30:55 Continuation of services pending long-term care, infra hearing, **31:22** Contributions to cost of long-term persons qualified to provide nurscare, 29:49 ing care, 30:49 Cost sharing, 29:24 to 29:29 residency, 29:33 Covered goods, generally, 30:100 to special needs trusts, effect on

30:112

MEDICAID—Cont'd	MEDICAID—Cont'd
Eligibility—Cont'd	Foreigners. Aliens, supra
Supplemental Security Income (SSI) (this index)	Free choice of providers, 30:12, 30:13
undocumented aliens, 29:35	Grandfathered group, 29:17
Emergency medical procedures, undocumented aliens, 29:35	Grievance to Medicaid managed care organization, 31:19.50
Enforcement of state plan requirements, nursing facilities, 30:27	Group health plan enrollment, cost sharing, 29:28
Enforcement of subrogation and	Group hearings, 31:21
assignment rights, 31:48 Estate recovery, 29:4	Hardship waivers, liens and recoveries, 29:117
Evaluations, disclosure of, 30:15	Health Insurance Portability and
Evidence	Accountability Act of 1996,
findings of fact and conclusions of	29:82
law, 31:29	Hearing, speech, and language
rules of evidence applicable to	disorders, services for, 30:89
agency hearings, 31:27	Hearings
specific types of evidence required or permitted, 31:28	generally, 31:15 , 31:16 , 31:19 to 31:32
Exclusions, exemptions and excep-	asset transfer, 29:98
tions	fair hearing, supra
asset transfers, 29:99 to 29:111	History of Medicaid, 29:2
drugs, 30:106, 30:108	HIV antibody identification, labora-
Experimental procedures, 30:99	tories, 30:56
Eyeglasses, 30:111	Home and community-based services
Fair hearing	generally, 29:21, 30:72 to 30:85
applicants and recipients, 31:19 to	functionally disabled elderly, care
31:32	for
asset transfer, fair hearing require-	generally, 30:72
ment, 29:98	determination of functional dis-
Fair market value and	ability, 30:74
uncompensated value, asset transfer, 29:89	individual community care plan, 30:75
Federal financial participation in provision of specified prescribed	requirements, 30:73, 30:76 to 30:78
drugs, prohibition, 30:102 Federally-qualified health center ser-	waiver services, generally, 30:4 , 30:79
vices, 30:64, 30:65 Final administrative action, 31:31 Financial eligibility, 29:36 Financial participation by federal	Home care, hospices, and similar care alternatives, 22:3 to 22:18, 22:32 to 22:36, 22:48, 30:66, 30:67, 30:70, 30:71
government in provision of	Hospitals
specified prescribed drugs	covered inpatient and outpatient
prohibited, 30:102	hospital services, 30:17 to
Findings of fact and conclusions of	30:22
law, 31:29	federal/state authority, scope and
Fines and penalties. Asset transfer, supra	duration of covered inpatient hospital services. 30:19

MEDICAID—Cont'd MEDICAID—Cont'd Hospitals—Cont'd Laboratory and laboratory services, 30:54 to 30:56 inpatient hospital services, 30:17 to 30:20 Licensed practitioners, 30:86 nursing care or services, infra Liens or encumbrances, 29:112, 29:117, 31:54 outpatient hospital services, 30:21, Limitations and restrictions 30:22 aliens, limitations on covered serphysician requirements, covered vices, 30:6 inpatient hospital services, 30:20 drugs, 30:102, 30:106, 30:107 home and community-based ser-Husband and wife. Spouses, infra vices for individuals age 65 or Implants, 30:110 older, limits on federal Importance of Medicaid, 29:5 financial participation, 30:85 Incapacity. Mental capacity or condiinpatient hospital services, state tion, infra restrictions, 30:19 Income request for hearing, limitation long-term care, infra period for filing request, **Medicare Catastrophic Coverage** 31:20 **Act** (this index) state plan requirements, 30:6, **Supplemental Security Income** 30:14 (SSI) (this index) Long-term care Indian health service facilities, genergenerally, 24:6 to 24:8, 29:48 to ally, **30:69** 29:56 Information, 31:3, 31:40 to 31:42 contributions to cost of care, 29:49 Inpatient hospital services, 30:17 to coverage provided, 29:48 30:20 eligibility, generally, 29:48 to Institutions 29:53 cases involving institutionalized exclusion of individuals in certain spouse, right to notice, 31:17 institutions, 29:51 cash assistance, ineligibility of income eligibility, generally, 29:52 institutionalized persons for, institutionalized individuals 29:20 generally, 29:50, 29:51, 29:54, home and community based ser-29:55 vices, waivers for individuals as to spousal impoverishment. who would be institutional-**Medicare Catastrophic** ized, 30:80 to 30:82 **Coverage Act (this index)** long-term care, 29:50, 29:51, maintaining eligibility, 29:49 29:54, 29:55 Medicare Catastrophic Coverage Intellectual disabilities. Mental Act, 29:55 capacity or condition, supra planning, best interest of Medicaid Intent to receive adequate value, and client, 29:82 exempt transfers, 29:100 post-eligibility treatment of income Intermittent or part-time visiting and resources, generally, nurse care, 30:62 29:53 Investigation of applicant by state Low-income families with dependent agency, **31:7** children, 29:11 Mandatory coverage groupings, Judicial review. Appeal and review,

29:11 to 29:17

supra

MEDICAID—Cont'd	MEDICAID—Cont'd
Mandatory services, 30:2, 30:5,	Nursing care or services—Cont'd
30:17 to 30:65	assessments, 30:33, 30:34, 30:37,
Maximum, Minimum, infra	30:39
Medically needy, 29:30, 30:3	certification, 30:27 , 30:40
Medical supplies and equipment, 30:112	certified family nurse practitioner, 30:53
Medicare Catastrophic Coverage	frequency and use, 30:41
Act (this index)	home and community-based ser-
Mental capacity or condition	vices for individuals age 65 or
annual review of mentally ill or	older, 30:83 to 30:85 homes/facilities, generally, 21:15 ,
intellectually disabled, 30:35	21:23 to 21:33
preadmission screenings, assess- ments, and plans of care,	mental illness and intellectual dis-
30:35, 30:42, 30:43	ability, assessments,
Minimum	preadmission screening, plans
home and community care for	of care, 30:42 , 30:43
functionally disabled elderly,	minimum services, 30:28
minimum requirements, 30:76	notice of Medicaid rights, 30:32
to 30:78	nurse practitioner, services of,
nursing facilities, minimum ser-	30:53, 30:60
vices provided by, 30:28	nurses aides, 30:29 , 30:30 , 30:44
Necessity of application, 31:6 Notice	personnel, 30:44, 30:45
application and determination of	physician supervision and clinical records, 30:45
eligibility, 31:11	preadmission screenings, 30:35 ,
cases involving institutionalized	30:42
spouse, 31:17	private duty nursing services,
changes in benefits or other assis-	30:87
tance programs, 31:12, 31:13	provision of services, 30:46 to
denial of payment, 31:14	30:49
enforcement of subrogation and	qualified persons providing nursing
assignment rights, notice	care, 30:49
requirements, 31:48 hearings, 31:15, 31:16	quality assessment committee,
Medicaid rights, notice of, 30:32	30:37
right to notice, 31:11 to 31:18	registry, nurses aides, 30:30
skilled nursing care, 25:94	required services, generally, 30:46
timeliness of notice, 31:18	resident assessment instrument, 30:33
Nurse practitioner, services of, 30:53 ,	review of nurses aide training,
30:60	30:29
Nursing care or services	rural health clinics, 30:56 to 30:63
generally, 30:23 to 30:35	social services in facilities with
annual resident reviews, 30:35	more than 120 beds, 30:47
appeal or review	temporary absences from facility,
annual resident reviews, 30:35	30:48
nurses aide training, 30:29	training of nurses aides, review, 30:29
resident assessment reviews,	
30:34	transfers and discharges, 30:31

MEDICAID—Cont'd MEDICAID—Cont'd Physicians—Cont'd Nursing homes. Nursing care or services, supra optometrist, 30:51 Occupational therapy, 30:89 rural health clinics, 30:59, 30:60 **Omnibus Budget Reconciliation** Planning and plans of care, 30:38 **Act** (this index) Preadmission screenings, nursing Operational features of Medicaid care or services, 30:35, 30:42 program, **29:3** Prescribed drugs, 30:100 to 30:102, Optional coverage groupings, 29:18 30:104 to 29:30 Presumption of penalty, asset Optional services. 30:86 to 30:99 transfer, 29:98 Optional state supplements, individu-Preventive services, 30:91 als receiving only, 29:22 Primary care case management ser-Organ transplants, 30:98 vices, 30:93 Out of state coverage of services, Principal residence. Asset transfer, supra Outpatient drugs, 30:103 to 30:108 Privacy safeguards, 31:40 to 31:42 Outpatient hospital services, 30:21, Private duty nursing services, 30:87 30:22 Professional services, services and Overview, 1:17, 30:1 et seq., 31:1 supplies furnished as incident to, Patients' rights, 23:8, 23:10, 23:32 30:61 Property subject to recovery, 29:115 **Payments** claims, payment of, 31:51 to 31:55 Prosthetic devices, 30:110 providers, sufficiency of payments Psychologist, services of, 30:60 to, 30:10 Purchase of goods and services, asset recovery from third parties, 31:50 transfer, 29:95 request for payment denied, 31:14 Oualification. Eligibility, supra responsibility to pay for care when Oualified disabled and working Medicaid denied, 31:53 individuals, cost sharing, 29:27 Qualified Medicare Beneficiaries, retroactive payment of claims, cost sharing, 29:25 31:52 Penalties. Asset transfer, supra Ouality assessment committee, 30:37 Quality control programs, 31:2 Periodic redetermination of eligibility, 31:9 Real property planning, 7:1, 7:14, 7:15, 7:34 Permissible releases of information, 31:42 Recipients subject to recovery, Personal care services, 30:71, 30:96 29:114 Physical therapy, 30:89 Records, **30:45**, **31:30** Physician assistant services, **30:60** Recovery Physicians generally, **29:113 to 29:116** benefits correctly paid, 31:55 generally, 30:50 assistant, services of, 30:60 improper payments, recovery of, covered inpatient hospital services, 31:54 physician requirements, 30:20 third parties, recovery from, 31:43 to 31:50 dentists and dental services, 30:52, 30:88, 30:109 Registry of nurses aides, 30:30 licensed practitioners, 30:86 Rehabilitative services, 30:91 nursing care or services, physician Reinstatement of services pending supervision, 30:45 hearing, 31:23

MEDICAID—Cont'd	MEDICAID—Cont'd
Religious nonmedical health care	Subpoena power, 31:26
institution, services furnished in,	Subrogation, 29:4 , 31:46 , 31:48
30:90 Remedial care furnished by licensed	Sufficiency
Remedial care furnished by licensed practitioners, 30:86	payments to providers, 30:10
Reopening final determinations,	state plan sufficiency requirement,
31:32	30:9
Representation at hearing, 31:24	Supplemental Security Income (SSI) (this index)
Residence and residency	Surveys, disclosure of, 30:15
asset transfer, supra	TB-related services, 30:95
eligibility for Medicaid, 29:33	Temporary absences from care facili-
Respiratory care services, 30:94	ties, 30:48
Restrictions. Limitations and restric-	Third party liability, 29:4 , 31:43 to
tions, supra	31:50
Retroactive eligibility, 31:10 Revocable trusts, assets of trust to	Timeliness of notice, 31:18
supplement, 10:114	Timing of recovery, 29:116
Rules of evidence applicable to	Transfer and discharge from nursing
agency hearings, 31:27	facility, 30:31
Rural health clinics, 30:57 to 30:63	Transfer of assets. Asset transfer,
Screenings	supra Transplants, 30:98
nursing care or services, preadmis-	Transportation services, 30:97
sion screenings, 30:35, 30:42	Trusts and trustees
optional covered services, screening services, 30:91	as to Medicaid qualifying trusts.
Social services in facilities with more	Medicaid Qualifying Trusts
than 120 beds, 30:47	(this index)
Social worker, services of, 30:60	generally, 10:114
Sources of Medicaid Law, 29:6	"d4" trust, transfer of assets into,
Special Needs Trusts (this index)	29:106
Specified low income Medicare beneficiaries, cost sharing, 29:26	Medicaid Qualifying Trusts (this index)
Spouses	Medicare Catastrophic Coverage
asset transfer, 29:103, 29:104,	Act (this index)
29:108	Omnibus Budget Reconciliation
cases involving institutionalized	Act (this index)
spouse, right to notice, 31:17	Undocumented aliens, eligibility,
long-term care, institutionalization	29:35
and spousal impoverishment	United States territories, 29:7
generally, 29:54 , 29:56	Vision and visually impaired persons. Disabled, blind, or aged persons,
Medicare Catastrophic Cover- age Act (this index)	supra
Medicare Catastrophic Coverage	Visiting nurse care, part-time or
Act (this index)	intermittent, 30:62
State statutes relating to mandatory	Waiver
and optional services, 30:5	generally, 29:117
Statewide operation requirement,	freedom of choice, state plan
30:7	requirements, 30:13

MEDICAID—Cont'd

Waiver—Cont'd

home and community-based services, **30:80 to 30:85**

liens and recoveries, hardship waivers, 29:117

Wife and husband. Spouses, supra X-ray services, **30:54**

MEDICALLY NEEDY OPTION

Medicaid, 29:30, 30:3

MEDICAL MATTERS

For correlative topic, see **Health and Health Matters** (this index)

Care and Treatment (this index)

Continuing care retirement community, counseling prospective resident, medical services offered, 21:60

Costs and expenses

generation-skipping transfer tax, 8:153

Income (this index)

penalty taxes on premature distributions of qualified retirement plans and IRAs, 19:69

postmortem planning and administration, 12:24

Declaration. **Health Care Proxy Declaration Forms** (this index)

Directives (this index)

Disability discrimination in access to public accommodations, medical offices, **36:88**

Doctors. **Physicians** (this index)

Do Not Resuscitate Orders (this index)

Euthanasia, physician aid-in-dying, 33:22

Examinations

disability discrimination, preemployment screening, **36:46**

Medicare, 27:88

Expenses. Costs and expenses, supra Forms

directives to physicians. **Health Care Directives** (this index)

MEDICAL MATTERS—Cont'd

Forms—Cont'd

Health Care Proxy Declaration Forms (this index)

Living Wills (this index)

Generation-skipping transfer tax, costs and expenses, **8:153**

Gift tax, 8:34

Grandparents and grandchildren, medical consent laws, **37:5**

Health Care Powers of Attorney (this index)

Health-Care Providers (this index)

Health Insurance (this index)

Home care, hospices, and similar care alternatives, nonmedical services, **22:18**

Homicide, physician aid-in-dying, 33:22

Hospitals (this index)

Income (this index)

Life sustaining treatment, physician's order for, **33:14**

Living Wills (this index)

Medicaid (this index)

Medicare (this index)

Nonmedical services, home care, hospices, and similar care alternatives, 22:18

Nursing facility, advising prospective resident, medical services offered, **21:41**

Overview of elder law, 1:6, 1:13

Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:69**, **19:71**

Physicians (this index)

Postmortem planning and administration, costs and expenses, **12:25**

Power of attorney for health care, Texas, form, **33:71**

Social services

home care, hospices, and similar care alternatives, **22:23**

Medicare, 25:66, 25:129, 25:167, 25:188

Suicide, physician aid-in-dying, 33:22

MEDICAL MATTERS—Cont'd	MEDICARE—Cont'd
Supplemental Security Income	Age—Cont'd
(SSI) (this index)	under age 65, Part A benefits, 25:9
Terminally ill clients, 11:7	to 25:14, 25:30, 25:37
Veterans (this index)	Aggregation of claims, 28:56
MEDICARE	Aide's services, Part A benefits, 25:169 to 25:171, 25:190
Absence from inpatient or skilled nursing care, Part A benefits, 25:115, 25:136	Alien absent from United States, limitations on coverage, 26:26
Additional Medicare payroll tax, 6:13	Allowable administrative costs, 25:149
Adjustment of deductible, Part A benefits, 25:84	Allowable home health care visits, 25:150
Administrative contractors, 26:2	Ambulance services, 26:78, 27:12
Administrative matters	Ambulatory surgical center facility
costs, allowable costs, 25:149	services, 26:89 to 26:92
determinations, 28:43 to 28:77	Amendment or modification
law judges, 26A:68, 28:54, 28:57, 28:58	election for hospice care, Part A benefits, 25:185
prescription drug benefit,	Medicare Advantage (MA)
administration of Part D, 26B:3	Program (this index)
Administrative review	prescription drug plans, 26B:14
Medicare Advantage hearing,	Amount. Number or amount, infra
Medicare Appeals Council	Amyotrophic lateral sclerosis, wait-
(Council) review, 26A:69	ing period, 25:22
Part A and B coverage determina-	Annual deductible, 26:62 Anti-Fraud and Abuse Amendments
tions, 28:73 et seq.	of 1977, patients' rights, 23:8
Part D prescription drug benefits,	Appeal and review
26B:26	administrative review, supra
Admissions	amount in controversy, 28:55 ,
kidney transplant, 25:18	28:74
skilled nursing care, 25:103	Departmental Appeals Board
Advance directives	review, 25:89
home health care, 25:140	judicial review, infra
hospice care, 25:176	Medicare Advantage benefit
inpatient hospital services, requirements relating to, 25:55	determinations, 26A:56 to 26A:59
skilled nursing care, 25:95	Medicare Appeals Council review,
Advance or future matters	28:59, 28:76
directives. Advance directives, supra	Part A and B benefit determinations, 28:54 to 28:59
payment system, 25:81	prescription drug benefit. Drugs
Age	and biologicals, infra
old age benefits, deemed entitle-	QIC dismissal, review of, 28:57
ment, 25:6 to 25:8, 25:11	Appliances. Supplies, appliances and equipment, infra
over age 65, Part A benefits, 25:3	Applications
to 25:8, 25:36	hospital insurance without
special enrollment, 26:14	premium, 25:3

MEDICARE—Cont'd Applications—Cont'd payment, 28:24 renal disease, 25:16 Appointment of representative for claimant, administrative determinations, 28:78 Apportionment, lump-sum compromise settlement, 27:47 Armed services, services provided to active duty members, 27:21 Assessment, Part A benefits, 25:117, 25:158 Assignment of Medicare Part B benefit payments, assignment of, 26:57 Medicare Part B claims, 28:25 to 28:28 Attorneys' fees, 28:79 Authorization of beneficiary, group billing, Part B, **26:46** Automatic enrollment, 26B:16, 26:5, 26:6, 26:17 Balance billing if assignment of claims not accepted, 28:28 Bed and board, Part A benefits, 25:62 to 25:64, 25:123 to 25:125 Benefits and beneficiaries, see lines throughout this topic Bills and billing balance billing if assignment of Part B claim not accepted, 28:28 group billings, premiums for Part B supplementary medical insurance, 26:44 to 26:49 itemized bill to be provided with claim for payment, 28:17

Biologicals. Drugs and biologicals,

Blood, deductibles, 25:50, 25:51,

Bone mass measurement, 26:73

cal insurance, 26:31

Cancellation or termination

Calculation of increased premiums

continuation after termination of

entitlement, 26:24

for Part B supplementary medi-

MEDICARE—Cont'd Cancellation or termination—Cont'd end-stage renal disease, Part A benefits, 25:20 Medicare Advantage (MA) **Programs** (this index) Part B entitlement, 26:22 to 26:26 premium health insurance. Part A benefits, 25:40, 25:45 Cancer colorectal cancer screening, 26:71 mammography screening services, 26:70 prostate cancer screening, 26:72 Certification hospice care, 25:177 physicians, 25:89, 25:143, 26:96 skilled nursing care, services furnished in noncertified bed, 25:93 Charges paid by governmental entity, exclusions, 27:15 Chiropractors, covered services, 26:65 Christian Science sanatoriums, Part A benefits, 25:60, 25:98 Claims for payment of benefits, generally, 28:1 et seq. Clinical care and tests, **26:69**, **26:74**, 26:106 Coinsurance, Part A benefits, 25:49 to 25:51, 25:83 to 25:86, 25:90, Coinsurance, Part B benefits, 26:63 Collection procedures, 26:50, 28:42 Colorectal cancer screening, 26:71 Community mental health centers, 26:107, 26:108 Comprehensive outpatient rehabilitation facility services, Part B, 26:93 to 26:102 Compromise and settlement conditional primary payment, recovery of, 27:39 workers' compensation, exclusion of services paid by, 27:46 to 27:48 Conditional payments

beneficiary's cooperation in

27:38

recovering overpayment,

infra

26:64

MEDICARE—Cont'd MEDICARE—Cont'd Conditional payments—Cont'd Court-ordered assignment of claims, exclusion, 27:33 to 27:40 28:26 Critical access hospitals, 25:58 foreign providers of emergency and nonemergency services, Custodial care, 25:54, 27:78 28:5, 28:9 Daily care requirement, Part A improperly filed claims, 27:37 benefits, 25:113 judgment or settlement on Date. Time, infra recovery, 27:39 Death no-fault or liability insurance, claims for payment of benefits, exclusion of items or services beneficiary's death, 28:12 to paid by, **27:51 to 27:53** 28:14 parties receiving third-party pay-Part B benefits for unpaid services ments, 27:36 on behalf of deceased individprimary payments, 27:33 to 27:40 ual. 28:20 renal disease health plan, premiums for Part B supplemenconditional payments for bentary medical insurance, 26:33 eficiaries, 27:64 recoupment of overpayments, waiver of recovery, 27:40 effect of beneficiary's death, Confinement to home, Part A 28:38 benefits, 25:144 third party, deceased beneficiary's benefits for services paid by, Construction of exclusions, 27:1 28:19 Continuation of coverage, Part B, Deductibles 26:24 blood, 25:50, 25:51, 26:64 Continuation of enrollment, Medicare Advantage, 26A:4 entitlement, Part B, 26:61 to 26:64 Contracts or agreements, qualified Part A benefits, 25:49 to 25:51, government employment, 25:25 25:84, 25:90 Coordinated care plans, Medicare Part B premiums, payment by deduction, 26:36 to 26:40 Advantage benefits, 26A:7, 26A:8 Deemed matters Copays, prescription drug benefits, election of lifetime reserve days, 26B:2, 26B:9 25:81 Correction of prejudicial offset, Part entitlement, Part A benefits, 25:6 A benefits, **25:35** to 25:8, 25:11 to 25:14 Cosmetic surgery, exclusion of waiver of other benefits, election expenses, 27:89 for hospice care, 25:183 Costs and expenses Deluxe private accommodations, Part generally, 27:78 to 27:90 A benefits, 25:64, 25:125 allowable administrative costs, Dental services, exclusion of 25:149 expenses, 27:79 exclusions, 27:78 to 27:90 Dependent services, home health care, 25:166 nonreimbursable, 28:29 to 28:33 Diabetes, special shoes for diabetics, reasonable costs, Part A benefits, 26:88 25:122 Diagnostic items and services Counseling, Part A benefits, 25:194 bone mass measurement, 26:73 Counting benefit days, Part A benefits, 25:135 colorectal cancer screening, 26:71

MEDICARE—Cont'd MEDICARE—Cont'd Drugs and biologicals—Cont'd Diagnostic items and services coverage determinations. Excep-—Cont'd Part A benefits, 25:69 to 25:74, tions, coverage determina-25:77, 25:127 tions, and appeals, infra in this group Part B benefits, 26:67 to 26:74 credible coverage, 26B:2, 26B:12 prostate cancer screening, 26:72 definitions, 26B:2, 26B:21 Diagnostic screening, 27:7 disenrollment from prescription Dialysis, 25:19, 26:79, 27:90 drug plan, **26B:14** Directives. Advance directives, supra dual eligibles Direct payment of benefits, 28:2 to benefits, 26B:7 to 26B:9 28:11 defined, 26B:2 Direct remittance of premiums, 26:41 to 26:43 enrollment issues, 26B:15 to 24B:19 Disabled persons employer-sponsored retiree health health plans covering employed plans, persons covered by, aged disabled, 27:68 26B:19 Part A benefits, 25:9 to 25:14, enrollment, Medicare Part D 25:30, 25:37 generally, 26B:11 to 26B:19 special enrollment, 26:15 auto-enrollment in plans that do Disallowance of claim, payment of not cover essential drugs, nonreimbursable expenses, 26B:16 28:29 Discharge from hospital or skilled changing prescription drug plans, 26B:14 nursing facility, Part A benefits, 25:104, 25:106, 25:107, 25:137 credible coverage, 26B:12 Diseases or illnesses, see lines disenrollment, 26B:14 throughout this topic dual eligibles, 26B:15 to 24B:19 Disenrollment employer-sponsored retiree Part B, disenrollment under state health plans, persons buy-in agreement, 26:25 covered by, **26B:19** Part D, prescription drug plan, nursing facility residents, 26B:14 26B:17 Doctors. Physicians, infra penalties for delayed enrollment, 26B:2, 26B:13 Donation of kidney, Part A benefits, 25:75 union-sponsored retiree health plans, persons covered by, Drugs and biologicals 26B:19 administration of Part D, 26B:3 veterans and their dependents, appeals. Exceptions, coverage 26B:18 determinations, and appeals, exceptions, coverage determinainfra in this group tions, and appeals auto-enrollment in plans that do generally, 26B:20 to 26B:26 not cover essential drugs, 26B:16 ALJ, MAC and federal court, appeals to, **26B:26** changing prescription drug plans, 26B:14 definitions, 26B:21 initial coverage determination, comprehensive outpatient rehabilitation facility services, 26:100 generally, 26B:23 copays, 26B:9 reconsideration, 26B:21, 26B:25

MEDICARE—Cont'd MEDICARE—Cont'd Drugs and biologicals—Cont'd Election exceptions, coverage determinablood replacement, 25:51 tions, and appeals—Cont'd hospice care, 25:179 to 25:185 redetermination, 26B:21, lifetime reserve days, 25:80 to 26B:24 25:82 exemptions and exclusions Medicare Advantage (MA) less than effective drugs, exclu-**Program** (this index) sion of expenses, 27:80 Emergency services, **28:4**, **28:5**, **28:8** medication categories excluded Employed aged or spouse, exclusion from Part D coverage, of health plan paid services, 26B:5 27:65 to 27:71 formularies Employer-sponsored retiree health generally, 26B:4 plans, prescription drug benefits, defined, 26B:2 restrictions, 26B:8 End-stage renal disease, 25:15 to less than effective drugs, exclusion 25:21, 28:11 of expenses, 27:80 Enrollment low-income subsidy, 26B:2, generally, 25:31 et seq. 26B:10 continuation of enrollment, Medicare Modernization and Pre-Medicare Advantage, 26A:4, scription Drug Act, generally, 26A:18 26B:1 et seq. correcting prejudicial government nursing facility residents, **26B:17** error, 25:35 Part A benefits, **25:67, 25:126** disenrollment, 26B:14, 26:25 Part B supplementary medical forms, 26:8 insurance, 26:75 to 26:77, general enrollment period, 25:33, 26:100 26:12, 26:19 Part D, the prescription drug beneinitial enrollment period, 25:31, fit, generally, 26B:1 et seq. 26:11, 26:18 penalties for delayed enrollment in **Medicare Advantage (MA)** prescription drug plan, 26B:2, **Program** (this index) 26B:13 Part A benefits, **25:31 to 25:35** reconsideration of coverage deci-Part B benefits, 26:4 to 26:16 sion, 26B:21, 26B:25 Part D, prescription drug benefits. redetermination of coverage deci-Drugs and biologicals, supra sion, 26B:21, 26B:24 religious fraternal benefit (RFB) sponsors of prescription drug society plans, Medicare plans, 26B:2, 26B:3 Advantage benefits, **26A:6** standard benefit, 26B:6 special enrollment period, 25:32, terminology, 26B:2, 26B:21 26:13 to 26:15, 26:20 union-sponsored retiree health transfer enrollment period, 25:34 plans, persons covered by, Entitlement 26B:19 Medicare Advantage benefits, veterans and their dependents, 26A:2 to 26A:6 26B:18 Part A benefits, 25:1 to 25:51 Durable medical equipment, 26:80 Education services. Part A benefits. Part B supplementary medical 25:118, 25:159 insurance, 26:4 to 26:26

MEDICARE—Cont'd MEDICARE—Cont'd Entitlement—Cont'd Facilities—Cont'd transfer from HMO or CMP, effeccomprehensive outpatient rehabilitive date of, 25:39 tation facility services, 26:93 to 26:102 Environment of facilities, 26:102 Federal, state, or local government Equipment. Supplies, appliances and items or services, 27:15 to equipment, infra 27:23 Errors. Mistake or error, infra Federal Tort Claims Act, 27:20 Evaluation of care plan, Part A Filing benefits, 25:116, 25:117, administrative determinations, 25:157, 25:158 28:48 Exemptions and exclusions claims for payment of benefits, cosmetic surgery, exclusion of 27:28, 28:15, 28:21 to 28:23 expenses, 27:89 election for hospice care, Part A costs and expenses, 27:78 to 27:90 benefits, 25:180 drugs and biologicals, supra renal disease, Part A benefits, exclusions, generally, 27:1 to 25:16 27:90 Foot care, 26:88, 27:83, 27:84 federal, state, or local govern-Foreign matters ments, items or services paid emergency services, 28:5, 28:9 for by, **27:15 to 27:23** exclusions, 27:74, 27:75 old-age or survivor's benefits, 25:7 items and services provided in qualified government employment, foreign countries, 27:74, 25:24 27:75 services, 25:151, 27:90 Formularies. Drugs and biologicals, SNF residents, services furnished supra to, 27:90 Fraud and deceit war, exclusion of items and serextension of filing period for vices resulting from, 27:73 claims because of misrepre-**Expedited** matters sentation, 28:22 determination of issues, 28:68 Medicare Advantage, termination Medicare Advantage (MA) of benefits, 26A:33 **Program** (this index) Future matters. Advance or future redeterminations and reconsideramatters, supra tions, 28:52, 28:70 General enrollment period, 25:33, Expediting certain redeterminations 26:12, 26:19 and reconsiderations, 28:52, General limitations on coverage, Part 28:70 A benefits, **25:46 to 25:51** Expenses. Costs and expenses, supra Governments Extension of time charges paid by, 27:15 claims for payment of benefits, employment, Part A benefits, 25:23 28:22 to 25:27 initial determinations, 28:49 federal, state or local government Eye wear and eye examinations, items or services, 27:15 to 27:81, 27:82 27:23 **Facilities** Grace period for payment of overdue premiums, 26:51 to 26:53 ambulatory surgical center facility

Grievance procedures, 28:64

services. 26:89 to 26:92

MEDICARE—Cont'd	MEDICARE—Cont'd
Group billings, premiums for Part B	Home, house and households
supplementary medical insur-	—Cont'd
ance, 26:44 to 26:49	environment evaluation, 26:102
Health care providers	members of household, 27:24 to
advance directives, requirements	27:26
relating to inpatient hospital services, 25:55	Homemaker services, Part A benefits, 25:190
HMOs. Health Maintenance Organizations, infra	Hospice care, 25:174 to 25:194, 26A:22
home health care visits allowable, 25:150	Hospitalization requirement, skilled nursing care, Part A benefits,
Health care research related items	25:101 to 25:107
and services exclusions, 27:6	Hospitals
Health centers, community mental health centers, 26:107, 26:108	community mental health centers, partial hospitalization ser-
Health Maintenance Organizations	vices, 26:109
Medicare Advantage (MA) Program (this index)	insurance program under Part A, 25:1 et seq.
no-fault or liability insurance,	Medicare Advantage (MA)
HMOs excepted from	Program (this index)
liability, 27:55	rural hospitals or health clinics,
Hearing aids and examinations, 27:85	covered services, 26:106
Hearings	Immunizations, 27:86
administrative law judge hearing,	Imprisonment, conditions for pay-
28:57, 28:58	ment of services for individuals
amount in controversy, 28:55, 28:74	in custody of penal authorities, 27:14
Medicare Advantage (MA)	Increases in premiums
Program (this index)	Part A benefits, 25:43, 25:44
Part A and B benefit determina-	Part B benefits, 26:30, 26:31
tions, 28:54 to 28:59	Indemnification of beneficiary, 28:30
HMOs. Health Maintenance	to 28:33
Organizations, supra	Indian Health Service, 27:19
Home, house and households	Indigents, waiver of charges, 27:9
allowable home health care visits, 25:150	Informed choice, providing information to promote, Medicare
care at home	Advantage (MA) Program,
generally, 22:3 to 22:47, 25:138	26A:12 to 26A:14
et seq.	Initial matters
allowable home health care	determinations, 28:44 et seq.
visits, 25:150 covered services, 26:81	enrollment period, 25:31, 26:11, 26:18
Part A benefits, 25:138 to	Inpatients
25:173	exclusion of items and services
Part B coverage, 26:81	furnished by entity other than
comprehensive outpatient rehabili-	hospital, 27:76
tation facility services, 26:102	hospital services, Part A benefits,
dialysis, 26:79	25:52 to 25:86

MEDICARE—Cont'd MEDICARE—Cont'd Inpatients—Cont'd Lifetime reserve days, Part A rehabilitation hospital services, benefits, 25:80 to 25:82 25:72 Limitations and restrictions short-term inpatient care, hospice ambulatory surgical center facility, 26:92 care, **25:193** beneficiary's limitation of liability skilled nursing care, 25:114 to when coverage not available, 25:116 28:29 to 28:35 Insurance drugs and biologicals, Part B sup-MEDIGAP insurance, 24:24 to plementary medical insurance 24:39 coverage, **26:76** no-fault or liability insurance, employed aged or spouse, 27:66, 27:49 to 27:56 27:67 Intermittent home health care serfiling indemnification request, vices, Part A benefits, 25:154, 28:33 25:170 liability insurance, items and ser-Intern's services, Part A benefits, vices paid by, 27:54 25:74, 25:128, 25:173 Medicare Advantage (MA) Itemized bill provided with claim for **Program** (this index) payment, 28:17 Part A benefits, 25:46 to 25:51 Judgment on recovery of conditional Part B limitations, 26:3, 26:58, primary payment, 27:39 26:59, 26:76, 28:27 Judicial review renal disease health plan, 27:61 et as to appeals, generally. Appeal and review, supra skilled nursing care, **25:91**, **25:92** generally, 28:77 third party payers, items and seramount in controversy, 28:62 vices paid by, 27:32, 27:54 Medicare Advantage benefit third-party payments, exclusion of determinations, 26A:70 time and services covered, Part A and B benefit determina-27:32 tions, 28:60 to 28:62 Local government items or services, Kidney disease 27:15 to 27:23 dialysis, 25:19, 26:79, 27:90 Lump-sum awards in workers' compensation claims, 27:45 to health plan, exclusion of services 27:48 paid by, 27:59 to 27:64 Mammography, **26:70, 27:7** Medicare Supplemental Management of care plan, Part A (MEDIGAP) Insurance, 24:37 benefits, 25:116, 25:157 Part A benefits, 25:15 to 25:21, Maximum days of coverage, Part A benefits, 25:78, 25:134 resumption of entitlement, 25:21 Medical appropriateness, Part A Kidney transplant, 25:18, 25:75 benefits, 25:105 to 25:107 Laboratory tests, 26:69 Medical services and equipment, Part Late matters, 25:43, 25:137, 26:30 B. 26:65 to 26:108 Legal obligations, **27:8 to 27:14** Medical social services, Part A Less than effective drugs, exclusion benefits, 25:66, 25:129, 25:167, of expenses, 27:80 25:189

Medicare Advantage (MA)

Program (this index)

to 28:35

Liability of beneficiary, 28:26, 28:29

Medicare Catastrophic Coverage Act (this index) Medicare Modernization and Prescription Drug Act. Drugs and biologicals, supra MEDIGAP (Medicare Supplemental Insurance) (this index) Military services, services provided to active duty members, 27:21 Misconduct or nonresidence of claimant, 15:206 Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 Nofault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46	MEDICARE—Cont'd	MEDICARE—Cont'd
Medicare Modernization and Prescription Drug Act. Drugs and biologicals, supra MEDIGAP (Medicare Supplemental Insurance) (this index) Military services, services provided to active duty members, 27:21 Misconduct or nonresidence of claimant, 15:206 Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		
scription Drug Act. Drugs and biologicals, supra MEDIGAP (Medicare Supplemental Insurance) (this index) Military services, services provided to active duty members, 27:21 Misconduct or nonresidence of claimant, 15:206 Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		redetermination, 28:51
MEDIGAP (Medicare Supplemental Insurance) (this index) Military services, services provided to active duty members, 27:21 Misconduct or nonresidence of claimant, 15:206 Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification, Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		Number or amount
Supplemental Insurance) (this index) Military services, services provided to active duty members, 27:21 Misconduct or nonresidence of claimant, 15:206 Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:117 Notice advance directives, hospice care, 25:176 initial determinations, 28:46	biologicals, supra	
maximum days of coverage, Part A benefits, 25:78, 25:134 Part B supplementary medical insurance benefits, 26:56 Nursing care or services home health care, 25:152 to 25:160 Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification, Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:117 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		increases in premiums, Part A
Military services, services provided to active duty members, 27:21 Misconduct or nonresidence of claimant, 15:206 Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification, Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		
Misconduct or nonresidence of claimant, 15:206 Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification, Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:117 Notice advance directives, hospice care, 25:176 initial determinations, 28:46	Military services, services provided	maximum days of coverage, Part A benefits, 25:78, 25:134
Misrepresentation, extension of filing period for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46	Misconduct or nonresidence of	
meriod for claims, 28:22 Mistake or error conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial govern- ment error, Part A benefits, 25:35 enrollment error for Part B supple- mentary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 25:160 homes/facilities, 21:15, 21:23 to 21:33, 26B:17 hospice care, 25:187 Part B medical services and equip- ment, 26:82 prescription drug plans, nursing facility residents, 26B:17 skilled nursing care and facilities, 25:65, 25:87 to 25:137, 25:152 to 25:160 Observation, Part A benefits, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 268:17 hospice care, 25:187 Part B medical services and equip- ment, 26:82 prescription drug plans, nursing facility residents, 26B:17 skilled nursing care and facilities, 25:152 to 25:160 Observation, Part A benefits, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10		Nursing care or services
conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46	period for claims, 28:22	
conditional primary payments, improperly filed claim as affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		homes/facilities, 21:15, 21:23 to
affecting, 27:37 correction of prejudicial government error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		
Part B medical services and equipment, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		hospice care, 25:187
ment error, Part A benefits, 25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification, Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 ment error, Part B supplepracy prescription drug plans, nursing facility residents, 26B:17 skilled nursing care and facilities, 25:65, 25:87 to 25:137, 25:152 to 25:160 Observation, Part A benefits, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 268:17 skilled nursing care and facilities, 25:65, 25:87 to 25:137, 25:152 to 25:160 Observation, Part A benefits, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 268:17		
25:35 enrollment error for Part B supplementary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 prescription drug plans, nursing facility residents, 26B:17 skilled nursing care and facilities, 25:65, 25:87 to 25:137, 25:152 to 25:160 Observation, Part A benefits, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26B:17 skilled nursing care and facilities, 25:65, 25:87 to 25:137, 25:152 to 25:160 Observation, Part A benefits, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26B:17 skilled nursing care and facilities, 25:160 Observation, Part A benefits, 25:117, 25:152 to 25:160 Observation, Part A benefits, 25:16, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Organization determinations, 28:65 to 28:68	ment error Part A benefits	ment, 26:82
mentary medical insurance, 26:9 extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 mentary medical insurance, 25:12 25:65, 25:87 to 25:160 Observation, Part A benefits, 25:117, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:65, 25:160 Observation, Part A benefits, 25:117, 25:158 Occupational therapy, 25:70, 25:131, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:102	25:35	
25:95, 25:87 to 25:137, 25:152 to 25:160 Observation, Part A benefits, 25:117, 25:158 Occupational therapy, 25:70, 25:131, 25:158 Occupational therapy, 25:70, 25:131, 25:158 Occupational therapy, 25:70, 25:131, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46		skilled nursing care and facilities,
extension of filing period, 28:22 premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:176 advance directives, hospice care, 25:176 initial determinations, 28:46 25:152 to 25:160 Observation, Part A benefits, 25:117, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 26:102		
premium payment, Part B, effect of error in benefits, 26:40 Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 Occupational therapy, 25:70, 25:131, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 26:102		
Modification. Amendment or modification, supra Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 Occupational therapy, 25:70, 25:131, 25:165, 25:168, 26:97 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 25:102	premium payment, Part B, effect of	
Mother's or father's benefits, deemed entitlement, 25:12 Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 Old age benefits, deemed entitlement, 25:6 to 25:8, 25:11 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 26:102	Modification. Amendment or	25:165, 25:168, 26:97
Multiple plans, Medicare Advantage (MA) Program, 26A:11 No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 Ophthalmologists and optometrists, 26:66, 27:82 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 26:102	Mother's or father's benefits, deemed	25:6 to 25:8, 25:11
No-fault or liability insurance, 27:49 to 27:56 Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 Oregon claims, exclusion of items or services paid by no-fault or liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 26:102	Multiple plans, Medicare Advantage	26:66, 27:82
Nonreimbursable expenses, 28:29 to 28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 liability insurance, 27:56 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 26:102	No-fault or liability insurance, 27:49	
28:33 Nonskilled services, Part A benefits, 25:111 Notice advance directives, hospice care, 25:176 initial determinations, 28:46 Organization determinations, 28:65 to 28:68 Orthopedic devices, 26:99, 27:84 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 26:102		
25:111 Orthopedic devices, 26:99, 27:84 Notice Other health insurance affecting legal obligation to pay, 27:10 25:176 Outpatients, 26:85, 26:86, 26:93 to 26:102	28:33	
Notice advance directives, hospice care, 25:176 initial determinations, 28:46 Other health insurance affecting legal obligation to pay, 27:10 Outpatients, 26:85, 26:86, 26:93 to 26:102		Orthopedic devices, 26:99, 27:84
advance directives, hospice care, 25:176 Outpatients, 26:85, 26:86, 26:93 to initial determinations, 28:46		
25:176 Outpatients, 26:85, 26:86, 26:93 to initial determinations, 28:46	- 1 - 1 - 2 - 2	
mittai acterimiations, 20.40	25:176	Outpatients, 26:85, 26:86, 26:93 to
Medicare Advantage (MA) Over age 65, Part A benefits, 25:3 to		Over age 65, Part A benefits, 25:3 to
Program (this index) 25:8, 25:36	Program (this index)	25:8, 25:36
nonreimbursable expenses, 28:31, Overdue premiums, 26:50 to 26:55		
28:32 Overpayments, recovery, 27:38, organization determinations, 28:67 27:48, 28:36 to 28:42		
reconsidered determinations, 28:72 respectively. Pap smears, exclusions, 27:7		

MEDICARE—Cont'd MEDICARE—Cont'd Physicians—Cont'd Part A, generally, **25:1 et seq.** drugs and biologicals furnished, Part B, generally, **26:1 et seq.** 26:75 Part D. Drugs and biologicals, supra exclusions, 27:2, 27:82 Part-time home health care services, Part A benefits, 25:156, 25:171 home health care, 25:145, 25:147 Patients' rights, 23:8, 23:10, 23:32, hospice care, 25:192 23:34 incidental services, 26:66 Payment inpatient hospital services, 25:73, conditional payments, supra 25:74 direct payment of benefits, 28:2 to intern's services, 25:74, 25:128, 28:11 25:173 Medicare Advantage (MA) optometrists' services, 26:66 **Program** (this index) Part B, 26:65, 26:66 overpayments, recovery, 27:38, resident physician's services, 27:48, 28:36 to 28:42 25:74, 25:128, 25:173 Part B benefits, to whom paid, skilled nursing care, 25:89 28:6 surgical services, **25:73**, **25:74** Part B supplementary medical Place where services provided, 27:5 insurance, 26:56 to 26:60 premiums, Part A benefits, 25:41 care requirement, 25:147 to 25:45 evaluation of care plan, 25:116, premiums, Part B benefits, 26:34 25:117, 25:157, 25:158 to 26:49 secondary payments, 26A:75, management of care plan, 25:116, 27:29 to 27:32, 27:71 25:157 split payments, Part B benefits, Medicare Advantage (MA) 28:7 **Program** (this index) third-party payments, 27:27 to prescription drug benefit. Drugs 27:40, 27:58, 28:19, 28:41 and biologicals, supra Penal authorities, conditions for pay-Plus(+)Choice Program. Medicare ment of services for individuals Advantage (MA) Program in custody of, 27:14 (this index) Penalties for delayed enrollment in Poor persons, waiver of charges, 27:9 prescription drug plan, 26B:2, Premium health insurance, effective 26B:13 date of transfer from HMO or Personal care services, Part A CMP, 25:39 benefits, 25:121 Premiums Personal comfort items and services, deduction, payment by, Part B exclusion of expenses, 27:87 supplemental medical insur-Physical examinations, exclusion of ance, 26:36 to 26:40 expenses, 27:88 group billing, Part B supplemental Physical therapy, 25:69, 25:131, medical insurance, 26:44 to 25:163, 26:97 26:49 Physicians increases in premiums, supra assistants' services, 26:83 Medicare Advantage (MA) certification, 25:89, 25:143, 26:96 **Program** (this index) comprehensive outpatient rehabilioverdue premiums, **26:50 to 26:55** tation facility services, 26:96 Part A benefits. 25:2 to 25:45 to 26:98

MEDICARE—Cont'd	MEDICARE—Cont'd
Premiums—Cont'd	Reconsideration or redetermination
Part B supplementary medical insurance, 26:27 to 26:55	generally, 28:47 to 28:53, 28:69 to 28:72
refunds, 26A:94 , 26:33 , 26:49 ,	Medicare Advantage (MA)
28:14	Program (this index)
Prescription drugs. Drugs and	notice, 28:51
biologicals, supra	prescription drug benefits, cover-
Preventive services, 26:66.50 ,	age decisions, 26B:21,
26:66.70	26B:25
Primary payments, conditional, 27:33	Records of enrollees in Medicare
to 27:40	Advantage (MA) Program,
Private fee-for-service plans.	26A:87
Medicare Advantage (MA)	Redetermination of coverage deci-
Program (this index)	sion, prescription drug benefits, 26B:21, 26B:24
Private matters	Reductions
accommodations, Part A benefits, 25:63, 25:64, 25:124, 25:125	deductibles, supra
	Medicare Advantage, service area
health insurance, MEDIGAP, 24:24 to 24:39	reductions, termination,
sector work, qualified government	26A:38
employment, Part A benefits,	premiums, Part A benefits, 25:42
25:26	Reenrollment, Part A benefits, 25:44
Prospective payment system, Part A	Refunds, premiums, 26A:94, 26:33,
benefits, 25:81	26:49, 28:14
Prostate cancer screening, 26:72	Rehabilitation
Prosthetic devices, 26:87	care services, Part A benefits,
Psychiatric and psychological ser-	25:120
vices and care	comprehensive outpatient rehabili- tation facility services, Part B,
generally, 26:84	26:93 to 26:102
comprehensive outpatient rehabili-	inpatient hospital services, 25:72
tation facility services, 26:98	Reinstatement
hospitals, Part A benefits, 25:59 , 25:69 , 25:76 , 25:79	entitlement, 26:55
Public expense, exclusion of services	premium health insurance, Part A
furnished, 27:17, 27:18	benefits, 25:45
Public Health Service, 27:18	Relationship of skilled nursing care Part A benefits to Part B
Pulmonary rehabilitation services,	benefits, 25:88
25:71	Relatives or family members, exclu-
Qualification. Entitlement, supra	sion of charges imposed, 27:24
Qualified government employment,	to 27:26
Part A benefits, 25:23 to 25:27	Religion and religious matters
Quality Improvement Organization,	employed aged or spouse, exclu-
assumption of review responsi-	sion of health plan paid ser-
bilities for items and services,	vices, 27:69
27:72 Passanable and necessary sarvices	members of religious order
Reasonable and necessary services, exclusions, 27:3 to 27:7	deemed obligated to pay, 27:13

MEDICARE—Cont'd

Religious fraternal benefit (RFB) society plans. **Medicare Advantage (MA) Program**(this index)

Renal disease. Kidney disease, supra Representation of claimants, 28:79 Residence, Medicare Catastrophic Coverage Act, exempt or excluded assets, 29:71

Residence requirement. Medicare Advantage (MA) Program (this index)

Resident physician's services, Part A benefits, 25:74, 25:128, 25:173

Respiratory therapy, **25:132, 26:97**

Respite care, Part A benefits, 25:193

Restrictions. Limitations and restrictions, supra

Resumption of entitlement, renal disease, **25:21**

Review. Appeal and review, supra Routine physicals, **27:88**

Rural emergency hospitals, 25:57

Rural hospitals and health clinics, **26:106**

Savings Program, 25:35

Screening mammography services, 26:70, 27:7

Secondary payments, 26A:75, 27:29 to 27:32, 27:71

Self-dialysis training, Part A benefits, **25:19**

Settlement. Compromise and settlement, supra

Ships, exclusion of items and services performed aboard, 27:75

Shoes, 26:88, 27:84

Short-term inpatient care, Part A benefits, **25:193**

Signature of beneficiary on claim for payment, **28:18**

Skilled nursing care and facilities, 5:32, 21:23, 21:28, 25:65, 25:87 to 25:137, 25:152 to 25:160

Skilled therapy services, requirement, **25:161**

SNF residents, services furnished as exempt from coverage, **27:90**

MEDICARE—Cont'd

Social Security Administration (this index)

Social services

comprehensive outpatient rehabilitation facility services, **26:98**

medical social services, Part A benefits, **25:66**, **25:129**, **25:167**, **25:189**

social workers, Part B covered services, 26:84

Special enrollment period, 25:32, 26:13 to 26:15, 26:20

Special Needs Trusts (this index)

Special shoes for diabetics, **26:88** Speech-language pathology services,

Speech pathology, comprehensive outpatient rehabilitation facility services, **26:97**

Speech therapy, Part A benefits, **25:164**

Spell of illness, Part A benefits, **25:46** to **25:51**

Split payments, Part B benefits, **28:7** Sponsors of prescription drug plans, **26B:3**

Spouse of civil service annuitant, consent for Medicare Part B premium deduction, 26:37

Spouses, employed aged or spouse, 27:65 to 27:71

SSI, 25:13

Statement of election for hospice care, Part A benefits, **25:181**

State or states

buy-in agreements, 26:16, 26:21, 26:23, 26:35

government items or services, 27:15 to 27:23

supplementary payments, deemed entitlement, 25:13

Supplemental insurance

(MEDIGAP). MEDIGAP (Medicare Supplemental Insurance) (this index)

Supplies, appliances and equipment comprehensive outpatient rehabilitation facility services, **26:101**

MEDICARE—Cont'd	MEDICARE—Cont'd
Supplies, appliances and equipment	Time—Cont'd
—Cont'd	expedited matters, supra
Part A, 25:68 , 25:126 , 25:172 , 25:191	extension of time, supra
	filing of claims, 28:21 to 28:23
Part B, 26:65 to 26:108 Surgical items and services, 25:73 ,	hospice care, Part A benefits,
25:74, 26:89 to 26:92, 27:89	25:180 hospital insurance with or without
Survivors' benefits, deemed entitlement, 25:6 to 25:8, 25:11	premium, Part A benefits, 25:5, 25:8 to 25:10, 25:36 to
Suspension or revocation	25:40
hospice care election, Part A	late matters, 25:43 , 25:137
benefits, 25:184	limitation period of payment of benefits of renal disease
lifetime reserve days election, Part	health plan, 27:61 et seq.
A benefits, 25:82	Medicare Advantage (MA)
premium payment by deduction, Part B, effect of suspension of	Program (this index)
benefits, 26:39	Part A benefits, generally, 25:78 to
Swing-bed hospital, Part A benefits,	25:82
25:99	premium health insurance, effec-
Termination. Cancellation or termina-	tive date of transfer from
tion, supra	HMO or CMP, 25:39
Therapeutic items and services, 25:67	premiums for Part B supplementary medical insurance, 26:32 ,
to 25:72, 25:77, 25:127, 25:188	26:40, 26:43
Therapy	qualified government employment,
home health care, Part A benefits,	Part A benefits, 25:27
25:161 to 25:165	skilled nursing care, 25:134 to
occupational therapy, 25:70,	25:137
25:131, 25:165, 25:168, 26:97	Transfers
	enrollment period, Medicare
physical therapy, 25:69 , 25:131 , 25:163 , 26:97	transfer, 25:34 Medicare Catastrophic Coverage
psychology, 25:69	Act (this index)
pulmonary rehabilitation services,	residents, transfer of, beneficiary's
25:71	liability for services resulting
respiratory therapy, 25:132, 26:97	from erroneous transfer from
skilled therapy services, require-	facility, 28:34
ment, 25:161	Transplants, 25:18, 25:75
speech-language pathology ser-	TRICARE/CHAMPVA beneficiaries, 27:22
vices, 25:131	2010 health care reform, impact on
speech therapy, 25:164	preventive services, 26:66.70
Third-party payments, 27:27 to	Two-year qualifying period
27:40, 27:58, 28:19, 28:41	amyotrophic lateral sclerosis, Part
Time	A benefits, 25:22
duration of benefits, Part B supple-	disabled persons under age 65, Part
mentary medical insurance,	A benefits, 25:10
26:17 to 26:26	Union-sponsored retiree health plans,
end-stage renal disease, Part A benefits, 25:17	prescription drug benefits, 26B:19

MEDICARE—Cont'd

United States, exclusion of items and services performed outside, 27:74, 27:75

Unpaid services, obtaining Part B benefits, **28:20**

Unreasonable and unnecessary items and services, **27:3 to 27:7**

Vaccines and vaccination, **27:86**Verbal orders, home health care, **25:148**

Veterans, prescription drug plans, 26B:18

Veterans Administration, items or services authorized by, **27:18**

Waiting period

amyotrophic lateral sclerosis, Part A benefits, **25:22**

MEDIGAP, pre-existing condition, **24:35**

renal disease, 25:17

Waiver

amyotrophic lateral sclerosis, waiting period, **25:22**

beneficiary's liability for services resulting from erroneous transfer from facility, **28:34**

conditional primary payment, waiver of recovery of, **27:40**

deemed waiver of other benefits, election for hospice care, 25:183

hospital insurance without premium, Part A benefits, **25:4**

indigents, waiver of charges, **27:9** liability for nonreimbursable expenses, **28:29, 28:30**

overpayments, recovery, **28:39 to 28:41**

War, exclusion of items and services resulting from, **27:73**

Warranty, Medicare payment for items under, **27:11**

Widow's or widower's benefits, deemed entitlement, 25:11 to 25:14

Withdrawal of request for reconsideration of initial determination, 27:47

MEDICARE—Cont'd

Workers' compensation, exclusion of services paid by, 27:41 to 27:48 X-rays, 26:68, 26:70, 27:7

MEDICARE ACCESS AND CHIP REAUTHORIZATION ACT OF 2015 (MACRA)

Medicare supplemental insurance (MEDIGAP), **24:28**

MEDICARE ADVANTAGE (MA) PROGRAM

Generally, 26A:1 to 26A:94

Abuse of enrollment card, termination of enrollment, **26A:33**

Access to information regarding organization finances, ownership, and control, **26A:82**

Access to services

generally, **26A:47 to 26A:51** private fee-for-service plans, **26A:51**

rules for provider selection

generally, 26A:48

continuity of care and integration of services, organization's obligation as to, 26A:50

involuntary termination, reasons other than for cause, **26A:49**

Additional benefits, 26A:45

Administrative law judges, hearings before, **26A:68**

Amendment or modification

coverage, change of, 26A:26

enrollment opportunities, change of, **26A:21**

Appeal or review

judicial review, 26A:70

Medicare Appeals Council (Council) review, **26A:69**

noncoverage of inpatient hospital care, requesting immediate QIO review, 26A:74

Approval or acceptance

priority acceptance when capacity limit determined, 26A:28

MEDICARE ADVANTAGE (MA) PROGRAM—Cont'd	MEDICARE ADVANTAGE (MA) PROGRAM—Cont'd
Approval or acceptance—Cont'd	Election
unrestricted (guaranteed) accep-	generally, 26A:15 to 26A:26
tance of eligible individuals, 26A:27	age 65, special election periods, 26A:24
Benefits and beneficiary protections, generally, 26A:39 et seq.	change of enrollment opportunities, 26A:21
Confidentiality and disclosure.	conversion of enrollment, 26A:18
Consumer protection, infra	coordination through Medicare
Consumer protection	Advantage (MA) organiza-
generally, 26A:83 to 26A:89	tions, 26A:16
disclosure	default, 26A:17
generally, 26A:84	effective dates of coverage and
ERISA, 26A:85	change of coverage, 26A:26
discrimination prohibited, 26A:83	exercising choice, 26A:15
ERISA, disclosure, 26A:85	hospice care, election by Medicare
private fee-for-service plans,	Advantage enrollees, 25:182 initial choice upon eligibility to
prompt payment to enrollees in, 26A:89	make election, 26A:20
quality assurance program, 26A:86	open enrollment, 26A:21, 26A:22
records, 26A:87	seamless continuation of coverage,
Continuation of enrollment, 26A:4 ,	26A:18
26A:18	special election periods, 26A:23 ,
Coordinated care plans	26A:24
generally, 26A:7	Eligibility
religious fraternal benefit (RFB)	generally, 26A:2
society plans, 26A:6 , 26A:8	limitation
Coverage determinations,	durational requirement, 26A:5
reconsiderations, and appeals	priority acceptance when capac-
generally, 26A:56	ity limit is determined,
expediting certain organization	26A:28
determinations	religious fraternal benefit (RFB)
generally, 26A:58	society plans, 26A:6
timeframes and notice require-	residence requirement, 26A:4
ments, 26A:59	unrestricted acceptance of eligible
standard timeframes and notice	individuals, 26A:27
requirements, 26A:57	Enrollee liability
Default, election process, 26A:17	generally, 26A:75 to 26A:78
Discrimination prohibited, 26A:83 Disruptive behavior, termination of	limitation on, private fee-for-ser- vice plans, 26A:77
enrollment, 26A:32 Effective date	national coverage determinations (NCDs), 26A:76
elections and changes of elections, 26A:26	safeguarding beneficiary against liability, 26A:78
termination process, effective date in case of loss of entitlement	secondary payer, organization as, 26A:75
to Part A or Part B benefits, or	Enrollment
death, 26A:35	generally, 26A:4 to 26A:6

MEDICARE ADVANTAGE (MA) MEDICARE ADVANTAGE (MA) PROGRAM—Cont'd PROGRAM—Cont'd Enrollment—Cont'd History of Medicare Advantage, change of enrollment opportunities, **26A:21** Hospice care, election by Medicare continuation of enrollment, 26A:4, Advantage enrollees, 25:182 26A:18 Information continuous open enrollment and advance directives, information on, disenrollment, first three 26A:80 months in subsequent years, beneficiary liability under private 26A:22 fee-for-service plans, 26A:79 liability. Enrollee liability, supra information reporting procedures, maintaining enrollment, 26A:19, 26A:81 26A:22 informed choice, providing inforopen enrollment, 26A:21, 26A:22 mation to promote, 26A:12 to termination of enrollment, infra 26A:14 ERISA, disclosure, consumer protecorganization finances, ownership, tion, 26A:85 and control, access to infor-Evidence, opportunity to submit mation regarding, 26A:82 generally, 26A:63 Informed choice, providing informatimeframes and responsibility for tion to promote reconsideration generally, 26A:12 to 26A:14 generally, 26A:64 general information, 26A:13 expedited reconsideration, notice, 26A:12 26A:65 Judicial review, benefit determina-Evidence. Opportunity to submit evitions, 26A:70 dence, infra Limitations **Expedited** matters eligibility, supra coverage determinations, premiums, enrollee liability. reconsiderations, and appeals, Premiums, infra 26A:58, 26A:59 private fee-for-service plan, reconsiderations, 26A:62, 26A:65 enrollee liability. Private fee-Fee-for-service Medicare Advantage for-service plan, infra (MA) plan, 26A:46 termination of enrollment (invol-Fraud, termination of enrollment, untary), limitations on, 26A:33 26A:29 Giving effect to reconsidered Multiple plans, 26A:11 determinations or decisions, Noncoverage of inpatient hospital 26A:72 care, notification to enrollees, Grievances 26A:73 generally, 26A:52 Notice mechanism, 26A:54 coverage determinations. Health Maintenance Organizations, reconsiderations, and appeals, rules for provider selection. 26A:57, 26A:59 Access to services, supra informed choice, providing infor-Hearings mation to promote, **26A:12** generally, 26A:67 noncoverage of inpatient hospital administrative law judges, hearings care, notification to enrollees. before, 26A:68 26A:73

MEDICARE ADVANTAGE (MA)	MEDICARE ADVANTAGE (MA)
PROGRAM—Cont'd	PROGRAM—Cont'd
Notice—Cont'd	Qualifications. Eligibility, supra
termination, 26A:37	Quality assurance program, 26A:86
Opportunity to submit evidence	Reconsideration
generally, 26A:63	generally, 26A:60
independent entity, reconsideration	coverage determinations,
by, 26A:66	reconsiderations, and appeals,
right to hearing	supra
generally, 26A:67	expedited matters, 26A:62, 26A:65
request for ALJ hearing, 26A:68	giving effect to reconsidered
timeframes and responsibility	determinations or decisions,
generally, 26A:64	26A:72
expedited reconsideration,	request, filing, 26A:61
26A:65	time
Organization determinations, 26A:55 Overview, 26A:1 , 26A:40	expedited matters, 26A:62 , 26A:65
Payment	opportunity to submit evidence,
premiums, infra	26A:64
private fee-for-service plans,	request, filing, 26A:61
prompt payment to enrollees	Records, confidentiality, accuracy
in, 26A:89	and access to enrollees' records,
Periods covered under statute, 26A:25	26A:87
Plans	Reduction of service area, termina-
coordinated care plans, supra	tion, 26A:38
multiple plans, 26A:11	Religious fraternal benefit (RFB) society plans, 26A:6 , 26A:8
private fee-for-service plans,	Reopening and revising determina-
26A:10, 26A:51, 26A:77	tions and decisions, 26A:71
Premiums	Reports, information reporting
generally, 26A:90 to 26A:94	procedures, 26A:81
monthly premium charged, 26A:91	Residence requirement
termination of enrollment,	generally, 26A:4
premiums not paid on time, 26A:31	termination, no longer resident
	within plan's service area,
terms and conditions of imposing premiums, 26A:93	26A:34
uniform premium, 26A:92	Review. Appeal or review, supra
Private fee-for-service plans	Revising determinations and deci-
generally, 26A:10	sions, 26A:71
access to services under, 26A:51	Satisfaction of benefits requirements,
beneficiary liability, information	26A:41
on, 26A:79	Special election periods, 26A:23 , 26A:24
consumer protection, prompt payment to enrollees, 26A:89	Special needs plans (SNPs), 26A:10
enrollee liability, limitations on,	Special rules, point of service (POS)
26A:77	option, 26A:42
Procedures in place, responsibility of	Supplemental benefits
organization, 26A:53	generally, 26A:43

MEDICARE ADVANTAGE (MA) PROGRAM—Cont'd Supplemental benefits—Cont'd Medicare Advantage (MA) MSA plan, 26A:44 Termination of enrollment generally, 26A:29 to 26A:38 alternative benefits, description, 26A:37

compulsory termination, **26A:30** consequences, **26A:36**

disruptive behavior, **26A:32**

effective date in case of loss of entitlement to Part A or Part B benefits or death, **26A:35**

fraud or abuse of enrollment card, 26A:33

limitations on involuntary terminations, **26A:29**

premiums not paid on time, **26A:31**

procedures upon plan termination or service area reduction, 26A:38

process, **26A:31 to 26A:35** residence, move of, **26A:34**

Time or date

coverage determinations, reconsiderations, and appeals, supra

effective date, supra

elections, periods covered under statute. **26A:25**

expedited matters, supra

reconsideration, 26A:61, 26A:64, 26A:65

MEDICARE CATASTROPHIC COVERAGE ACT

Generally, 29:55 et seq.

Apportionment and cure of penalty under MCCA, asset transfers, 29:97

Assets

transfers. Asset transfers, infra unavailable assets, **29:72**, **29:73**

Asset transfers

actions not treated as transfers under MCCA, 29:93 to 29:96

MEDICARE CATASTROPHIC COVERAGE ACT—Cont'd

Asset transfers—Cont'd apportionment and cure of penalty under MCCA, 29:97

exempt transfers, 29:102

individuals subject to penalty, **29:87**

jointly-owned property under MCCA, **29:94**

look-back period under MCCA, **29:88**

penalties, generally, **29:83 et seq.** resources and exclusions under MCCA, **29:92**

resource transfer penalties under MCCA, **29:84**

undue hardship, 29:102

Automobile, exempt or excluded assets, **29:68**

Burial-related assets, exempt or excluded assets, 29:70

Community spouse resource allowance, **29:59**

Countable assets, 29:64

Coverage and applicability, determining, 29:56, 29:57

Exempt or excluded assets, 29:65 to 29:72

Exempt transfers, 29:102

Homeplace, exempt or excluded assets, **29:71**

Household goods, exempt or excluded assets, **29:67**

Income

married individuals, infra real estate, income-producing, exempt or excluded assets, 29:72

rules for treatment of, generally, **29:74**

"Income first" versus "resource first" approach, **29:77**

Insurance, exempt or excluded assets, **29:69**

Long-term care, generally, **24:26**, **29:55**

Married individuals attribution of income, **29:80**

MEDICARE CATASTROPHIC COVERAGE ACT—Cont'd Married individuals—Cont'd community spouse monthly income allowance, 29:75 to 29:77 community spouse resource allowance, 29:59 deduction of incurred medical expenses, 29:79 family allowance, 29:78 income treatment of, generally, 29:74 to 29:81 increasing community spouse monthly income allowance, 29:76 non-trust property, attribution of income from, 29:80 obtaining community spouse monthly income allowance through resource transfer option, 29:77 resources of married individuals, treatment of, infra

"snapshot," resources, 29:57 to

spousal impoverishment rules,

trust property, attribution of

Penalties. Asset transfers, supra

Residence, exempt or excluded

Resources of married individuals,

community spouse resource allow-

relief from community spouse

resource allowance limitation.

community spouse resource

allowance limitation, 29:60

inflation of aggregate non-exempt resources, relief from com-

court order increasing support,

fair hearing request, relief from

income from, 29:81

Personal effects, exempt or excluded

determining applicability of,

29:59, 29:63

29:55

assets, 29:67

assets, 29:71

treatment of

29:61

generally, 29:57 et seq.

ance, 29:59

29:57 "snapshot," **29:57 to 29:59, 29:63** Retroactive Social Security, and SSI payments, **29:73** Self-support, property essential to, exempt or excluded assets, 29:66 Special needs trusts, 16:91 Spouses. Married individuals, supra Transfers of assets. Asset transfers, supra Trusts married individuals, attribution of income from trust property, 29:81 Medicaid Qualifying Trusts (this index)

Unavailable assets, 29:72, 29:73

MEDICARE CATASTROPHIC

treatment of-Cont'd

29:61

COVERAGE ACT—Cont'dResources of married individuals,

relief from community spouse

fair hearing request, **29:60**

inflation of aggregate non-

snapshot, **29:63**

rules for treatment, generally,

spousal refusal, 29:62

munity spouse resource

allowance limitation, 29:63

resource allowance limitation

exempt resources at time of

court order increasing support,

MEDICATIONS

Drugs (this index)

MEDIGAP (MEDICARE SUPPLEMENTAL INSURANCE) Generally, 24:24 to 24:39, 28:10

Analysis of plan, principles of insurance, 24:32
Baucus regulations, 24:26
Coverage, generally, 24:24
Creditable coverage, 24:36
Defined, 26B:2
Eligibility, 24:33

Enrollment, 24:33 to 24:41

MEDIGAP (MEDICARE SUPPLEMENTAL

INSURANCE)—Cont'd

Impact on employer-sponsored Medicare supplements, **24:41**

Medicare Access and CHIP Reauthorization Act of 2015, 24:28

Medicare Catastrophic Coverage Act, 24:26

Nondiscrimination in health programs or activities regulation, **24:29**

Omnibus Budget Reconciliation Act, 24:27

Open enrollment period, 24:34

Other health insurance coverage, 24:39

Pre-existing condition waiting period, 24:35

Prescription drug coverage, 26B:1 Regulations, 24:26, 24:27, 24:28

Standard Medigap plans, 24:30

Suspension during Medicaid eligibility, **24:38**

Under age 65 with disability or endstage renal disease (ESRD), 24:37

MEDIUM ESTATES

Generation-skipping transfer tax, 8:191

MEMBER OF CONGRESS

United States civil service retirement system, disability application, **20:42**

MEMBERS OF RELIGIOUS ORDERS

SSI, earned income, 16:44

MENTAL CAPACITY OR CONDITION

Generally, 2:6, 32:1 to 32:17

Advance directives for mental health treatment generally, **33:19**

Age Discrimination in Employment Act, **35:78**

Alaska declaration for mental health treatment, form, **33:29**, **33:79**

MENTAL CAPACITY OR CONDITION—Cont'd

Arizona mental health care power of attorney, form, **33:80**

Assessing capacity, generally, **32:14** to **32:17**

Attorneys

gathering and preserving client information, 2:12

presumptions, 2:6

Causes of adult incapacity, 32:2

Coercion. Undue influence, infra

Communication problems distinguished, **32:6**

Contesting and defending capacity, 32:18

Contractual capacity, 32:12

Defending and contesting capacity, 32:18

Definitions of incapacity, 32:7 to 32:14

Degrees of incapacity, 32:4

Dementia and delirium, generally, 32:2

Determining legal capacity, generally, 32:7 to 32:14

Disability discrimination law, who is disabled under, 36:25

Donative capacity, 32:11

Duress. Undue influence, infra

Estate planning, generally, **10:6**

Ethical issues, declining or questionable capacity of client, **3:6**, **3:19**

Future incapacity of client, use of living trust, **10:45**

Gathering and preserving client information, capacity issues, 2:12

Guardians and conservators, order adjudicating capacity, **34:29**

Health care decision making, 32:13

Idaho declaration for mental health treatment, form, **33:84**

Illinois declaration for mental health treatment, form, 33:5

Incapacity. See entries throughout this topic

Incompetency. See entries throughout this topic

"Insane delusions," 32:10

MENTAL CAPACITY OR CONDITION—Cont'd	MENTAL CAPACITY OR CONDITION—Cont'd
Issue of capacity as special problem for attorneys, 2:6	Texas declaration for mental health treatment, form, 33:99
Kentucky form of advance directive for mental health treatment, 33:87	Tools for assessing capacity, 32:17 Transient and temporary incapacity, 32:4
Lifetime transfers planning, determining capacity and undue influence, 10:6	Undue influence contesting or defending capacity, 32:18
Living trust, use of, 10:45 Louisiana directive for mental health treatment, form, 33:88	distinguished, 32:5 lifetime transfers planning, determining capacity and
Medicaid (this index) Medicare coverage, community mental health centers, 26:107, 26:108	undue influence, 10:6 testamentary capacity, 10:6 Utah declaration for mental health treatment, form, 33:100
New Mexico optional form for advance directive for mental health treatment, 33:89	Washington mental health advance directive, 33:101 Wills
North Carolina advance instruction for mental health treatment, form, 33:94	client's incapacity, 10:45 testamentary capacity, supra
Oklahoma advance directive for mental health treatment, form, 33:95 Optimizing capacity assessment,	MICHIGAN Credit, discriminatory practices prohibited by state law, 35:197 Do not resuscitate order, 33:108 Education, discrimination, 35:207
32:16 Oregon declaration for mental health treatment, form, 33:96	Elder victimization, abuse, and neglect, 4A:52
Overview of elder law, 1:15 Pennsylvania mental health declara-	Patient advocate, designation of, 33:50
tion, 33:97 Planning for incapacity estate planning, 10:6 lifetime transfers planning,	MILITARY MATTERS Medicare, 27:21 Veterans (this index) War (this index)
determining capacity and undue influence, 10:6 wills, 10:45 Presumptions, attorneys' presump-	MILLER TRUSTS Special needs trusts, exempt self-settled trusts, 16:153, 16:154
tions as to clients' capacity, 2:6 Real Property (this index) Signs and symptoms of dementia and delirium, 32:3	MINIMUMS Maximums or Minimums (this index)
Statutory definition of incapacity, 32:8	MINISTERS SSI, earned income, 16:44
Testamentary capacity generally, 32:9 undue influence, determining, 10:6	MINNESOTA Elder victimization, abuse, and neglect. 4A:53

MINNESOTA—Cont'd

Health care instructions form, 33:51

MINORITY DISCOUNT

Terminally ill clients, 11:27, 11:46

MINORS

Children (this index)

MISAPPROPRIATION OF PROPERTY

Home care, hospices, and similar care alternatives, 22:36

MISCONDUCT

Age Discrimination in Employment Act, improper behavior, **35:79**

MISINFORMATION

Social Security Administration, effective period of applications for OASDI or SSI benefits, **18:19**

MISLEADING ADVERTISING

Continuing care facilities, continuing care retirement communities, and life care facilities, state regulation, 21:50

MISREPRESENTATION

Fraud and Misrepresentation (this index)

MISSISSIPPI

Durable power of attorney for health care, form, 33:52

Elder victimization, abuse, and neglect, **4A:54**

MISSOURI

Credit, discriminatory practices prohibited by state law, **35:198**

Durable power of attorney for health care, form, 33:53

Elder victimization, abuse, and neglect, **4A:55**

Life support, declaration regarding, form, **33:53**

MISTAKES OR ERRORS

Age Discrimination in Employment Act, good faith mistake, **35:77**

Corrections (this index)

Medicare (this index)

MISTAKES OR ERRORS—Cont'd

Railroad retirement benefits, recovery of erroneous payments of benefits, 20:121

Social Security Administration, allegations in complaints for disallowance of benefits, judicial review, **18:224**, **18:226**, **18:229**

MITIGATING DAMAGES

Age Discrimination in Employment Act, **35:59**, **35:135**

MOBILITY

Access and Mobility (this index)

MOBILITY ISSUES

Generally, 4:43 to 4:45

MODEL RULES OF PROFESSIONAL CONDUCT

Ethical issues, 3:7 et seq.

MODIFICATION

Amendment or Modification (this index)

MONEY

Cash or Money (this index)

MONITORING

Guardians and conservators, 34:45

MONTANA

Credit, discriminatory practices prohibited by state law, **35:199**

Education, discrimination, 35:208

Elder victimization, abuse, and neglect, **4A:56**

Health care decision-making, designee for, form, **33:54**

Life-sustaining treatment, declaration relating to use of, form, **33:54**

MONTHLY CASH BENEFITS

Veterans, disability compensation benefits, 17:10 to 17:20

MOOTNESS

Social Security Administration, judicial review, **18:193**

MORTGAGES

Real Property (this index)

MOTHERS AND FATHERS

Parents (this index)

MOTIONS

Age Discrimination in Employment Act (this index)

Guardians and conservators, prehearing motions, **34:19**

Social Security Administration (this index)

MOTIVE

Intent (this index)

MOTOR VEHICLES

Ambulance services, Medicare, **26:78, 27:12**

Driving, the older driver, 4:43 to 4:45

Medicare Catastrophic Coverage Act, exempt or excluded assets, 29:68

MOVING

Income (this index)

Real property planning, moving expenses, **7:4**

MRPC

Ethical issues, Model Rules of Professional Conduct, **3:7 et seq.**

MULTIDISCIPLINARY MATTERS

Evaluation of competence, guardians and conservators, **34:22**

Practice, ethical issues, MDP debate, 3:22

MULTIPLE MATTERS

Distributions from qualified retirement plans and IRAs, beneficiaries, 19:103, 19:104

Double or Doubling (this index)

Generation-Skipping Transfer Tax (this index)

Gifts, lifetime transfers planning, 9:23

Income tax planning, support agreement, **6:16**, **6:26**

Multidisciplinary practice (MDP) debate, ethical issues, **3:22**

MULTIPLE MATTERS—Cont'd

Railroad retirement benefits, reduction based on entitlement to multiple annuities, **20:89**

NAKED POWERS

Life insurance, 14:91

NAMING RESIDUAL BENEFICIARY

Special needs trusts, SSI rules relating to self-settled trusts, **16:164**

NARCOTICS

Drugs (this index)

NATIONAL ASSOCIATION OF PROFESSIONAL GERIATRIC CARE MANAGERS (NAPGCM)

Home care, hospices, and similar care alternatives, 22:16

NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM

Generally, 4:10

NATIONAL LABOR RELATIONS ACT

Employment discrimination, potential claims, **35:156**

NATIVE AMERICANS

Indians (this index)

NEBRASKA

Elder victimization, abuse, and neglect, **4A:57**

Health care powers of attorney, form, 33:55

NEEDS

Long-term and residential care facilities, needs of resident as limiting choice, 21:5

Special Needs Trusts (this index)
Supplemental Security Income
(SSI) (this index)

NEGLECT

Elder Victimization, Abuse, and Neglect (this index)

NEPHEWS AND NIECES

Wills, 10:37

NET UNREALIZED APPRECIATION

Income taxation, distributions from qualified retirement plans and IRAs, 19:138

NETWORKING

Attorneys, 2:23 to 2:26

NET WORTH

Financial planning, 5:20, 5:44

NEVADA

Durable power of attorney for health care decisions form, **33:56** Elder victimization, abuse, and

neglect, 4A:58

Withholding of life-sustaining treatment, forms, **33:56**

NEW APPLICATION NOT REQUIRED

Social Security Administration, OASDI or SSI benefits, **18:3**

NEW HAMPSHIRE

Advance directive; durable power of attorney and living will; disclosure statement, 33:57 Elder victimization, abuse, and neglect, 4A:59

NEW ISSUE

Social Security Administration, request to consider at administrative hearing, **18:121**

NEW JERSEY

Advance health care directives, **33:58** Education, discrimination, **35:209** Elder victimization, abuse, and neglect, **4A:60**

NEW MEXICO

Advance directive for mental health treatment, optional form, **33:89**

Advance health care directive, form, 33:59

Elder victimization, abuse, and neglect, **4A:61**

NEWSLETTERS

Attorneys, 2:22

NEW TRIALS

Age Discrimination in Employment Act, motions for new trial, 35:128

NEW YORK

Credit, discriminatory practices prohibited by state law, **35:200** Education, discrimination, **35:210** Elder victimization, abuse, and neglect, **4A:62** Health care proxy, form, **33:60**

NIECES AND NEPHEWS

Wills, 10:37

NIGERIAN MONEY (ADVANCE FEE) OFFERS

Consumer issues, 4:21

NO-FAULT INSURANCE

Medicare, 27:49 to 27:56

NON-ATTORNEY

REPRESENTATIVE

Social Security Administration (this index)

NONBINDING MEMORANDUM Wills, 10:50

NONCITIZEN SPOUSES Estates, 8:90 to 8:95, 19:184

Unified transfer tax system, 8:15, 8:16

NONDEDUCTIBLES

Deductions and Reductions (this index)

NONDESIGNATED PERSON

Social Security Administration, signing application for OASDI or SSI benefits, **18:6**

NONFORFEITURE BENEFITS

Long-term care insurance, 24:17

NONGIFT TRANSFERS

Lifetime transfers planning, 9:43 to 9:49

NONINCOME ITEMS

SSI, 16:35 to 16:40

NONINSTITUTIONAL CARE SITUATION

SSI, one-third reduction rule for inkind support and maintenance, 16:85

NONLIQUID RESOURCES

SSI, exclusion, 16:40

NON-MEDICAL SERVICES OFFERED

Continuing care retirement community, counseling prospective resident, **21:59**

Nursing facility, advising prospective resident, **21:42**

NON-PARTICIPANT BENEFITS

State and local retirement systems, 20:129

NONPROFIT

Charitable Matters (this index)

NON-PRO RATA DISTRIBUTIONS

Postmortem planning and administration, 12:48

NONRESIDENT

Residence and Residency (this index)

NONSERVICE-CONNECTED PENSION BENEFITS

Veterans, 17:48

NONSKILLED SERVICES

Medicare, 25:111

NONSPOUSES

Generally, 8:39, 19:229

NONTAXABLE MATTERS

Taxes and Taxation (this index)

NON-TAX DESIGN ISSUES

Special needs trusts, supplemental trusts, **16:115 to 16:124**

NORMAL RETIREMENT AGE

Vesting, nontax rules relating to qualified retirement plans, 19:57

NORTH CAROLINA

Elder victimization, abuse, and neglect, **4A:63**

Health care power of attorney, form, 33:61

Mental health treatment, advance instruction, form, **33:94**

Natural death, declaration of a desire for, form, **33:61**

NORTH DAKOTA

Durable power of attorney for health care, form, **33:62**

Elder victimization, abuse, and neglect, **4A:64**

NO-TAKERS PROVISION

Estate planning, 10:23

NOTICE

Age Discrimination in Employment

Act (this index)

Guardians and conservators, **34:18**, **34:34**

Life insurance, 14:86, 14:87

Medicaid (this index)

Medicare (this index)

Patients' rights, 23:32

Publication (this index)
Social Security Administration (this

index)

Survivor annuities, distributions from qualified retirement plans and IRAs, 19:194

United States civil service retirement system, overpayment, **20:45**

NUMBER OR AMOUNT

Accumulation (this index)

Age Discrimination in Employment Act, number of employees, **35:3**

Balance (this index)

Calculations and Computations

(this index)

Excess Amounts (this index)

Income (this index)

Increases or Decreases (this index)

Life insurance, 14:3

Long Term or Short Term (this index)

Lump Sums (this index)

NUMBER OR AMOUNT—Cont'd

Marital deduction, distributions from qualified retirement plans and IRAs, 19:182

Maximums or Minimums (this index)

Medicare (this index)

Multiple Matters (this index)

Partial or Total Matters (this index)

Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:74**

Qualified domestic relations orders, distributions from qualified retirement plans and IRAs, 19:206

Railroad retirement benefits, annuity, 20:81 to 20:90

Social Security Administration (this index)

Social Security (this index) SSI, benefits, 16:21 to 16:28

Two Years (this index)

Veterans (this index)

NURSING CARE OR SERVICES

Homes/facilities. **Nursing Homes/ Facilities** (this index)

Medicaid (this index)

Medicare (this index)

Skilled Nursing and Intermediate Care Facilities (this index)

NURSING HOME REFORM ACT OF 1987

Generally, 21:26 to 21:29

NURSING HOMES/ FACILITIES

Generally, 21:9 to 21:30

Abuse, neglect, or exploitation, patients' rights, 23:14, 23:45 to 23:49

Admission contract questions, advising prospective nursing facility resident, 21:39

Advising prospective nursing facility resident, **21:37 to 21:43**

Arbitration provisions in admissions agreements, 23:29

NURSING HOMES/ FACILITIES —Cont'd

Availability of loans and grants to build and improve nursing home facilities, 21:12

Benefits, Medicare and Medicaid nursing facility (NF) certification, 21:23, 21:24

Build nursing home facilities, availability of loans and grants to, 21:12

Certificates and certification

Medicare and Medicaid, nursing facility (NF) certification, 21:23 to 21:33

patients' rights, 23:50

Counseling prospective nursing facility resident, 21:37 to 21:43

Coverage, Medicaid nursing facility coverage, 21:25

Definitions

Medicaid nursing facilities, 21:29 Medicare skilled nursing facilities, 21:28

Development of nursing facility industry, 21:9 to 21:20

Disability discrimination, access to public accommodations, **36:89**

Express resident rights, Medicare and Medicaid nursing facility (NF) certification, 21:33

Federal matters

history of federal oversight, 21:16 to 21:20

Medicaid, 21:15, 21:23 to 21:33 Medicare, 21:15, 21:23 to 21:33

Social Security Act, infra

Financial considerations, Medicare and Medicaid nursing facility (NF) certification, 21:23, 21:25

General questions about facility, advising prospective nursing facility resident, 21:38

Grants to build and improve nursing home facilities, availability of, 21:12

History of federal oversight, **21:16 to 21:20**

Hospice benefit, Medicare and Medicaid nursing facility (NF)

NURSING HOMES/ FACILITIES —Cont'd

certification, 21:24

Improve nursing home facilities, availability of loans and grants to, 21:12

Income tax planning, **6:68**, **6:69**

Later amendments to Social Security Act, 21:13

Living unit questions, advising prospective nursing facility resident, 21:40

Loans to build and improve nursing home facilities, availability of, 21:12

Medicaid (this index)

Medical services offered, advising prospective nursing facility resident, 21:41

Medicare, 21:15, 21:23 to 21:33

Non-medical services offered, advising prospective nursing facility resident, **21:42**

Nursing Home Reform Act of 1987, **21:26 to 21:29**

Omnibus Budget Reconciliation Acts, 21:18 to 21:20, 21:26 to 21:29

Passage of statutes, 21:11, 21:15

Physician requirements, Medicare and Medicaid nursing facility (NF) certification, 21:32

Population, 1:5

Postmortem planning and administration, 12:41

Pre-1935 nursing homes, **21:10**

Pre-OBRA regulations, history of federal oversight, **21:17**

Prospective nursing facility resident, advising, 21:37 to 21:43

Questions, advising prospective nursing facility resident, 21:38 to 21:43

Regulations, history of federal oversight, **21:17**

Rights of residents

generally, 23:1 to 23:109

express resident rights, Medicare and Medicaid nursing facility (NF) certification, 21:33

NURSING HOMES/ FACILITIES —Cont'd

Rights of residents—Cont'd questions, advising prospective nursing facility resident, 21:43

Services

advising prospective nursing facility resident, questions regarding services offered, **21:41**, **21:42**

requirements, Medicare and Medicaid nursing facility (NF) certification, 21:30

Skilled nursing facilities, Medicare, 21:23, 21:28

Social Security Act

later amendments, 21:13

Medicaid, 21:15, 21:23 to 21:33

Medicare, 21:15, 21:23 to 21:33

passage in 1935, 21:11

Sources of federal nursing home reform law, 21:27

Staffing requirements, Medicare and Medicaid nursing facility (NF) certification, 21:31

Statutes

Nursing Home Reform Act of 1987, **21:26 to 21:29**

Omnibus Budget Reconciliation Acts, 21:18 to 21:20, 21:26 to 21:29

Social Security Act, supra 2010 health care reform, impact on nursing home transparency, 23:35

Veterans (this index)

OASDI

Social Security (this index)

OATH

Guardians and conservators, 34:38

OBAMACARE

Individual shared responsibility payment, **6:14**

OBERGEFELL vs HODGES

Transfer taxes, 8:20.50

OBJECTIONS

Social Security Administration, administrative hearings, 18:116 to 18:122

OBRA

Omnibus Budget Reconciliation Act (this index)

OBSERVATION

Medicare, 25:117, 25:158

OCCUPATIONAL THERAPY

Medicaid, 30:89 Medicare, 25:70, 25:131, 25:165, 25:168, 26:97

OFFENSES

Crimes and Offenses (this index)

OFFSET OF TAX REFUND

Social Security Administration, overpayment of OASDI or SSI benefits, 18:32

OHIO

Credit, discriminatory practices prohibited by state law, 35:201 Durable power of attorney for health care form, notice requirement,

Elder victimization, abuse, and neglect, 4A:65

OKLAHOMA

33:63

Advance directive for mental health treatment, form, 33:95 Do not resuscitate order, 33:109 Elder victimization, abuse, and neglect, 4A:66 Health care directive form, generally, 33:64

OLDER AMERICANS ACT

Generally, **4:1 to 4:12** Administration, **4:3** Background, 4:1 Funding of Older Americans Act programs, 4:4 Home care, hospices, and similar care alternatives, Title III, 22:39 Legal assistance, 4:8 Mandatory programs, 4:6

OLDER AMERICANS ACT

—Cont'd

National Family Caregiver Support Program, **4:10**

Non-mandatory programs, 4:7

Programs

development of programs, 4:5 funding of Older Americans Act programs, 4:4

legal assistance, 4:8

mandatory programs, 4:6

National Family Caregiver Support Program, **4:10**

non-mandatory programs, 4:7

overview, 4:6

senior centers, 4:9

Title III programs, 4:8

Title III services, **4:9, 4:10**

Titles IV through VII, 4:11

Restrictions on AAAs, 4:5

Senior centers, 4:9

Title III, 4:8, 4:9, 4:10, 22:39

Titles IV through VII, 4:11

OMBUDSMAN

Patients' rights, state long-term care ombudsman programs, 23:51 Patients' rights, state ombudsman programs, 13:51

OMNIBUS BUDGET RECONCILIATION ACTS

Apportionment and cure of asset transfer penalty after OBRA 93, 29:97

Asset transfer penalties

generally, 29:88 et seq.

actions not treated as transfers under OBRA, 29:93 to 29:96

apportionment and cure of penalty after OBRA 93, 29:97

jointly-owned property, 29:95

look-back period after OBRA 93, 29:88

Pre-Deficit Reduction Act of 2005, 29:83

Fines and penalties. Asset transfer penalties, supra

OMNIBUS BUDGET RECONCILIATION ACTS

—Cont'd

Impact of Omnibus Budget Reconciliation Act on Medicaid, 29:85

Jointly-owned property, asset transfer penalties, **29:95**

Medicare supplemental insurance (MEDIGAP), **24:27**

Nursing homes/facilities, 21:18 to 21:20, 21:26 to 21:29

Patients' rights, 23:9

Penalties. Asset transfer penalties, supra

Renal disease health plans as excluding Medicare coverage, COBRA exception, 27:60

Special needs trusts, 16:92 to 16:95

Special valuation rules for transfer taxes, **8:206**, **8:207**

Transfer taxes, **8:14**, **8:206**, **8:207** Unified transfer tax system, **8:14**

ONE-THIRD

Supplemental Security Income (SSI) (this index)

ONLINE AUCTIONS

Consumer issues, 4:31

ON-THE-RECORD DECISION

Social Security Administration, administrative hearing, **18:139**

OPENING AND CLOSING

Age Discrimination in Employment Act, opening and closing arguments, **35:120**, **35:124**

Attorney or assistance of counsel, generally, **2:17**

Postmortem planning and administration, **12:49**

Reopening and Revision (this index)

Social Security Administration administrative hearing, opening statement of administrative law judge, **18:147**

Wills, 10:46, 10:73

OPERATING EXPENSES OF HOUSEHOLD

SSI, one-third reduction rule for inkind support and maintenance, 16:84

OPHTHALMOLOGISTS AND OPTOMETRISTS

Medicaid, 30:51

Medicare, 26:66, 27:82

OPINION EVIDENCE

Expert and Opinion Evidence (this index)

OPPOSITION TO DISMISSAL MOTION

Social Security Administration, affidavit, **18:213**

OPTIONAL COVERAGE GROUPINGS

Medicaid, 29:18 to 29:30

OPTIONS

Alternatives, Options or Variations (this index)

ORAL MATTERS

Home health care, Medicare, verbal orders, **25:148**

Social Security Administration (this index)

ORDERS

As to directives. **Directives** (this index)

Judgments, Decrees and Orders (this index)

ORDINARY INCOME

Taxation, distributions from qualified retirement plans and IRAs, 19:108 to 19:110

OREGON

Advance directive form, **33:65**Death with Dignity Act request form, **33:65**

Education, discrimination, **35:211** Elder victimization, abuse, and neglect, **4A:67**

Medicare, 27:56

OREGON—Cont'd

Mental health treatment declaration, form, 33:96

ORGAN DONORS

Anatomical Gifts (this index)

ORGANIZATIONS

Associations and Organizations (this index)

ORGAN TRANSPLANTS

Anatomical Gifts (this index) **Transplants** (this index)

ORTHOPEDIC DEVICES

Medicare, 26:99, 27:84

OUTPATIENTS

Medicaid, outpatient hospital services, 30:21, 30:22

Medicare, 26:85, 26:86, 26:93 to 26:102

Veterans, health care benefits, 17:30, 17:40, 17:41

OUTRIGHT ASSET TRANSFERS

Life insurance, 14:76

OUTRIGHT BEQUESTS

Generation-skipping transfer tax, 8:190

OUTRIGHT GIFT

Income tax planning, 6:53

OVERDUE OR PAST DUE

Premiums, Medicare, 26:50 to 26:55 Social Security Administration, attorney's fees under Social Security Act from past-due benefits, 18:56, 18:74 to 18:77

OVERPAYMENTS

Medicare, 27:38, 27:48, 28:36 to 28:42

Social Security Administration, OASDI or SSI benefits, 18:30 to 18:39

United States civil service retirement system, 20:45 to 20:47

Veterans (this index)

OVERSIGHT

Nursing homes/facilities, history of federal oversight, 21:16 to

Special needs trusts, oversight of trustee. 16:116

OVERVIEW OF ELDER LAW

Generally, 1:1 to 1:18

Age discrimination, 1:16

Aging of American population, 1:2 to 1:6

Attitude of attorney toward elders, 1:16

Attorney or assistance of counsel, 1:7 et seq.

Bias of attorney toward elders, 1:16

Biology of aging, 1:17

Demographics of elder population,

1:2 to 1:6

Elders living alone, 1:4

Estate planning, 1:12

Ethical issues, 1:8

Financial planning, 1:9

Growth of elder population, 1:2 to 1:6

Health care needs planning, 1:13

Identification of elderly, 1:3

Incapacity, providing for future, 1:15

Income tax planning, 1:11

Low-income clients, 1:14

Medicaid, 1:14

Medical costs planning, 1:6, 1:13

Nursing home population, 1:5

Prejudices of attorney, 1:16

Private pension plans, 1:10

Pro bono services, 1:14

Psychology of aging, 1:17

Public pensions, 1:10

Real property planning, 1:12

Retirement planning, 1:10

Social Security, 1:10

Sociology of aging, 1:17

Supplemental security income benefits, 1:14

OWNERSHIP

Title and Ownership (this index)

PAP SMEARS

Medicare exclusions, 27:7

PARENT CORPORATIONS

Age Discrimination in Employment Act, liability of parent corporation, **35:5**

PARENTS

For correlative topic, see **Children** (this index)

Grandparents. **Grandparents and Grandchildren** (this index)

Kinship caregivers, parental preference doctrine, 37:12

Lifetime transfers planning, **9:46** Medicare, mother's or father's benefits, **25:12**

Predeceased parent rule, generationskipping transfer tax, **8:135**, **8:160**

SSI unearned income exclusion, onethird of support from absent parent, **16:73**

PAROL MATTERS

Oral Matters (this index)

PART A OR B

Medicare (this index)

PART C

Medicare Advantage (MA) Program (this index)

PART D

Medicare (this index)

PARTIAL OR TOTAL MATTERS

Generation-skipping transfer tax, **8:138**

Postmortem planning and administration, 12:8, 12:10

Qualified retirement plans and IRAs, partial rollovers, **19:157**, **19:158**

Special needs trusts, distribution provisions, totally discretionary trust, **16:111**

Veterans' pension benefits, total and permanent disability, 17:24

PARTIES

Grandparents' rights, 37:28, 37:34

PARTIES—Cont'd

Guardians and conservators, interested parties, **34:26**

Intervention (this index)

Social Security Administration (this index)

Standing

continuing care facilities, continuing care retirement communities, and life care facilities, financial standing, **21:47**

Social Security Administration, judicial review, **18:215 to 18:217**

Third Persons or Parties (this index)

PARTNERSHIPS

Disposing of businesses, 13:62, 13:63

Lifetime transfers planning, 9:33 to 9:42

Postmortem planning and administration, 12:12 to 12:14, 12:33, 12:34

Special Valuation Rules for Transfer Taxes (this index)

Terminally ill clients, 11:26, 11:27, 11:46

PART-TIME HOME HEALTH CARE SERVICES

Medicare, 25:156, 25:171

PASSAGE OF STATUTES

Nursing homes/facilities, 21:11, 21:15

PASSING REQUIREMENT FOR MARITAL DEDUCTION

Federal estate tax, 8:67 to 8:70

PAST DUE

Overdue or Past Due (this index)

PATERNAL SUPERVISION OF COURT

Guardians and conservators, 34:25

PATIENT PROTECTION AND AFFORDABLE CARE ACT

Individual shared responsibility payment, **6:14**

PATIENTS

Inpatients. **Medicare** (this index) **Outpatients** (this index)

PATIENT SELF-DETERMINATION ACT

Health care, right to control personal decisions, 33:10

PATIENTS' RIGHTS

See also more specific entries throughout this index

PAYMENT

Disposing of Businesses (this index) **Generation-Skipping Transfer Tax** (this index)

Gift tax, 8:55

Installment Sales and Payments (this index)

Medicaid (this index)

Medicare Advantage (MA) Program, private fee-for-service plans, prompt payment to enrollees in, 26A:89

Medicare (this index)

Overpayments (this index)

Pensions and Retirement (this index)

Qualified domestic relations orders, distributions from qualified retirement plans and IRAs, 19:204, 19:205

Refund or Reimbursement (this index)

Representative Payee or Payments (this index)

Social Security Administration (this index)

Social Security (this index)

Supplemental Security Income (SSI) (this index)

Underpayments (this index)

Veterans (this index)

Wills, payable on death (POD) accounts as substitute for will, 10:125

PECUNIARY BEQUEST

Income taxation, distributions from qualified retirement plans and

PECUNIARY BEQUEST—Cont'd IRAs, 19:146, 19:147

PENALTIES

Fines, Penalties and Forfeitures (this index)

PENDENT JURISDICTION

Age Discrimination in Employment Act, pendent jurisdiction over state claims, **35:108**

PENNSYLVANIA

Do not resuscitate orders, **33:110** Durable health care power of attorney, **33:66**

Education, discrimination, **35:212** Elder victimization, abuse, and neglect, **4A:68**

Health care treatment instructions, **33:66**

PENSIONS AND RETIREMENT

Actions and proceedings

federal employees' retirement system, **20:48 to 20:50**

railroad retirement benefits, entitlement proceedings, 20:95 to 20:121

United States civil service retirement system, **20:39 to 20:47**

Administration

railroad retirement benefits, **20:67** state and local retirement systems, **20:124**

Administrative review

federal employees' retirement system, **20:50**

railroad retirement benefits, entitlement proceedings, 20:111 to 20:114

United States civil service retirement system, **20:44**

Age

Age Discrimination in Employment Act, **35:14**, **35:32**

Railroad Retirement Benefits (this index)

United States civil service retirement system, **20:6 to 20:11**

PENSIONS AND RETIREMENT	PENSIONS AND RETIREMENT
—Cont'd	—Cont'd
Annuities	Benefits—Cont'd
computation of annuities, infra	Railroad Retirement Benefits
disability annuity	(this index)
federal employees' retirement system, 20:37 , 20:38	state and local pension funding, 20:131
railroad retirement benefits, 20:69, 20:70	state and local retirement systems, 20:127 to 20:131
United States civil service retirement system, 20:11 to 20:13	United States civil service retirement system, 20:1 to 20:18, 20:39 to 20:47
federal employees' retirement system, 20:19 to 20:38, 20:48 to 20:50	veterans, pension benefits, 17:21 to 17:28, 17:48, 20:51 to 20:66
railroad retirement benefits, 20:67	Boards
to 20:121	Railroad Retirement Board,
supplemental annuity, infra survivor annuity, infra	administrative review, 20:113, 20:114
United States civil service retire-	Veterans' retirement benefits,
ment system, 20:1 to 20:18,	20:64
20:39 to 20:47	Calculation. Computation of annuities, infra
Appeal and review	Cancellation or termination
administrative review, supra	Railroad Retirement Benefits
federal employees' retirement	(this index)
system, 20:50	United States civil service retire-
military retirement, 20:64 to 20:66	ment system, payment of
railroad retirement benefits, entitle-	annuity, 20:17
ment proceedings, 20:111 to 20:115	Computation of annuities
United States civil service retire-	federal employees' retirement
ment system, 20:40, 20:41,	system, 20:31 , 20:32
20:44, 20:46, 20:47	railroad retirement benefits, 20:81 to 20:84
Applications	United States civil service retire-
federal employees' retirement	ment system, 20:12, 20:13
system, 20:49	Continuing Care Facilities,
railroad retirement benefits, 20:95	Continuing Care Retirement
to 20:110	Communities, and Life Care
United States civil service retire-	Facilities (this index)
ment system, 20:42, 20:43	Contributions
Assignment of benefits	Federal Employees' Retirement
federal employees' retirement	System (this index)
system, 20:48	state and local retirement systems,
railroad retirement benefits,	20:125
20:119, 20:120	United States civil service retire-
Benefits assignment of benefits, supra	ment system, 20:2 Credits and crediting
federal employees' retirement	federal employees' retirement
system, 20:19 to 20:38, 20:48	system, creditable service,
to 20:50	20:27

PENSIONS AND RETIREMENT —Cont'd

Credits and crediting—Cont'd
United States Civil Service
Retirement System (this index)

Date. Time or date, infra

Death

Railroad Retirement Benefits

(this index)

survivor annuity, infra

Decisions. Determinations or decisions, infra

Deductions and reductions

federal employees' retirement system, basic annuity, **20:25**, **20:32**

railroad retirement benefits, amount of annuity, 20:85 to 20:90

United States civil service retirement system, **20:2, 20:13**

Deferred matters

annuity, United States civil service retirement system, **20:10**

retirement, federal employees' retirement system, **20:29**

Determinations or decisions

initial determinations or decisions, infra

Railroad Retirement Benefits (this index)

United States Civil Service Retirement System (this index)

Disability

annuities, supra

United States Civil Service Retirement System (this index)

Disposing of businesses, **13:5** Distributions, plans and accounts,

19:1 et seq.

Early retirement, 19:44

Eligibility

federal employees' retirement system, basic annuity, **20:28** to **20:30**

PENSIONS AND RETIREMENT —Cont'd

Eligibility—Cont'd railroad retirement benefits, **20:68** to **20:80**

Employee Retirement Income Security Act (this index)

Federal Employees' Retirement System (this index)

Health benefits, 24:40

Immediate retirement

federal employees' retirement system, eligibility for basic annuity, **20:28**

United States civil service retirement system, annuity, 20:7, 20:9

Individual Retirement Accounts (this index)

Initial determinations or decisions railroad retirement benefits, administrative review, **20:111**

United States civil service retirement system, **20:40**, **20:47**

Judicial review. Appeal and review, supra

Loans treated as distributions, taxation, **19:109**, **19:110**

Local retirement systems, 20:122 to 20:130

Lump sums

federal employees' retirement system, lump sum benefit, 20:23

railroad retirement benefits, **20:76**, **20:84**

United States civil service retirement system, lump sum credit, 20:3

Mandatory separation

federal employees' retirement system, basic annuity, **20:26**

United States civil service retirement system, immediate retirement annuity, **20:9**

Nontax rules relating to qualified retirement plans, benefit payments, 19:39, 19:41

Overview of elder law, 1:10

PENSIONS AND RETIREMENT

—Cont'd	—Cont'd
Payment or payments	Spouses—Cont'd
federal employees' retirement	military retirement, 20:60, 20:63
system, annuity, 20:24	Railroad Retirement Benefits
Railroad Retirement Benefits	(this index)
(this index)	State retirement systems, 20:122 to
United States Civil Service	20:130
Retirement System (this	
index)	Supplemental annuity
	federal employees' retirement
Phased retirement, age and service	system, 20:22
requirements, 20:8	railroad retirement benefits, 20:71 ,
Plans	20:88
distributions, 19:1 et seq.	Supplemental Security Income
loans treated as distributions, taxa-	(SSI) (this index)
tion, 19:109, 19:110	Survivor annuity
private pension plans, 1:10	federal employees' retirement
Private health insurance, 24:40	system, 20:35 , 20:36
Proceedings. Actions and proceed-	railroad retirement benefits, 20:74
ings, supra	to 20:76, 20:83
Public pensions, 1:10, 20:1 to 20:131	United States civil service retire-
Qualification. Eligibility, supra	
Railroad Retirement Benefits (this	ment system, 20:4
`	Taxation of distributions from quali-
index)	fied retirement plans. Income
Reconsideration	(this index)
railroad retirement benefits,	Terminally ill clients, 11:57
administrative review, 20:112	Termination. Cancellation or termina-
United States civil service retire-	tion, supra
ment system, 20:40 , 20:46	Time or date
Recovery	deferred matters, supra
earning capacity, federal employ-	Railroad Retirement Benefits
ees' retirement system, 20:38	
erroneous payments of benefits,	(this index)
railroad retirement benefits,	United States Civil Service Retire-
20:121	ment System (this index)
	Veterans, pension and retirement
overpayments, United States civil	benefits, 17:21 to 17:28, 17:48,
service retirement system, 20:45 to 20:47	20:51 to 20:66
	Waiver
Reductions. Deductions and reduc-	annuity, railroad retirement
tions, supra	benefits, 20:117
Review. Appeal and review, supra	overpayment, United States civil
Separation	service retirement system,
Federal Employees' Retirement	20:46
System (this index)	Work
mandatory separation, supra	
Social Security (this index)	federal employees' retirement
• • • • • • • • • • • • • • • • • • • •	system, creditable service,
Spouses	20:27
Federal Employees' Retirement	Railroad Retirement Benefits
System (this index)	(this index)

PENSIONS AND RETIREMENT

PENSIONS AND RETIREMENT —Cont'd

Work—Cont'd

United States civil service retirement system, **20:5 to 20:11**

PERCENTAGE TESTS

Postmortem planning and administration, **12:16**

PERIODIC PAYMENTS

Penalty taxes on premature distributions of qualified retirement plans and IRAs, 19:63 to 19:65

PERMANENT OR TEMPORARY MATTERS

Fixed Matters (this index)

Guardians and Conservators (this index)

Home care, hospices, and similar care alternatives, temporary assistance to needy families, **22:32**

Itemized deductions, temporary elimination of the phase out of itemized deductions, **6:10**

Life insurance policies, valuation, 14:50 to 14:52

Medicaid, temporary absences from care facilities, **30:48**

Personal exemption, temporary elimination of, **6:9**

Railroad retirement benefits, proof in applying for benefits of permanent residence of employee, **20:106**

Veterans' pension benefits, permanent and total disability, 17:24

PERMISSION

Consent or Permission (this index)

PERMITS

Licenses or Permits (this index)

PERSONAL MATTERS

Appearance at administrative hearing, Social Security Administration, **18:136 to 18:138**

Care services

home care, hospices, and similar care alternatives, 22:4, 22:22, 30:71

PERSONAL MATTERS—Cont'd

Care services—Cont'd Medicaid, 30:71, 30:96

Medicare, 25:121

Comfort items and services, Medicare, **27:87**

Exemptions, income, **6:1**, **6:6**, **6:9**, **6:15**, **6:16**

Home care, hospices, and similar care alternatives, **22:4**, **22:22**

Injury awards. **Special Needs Trusts** (this index)

Medicaid, personal care services, 30:71, 30:96

Medicare, personal care services, **25:121**

Representative. **Executors** (this index)

Residence and Residency (this index)

Tangible or intangible personal property, wills, 10:48 to 10:50, 10:53

PER-STIRPES OR PER CAPITA DISTRIBUTION

Wills, 10:22, 10:37

PETITIONS

Applications, Petitions or Requests (this index)

PHARMACY SERVICES

Veterans, health care benefits, 17:39, 17:40

PHASEOUT PERCENTAGES

Income tax planning, 6:49

"PHISHING" AND "PHARMING"

Consumer issues, 4:26

PHYSICAL EXAMINATIONS

Disability discrimination, preemployment screening, **36:46** Medicare, **27:88**

PHYSICAL IMPAIRMENT

Disability or Handicap (this index)

PHYSICAL THERAPY

Medicaid, 30:89

PHYSICAL THERAPY—Cont'd Medicare, 25:69, 25:131, 25:163, 26:97

PHYSICIANS

Assistants' services, 26:83

Health Care Directives (this index)

Health Care Proxy Declaration Forms (this index)

Life sustaining treatment, physician's order for, 33:14

Medicaid (this index)

Medicare (this index)

Nursing facility (NF) certification, Medicare and Medicaid, 21:32

PICK-UP TRUST

Drafting and execution of simple will. 10:60

PLACE OR LOCATION

Generation-skipping transfer tax, 8:185

Postmortem planning and administration, 12:2

Social Security Administration (this index)

Venue (this index)

PLANNING TOOLS FOR HEATH CARE DECISION MAKING

Generally, 33:7 et seq.

Do Not Resuscitate Orders (this index)

Evolution of the right to self-determination regarding health care, 33:8

Health Care Directives (this index)

Health Care Proxy Declaration Forms (this index)

Living Wills (this index)

State law, importance of, 33:12

Terminology, 33:11

Uniform Health-Care Decisions Act (this index)

PLANS AND PLANNING

Defined Benefit or Contribution Plans (this index)

PLANS AND PLANNING—Cont'd

Distributions from qualified retirement plans and IRAs, 19:1 et seq.

Employee Stock Ownership Plans (this index)

Estates (this index)

Federal employees' retirement system, thrift savings plan, 20:33, 20:34

Financial Planning (this index)

401(k) plans, distributions from qualified retirement plans and IRAs, 19:30, 19:43

Generation-skipping transfer tax, 8:190 to 8:201, 8:312, 12:10

Home care, hospices, and similar care alternatives, 22:20

Incapacity, 10:6, 10:45

Income (this index)

Life Insurance (this index)

Lifetime Transfers Planning (this index)

Medicaid, 30:38

Medicare (this index)

Pensions and Retirement (this index)

Postmortem Planning and Administration (this index)

Real Property (this index)

SSI, unearned income exclusion of income used to fulfill plan of self-support, 16:74

Thrift Plans (this index)

Tools for health care decisions. Planning Tools for Heath Care **Decision Making** (this index)

Unified transfer tax system, 8:1

POINT OF SERVICE (POS) OPTION

Medicare Advantage (MA) Program, special rules, 26A:42

POOLED INCOME FUND

Federal gift tax, 8:50

POOLED TRUST

Special needs trusts, exempt selfsettled trusts. 16:155 to 16:158

POOR PERSONS

Medicare, 27:9
Overview of elder law, 1:14
Social Security Administration,
judicial review, in forma pauperis motion, 18:196

PORTABILITY OF BENEFITS

State and local retirement systems, **20:130**

POST-ADMISSION

Long-term and residential care facilities, ensuring continued quality of care, 21:8

POSTHEARING CONFERENCE

Social Security Administration, administrative review, **18:128**, **18:129**

POSTINGS

Age Discrimination in Employment Act, estoppel for failure to post notice of ADEA rights, **35:98**

POST-JUDGMENT INTEREST

Age Discrimination in Employment Act, **35:142**

POSTMORTEM PLANNING AND ADMINISTRATION

Generally, 12:1 to 12:50

Accountings of assets, **12:43**, **12:44**Adjustments to inventory, **12:44**

Alien spouse, qualified domestic trust election, 12:19

Alternates, options and elections tax elections, 12:3 et seq. valuation date, 12:3 to 12:5

Annual accountings of assets, 12:43, 12:44

Attribution and constructive ownership rules, closely held business, 12:34

Bankruptcy proceedings, disclaimers, 12:27

Bond of personal representative, **12:42**

Checklists, 12:39, 12:50

Closely held stock, redemption, 12:28 to 12:35

POSTMORTEM PLANNING AND ADMINISTRATION—Cont'd

Closing of estate, 12:49

Conflicts of interest, QTIP election, 12:9

Constructive ownership rules, closely held business, **12:34**

Costs of estate administration, tax election as to deduction, 12:25

Credit shelter trust, tax elections, 12:8, 12:27

Data collection, 12:2

Date. Time or date, infra

Debt payment, administration of estate, 12:46

Deduction of administration costs, tax election as to, 12:25

Deferring tax liability, **12:31 to 12:36** Depreciation of estate, alternate valu-

ation date, 12:3

Direct skip, QTIP election, 12:10

Disclaimers, 12:26, 12:27

Distribution to beneficiaries, 12:37, 12:38, 12:47, 12:48

Estates

administration, 12:40 to 12:50 planning, overview, 10:3 tax elections, 12:3 et seq.

Exception to qualified disclaimer, **12:26**

Fair market value, 12:2, 12:12, 12:15, 12:38

Filing tax returns, 12:45

Fiscal year timing, tax elections, 12:21, 12:22

Generation-skipping transfer tax, 8:199 to 8:201, 12:10

Income tax consequences of distribution to beneficiaries, 12:38

Interest on U.S. savings bonds, tax election as to, 12:23

Interim distributions, administration of estate, 12:47, 12:48

Inventory of assets of estate, 12:43, 12:44

Joint income tax return, 12:20

Jurisdiction, probating of will, 12:41

Limitation on ability to elect alternate valuation date, **12:4**

POSTMORTEM PLANNING AND	POSTMORTEM PLANNING AND
ADMINISTRATION—Cont'd	ADMINISTRATION—Cont'd
Lists, 12:2, 12:37	Taxes and taxation
Location of assets, preliminary step,	checklist, 12:39
12:2	disclaimers, 12:26, 12:27
Marital deduction, 12:4, 12:7, 12:27	elections, 12:3 et seq.
Medical expenses, tax elections, 12:24	redemption of closely held stock, 12:28 to 12:30
Non-pro rata distributions,	terminations, QTIP election, 12:10
administration of estate, 12:48	Technical and Miscellaneous Reve-
Nursing home resident, jurisdiction for probating will, 12:41	nue Act of 1988, qualified domestic trust, 12:18
Partial QTIP election, 12:8, 12:10	Time or date
Partnership elections, 12:12 to 12:14, 12:33, 12:34	deferring tax liability, 12:31 to 12:36
Percentage tests, special use valua-	distribution to beneficiaries, 12:37
tion election, 12:16	medical expenses, 12:24
Power of appointment, 12:6 , 12:27	percentage tests, 12:16
Preliminary steps, 12:2	qualified disclaimer, 12:26
Probate of will, 12:41	recapture of tax, 12:17
Qualification or qualified	redemption of closely held stock, 12:29, 12:30
disclaimer, 12:26	special use valuation, 12:16, 12:17
domestic trust election, 12:19	valuation date, 12:2 to 12:5
family-owned business interest	U.S. savings bonds, tax election as to
deduction, 12:18	interest, 12:23
personal representative, 12:42	Valuation
terminable interest property, 12:6	date, 12:2 to 12:5
to 12:10	fair market value, 12:2, 12:12,
Qualified family-owned business interest deduction, 12:18	12:15, 12:38
Recapture of tax, special use valua-	special use valuation, 12:15 to
tion election, 12:17	12:17
Redemption of closely held stock,	Wills, administration of estate, 12:41
12:28 to 12:30	POSTNUPTIAL MARITAL
Refusal to accept interest, qualified	AGREEMENTS
disclaimer, 12:26	Terminally ill clients, 11:19
Remarriage of surviving spouse, tax elections, 12:20	POSTPONEMENT
Revenue Reconciliation Act of 1989, qualified domestic trust, 12:18	Deferral, Delay or Postponement (this index)
Reverse QTIP election, 12:10	POUR-OVER PROVISIONS
Savings bonds, interest, 12:23	Wills, 10:43 to 10:45
Schedule of distribution to beneficia-	,
ries, 12:37	POVERTY
S corporation tax elections, 12:11	Poor Persons (this index)
Settlement of claims, administration	POWER
of estate, 12:46	Authority and Authorization (this
Special use valuation, 12:15 to 12:17	index)

POWERS OF APPOINTMENT

Estates, **8:77 to 8:81, 8:86, 8:116 to 8:119**

Postmortem planning and administration, 12:6, 12:27

Special needs trusts, testamentary power of appointment, **16:136** Terminally ill clients, **11:12** Wills, **10:56**

POWERS OF ATTORNEY

Abuse, neglect, and victimization of elders, **4A:15.50**

Durable Power of Attorney (this index)

Health Care Powers of Attorney (this index)

Mental health care power of attorney, form, Arizona, **33:80**

Terminally ill clients, **11:6**, **11:7**, **11:45**

PREDECEASED PARENT RULE

Generation-skipping transfer tax, 8:135, 8:160

PRE-EMPLOYMENT SCREENING

Disability Discrimination (this index)

PRE-EXISTING CONDITIONS

MEDIGAP (Medicare supplemental insurance) pre-existing condition waiting period, **24:35**

PREFERENCES AND PRIORITIES

Financial planning, 5:38

Medicare Advantage (MA) program, priority acceptance when capacity limit is determined, **26A:28**

Social Security Administration, preferred evidence to support of claim for OASDI benefits, **18:22**

PREHEARING MATTERS

Guardians and conservators, motions and discovery, **34:19**

Social Security Administration, administrative review, **18:127 to 18:129**

PREJUDGMENT INTEREST

Age Discrimination in Employment Act, **35:141**

PREJUDICE

Bias or Prejudice (this index)

PRELIMINARY MATTERS

Initial or Preliminary Matters (this index)

PREMATURE DISTRIBUTIONS

Qualified retirement plans and IRAs, 19:60 to 19:79, 19:135, 19:151, 19:215

PREMIUM HEALTH INSURANCE

Medicare, effective date of transfer from HMO or CMP, **25:39**

PREMIUMS

Disposing of Businesses (this index) **Life Insurance** (this index)

Long-term care insurance, ability to pay premiums, 24:8

Medicare (this index)

PRENUPTIAL MARITAL AGREEMENTS

Terminally ill clients, 11:19

PRERETIREMENT SURVIVOR ANNUITIES

Distributions from qualified retirement plans and IRAs, **19:190 to 19:192**

PRESCRIPTION DRUGS

Drugs (this index)

PRESENCE

Absence or Presence (this index)

PRESENTATION OR PRESENTMENT

Social Security Administration (this index)

PRESENT INTEREST RULE

Federal gift tax, 8:31 to 8:33

PRESUMPTIONS AND BURDEN OF PROOF

Age Discrimination Act, 35:232, 35:233

PRESUMPTIONS AND BURDEN OF PROOF—Cont'd

Age Discrimination in Employment Act, **35:15 to 35:22**

Attorneys, presumption of client's capacity, **2:6**

Grandparents' rights, 37:26, 37:29, 37:31

Medicaid, asset transfer, presumption of penalty, **29:98**

Mental capacity or condition, attorneys' presumptions as to clients' capacity, **2:6**

Real Property (this index)

Social Security Administration, death presumption, allegation in complaint for disallowance of benefits, judicial review, **18:229**

Social Security (this index)

Veterans, entitlement to disability compensation benefits, **17:15**

PRETRIAL ORDERS AND PROCEEDINGS

Age Discrimination in Employment Act, **35:61**

PREVENTIVE SERVICES

Medicaid, 30:91

Medicare, 26:66.50, 26:66.70

PREVIOUS MATTERS

Prior, Previous or Former Matters (this index)

PRINCIPAL RESIDENCE

Residence and Residency (this index)

PRIOR, PREVIOUS OR FORMER MATTERS

Distributions from qualified retirement plans and IRAs, prior marriage, **19:208**, **19:227**

Estate taxes, prior transfers, 8:101

Ethical issues, former or current clients, **3:18**

Federal employees' retirement system, former spouse annuity, **20:36**

Generation-skipping transfer tax, prior transfer of property, **8:153**

PRIOR, PREVIOUS OR FORMER MATTERS—Cont'd

Medicare (this index)

Military retirement system, survivor benefits for former spouse, 20:63

Social Security Administration, letter requesting consolidation of prior filings, **18:141**

Special valuation rules for transfer taxes, prior law, **8:202 to 8:205**

PRIORITIES

Preferences and Priorities (this index)

PRISONS

Imprisonment (this index)

PRIVACY

Health care directives, Health Insurance Portability and Accountability Act of 1996, **33:20**

Living trusts, reasons supporting creation of, **10:45**

Medicaid, privacy safeguards, 31:40 to 31:42

Patients' rights, 23:15

PRIVATE MATTERS

For correlative topic, see **Public Matters** (this index)

Age Discrimination in Employment Act, coverage of private employers, **35:3**

Annuities, lifetime transfers planning, 9:50 to 9:54

Disability discrimination, private club as exempt from compliance with access to public accommodations regulations, 36:79

Health insurance, 24:1 et seq.

Home care, hospices, and similar care alternatives, insurance, **22:41**, **22:44**

Insurance

financial considerations, private long-term care insurance, 21:36

health insurance, 24:1 et seq.

PRIVATE MATTERS—Cont'd

Insurance—Cont'd home care, hospices, and similar care alternatives, 22:41, 22:44

veterans, health care benefits, 17:34

Medicaid, private duty nursing services, optional services provided by, **30:87**

Medicare (this index)

Social Security Administration, private organization obtaining judicial review, **18:217**

PRIZE OFFERS

Consumer issues, 4:16

PRIZES AND AWARDS

Awards and Prizes (this index)

PROBATE

Guardians and conservators, Uniform Probate Code, **34:3**

Postmortem planning and administration, 12:41

Wills, 10:35

PRO BONO SERVICES

Generally, 1:14

PROCEEDINGS

Actions and Proceedings (this index)

PROCEEDS

Federal estate tax, **8:120 Life Insurance** (this index)

PRODUCTION OF DOCUMENTS

Age Discrimination in Employment Act, requests for production of documents, **35:112**

PROFESSIONAL CONDUCT AND RESPONSIBILITY CODES

Ethical issues, 3:7 et seq.

PROFESSIONAL GUARDIANS

Generally, 34:36

PROFILES

Abuse, neglect, and victimization of elders, profile of perpetrator, 4A:14

PROFILES—Cont'd

Financial planning, **5:10**, **5:49 to 5:51**

PROFITS

Nonprofit (this index)

Sharing plans, distributions from qualified retirement plans and IRAs, 19:28, 19:42

PROGRAMS

Mandatory Services or Programs (this index)

Older Americans Act (this index)

Special needs trusts do not impact all public benefits, **16:98 to 16:103**

Utility assistance programs, **4:47** Veterans, disability compensation

benefits, 17:18 to 17:20

PROLONGATION OF LIFE

Terminally ill clients, 11:8

PROMISSORY ESTOPPEL

Employment discrimination, 35:166

PROMOTIONS

Age Discrimination in Employment Act, **35:29**

PROOF

Evidence (this index)

Presumptions and Burden of Proof (this index)

PROPERTY

Community Property (this index)

Federal estate tax, 8:57 to 8:60

Home care, hospices, and similar care alternatives, Medicaid protections, **22:36**

Qualified Terminable Interest

Property (this index)

Real Property (this index)

Rental Property and Rents (this index)

Tangible or intangible personal property, wills, 10:48 to 10:50, 10:53

Terminally ill clients, 11:6, 11:24

PROPOSED REVISION OF DETERMINATION NOTICE

Social Security Administration, administrative review, **18:187**

PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES

SSI, one-third reduction rule for inkind support and maintenance, 16:84

PROSPECTIVE MATTERS

Advance or Future Matters (this index)

PROSTATE CANCER SCREENING

Medicare coverage, 26:72

PROSTHETIC DEVICES

Medicaid, **30:110** Medicare, **26:87**

PROTECTING AMERICANS FROM TAX HIKES ACT OF 2015

Distributions from qualified retirement plans and IRAs, 19:9.30, 19:9.50

PROTECTION

Adult Protective Services (this index)

Age Discrimination in Employment Act, **35:13**, **35:20**

Employment Discrimination, additional legal protection, generally, **35:148 to 35:172**

Federal employees' retirement system, thrift savings plan, **20:34**

Grandparents, child protection proceedings and kinship caregivers, 37:18 to 37:23

Guardians and Conservators (this index)

Patients' rights, funds, 23:36

PROVIDENT NATIONAL BANK CASE

Disposing of businesses, 13:50

PROXY FORMS

Health Care Proxy Declaration Forms (this index)

PSYCHIATRIC AND PSYCHOLOGICAL SERVICES AND CARE

Age Discrimination in Employment Act, industrial psychologist expert, **35:59**

Medicaid, **30:60**

Medicare (this index)

PSYCHOLOGY

Abuse, neglect, and victimization of elders, psychological abuse, **4A:9**

Overview, psychology of aging, 1:17

PUBLIC MATTERS

For correlative topic, see **Private Matters** (this index)

Accommodations. **Disability Discrimination** (this index)

Assistance household, SSI, one-third reduction rule for in-kind support and maintenance, **16:86**

Educational institution resident, SSI eligible individual, **16:5**

Emergency shelter resident, SSI eligible individual, **16:6**

Expense, Medicare, 27:17, 27:18

Guardians, 34:36

Health service, Medicare, 27:18

Pensions, 1:10, 20:1 to 20:131

Revocable trusts, benefit program, **10:114**

Utilities, daily living problems, utility assistance programs, **4:47**

PUERTO RICO

Elder victimization, abuse, and neglect, **4A:69**

PULMONARY REHABILITATION SERVICES

Medicare, 25:71

PUNITIVE DAMAGES

Age Discrimination in Employment Act, **35:140**

Employment discrimination, 35:140

PURCHASE PRICE

Disposing of businesses, 13:25 to 13:30

PURCHASES

Medicaid, purchase of goods and services, asset transfer, **29:95**

PURELY DISCRETIONARY TRUST

Special needs trusts, categorization of trusts, **16:111**

PUT REQUIREMENTS

Disposing of businesses, 13:87

QDRO

Qualified Domestic Relations
Orders (this index)

QFOBI

Disposing of businesses, Qualified Family Owned Business Interest deduction, 13:72

OTIP

Qualified Terminable Interest Property (this index)

QUALIFICATION OR DISQUALIFICATION

Age Discrimination in Employment Act (this index)

Deferred compensation plans, income tax planning, 6:63

Disclaimers

estates, 8:59, 8:60, 8:70

generation-skipping transfer tax, **8:199**

gift tax, 8:25

postmortem planning and administration, 12:26

terminally ill clients, 11:20

Distributions from qualified retirement plans and IRAs, **19:1 et seq.**

Estates (this index)

Generation-Skipping Transfer Tax (this index)

Gifts (this index)

Government employment, Medicare, **25:23 to 25:27**

QUALIFICATION OR DISQUALIFICATION—Cont'd

Guardians and conservators, 34:35

Home care, hospices, and similar care alternatives, 22:24, 22:32

Medicaid (this index)

Medicare Advantage (MA)

Program (this index)

Medicare (this index)

MEDIGAP (Medicare Supplemental Insurance), **24:33**

Pensions and Retirement (this index)

Postmortem Planning and Administration (this index)

Social Security Administration (this index)

Special Valuation Rules for

Transfer Taxes (this index)

Supplemental Security Income (SSI) (this index)

Terminally Ill Clients (this index)

Trusts and Trustees (this index)

Unified Transfer Tax System (this index)

Veterans (this index)

QUALIFIED

Conservation easements, estate taxes, charitable deduction, **8:97**

Domestic relations orders. Qualified Domestic Relations Orders (this index)

Family-owned business deduction, postmortem planning and administration, 12:18

Family owned business interest, disposing of businesses, deduction of QFOBI, **13:72**

Income trusts, special needs trusts, 16:153, 16:154

Terminable interest property. Qualified Terminable Interest Property (this index)

QUALIFIED DOMESTIC RELATIONS ORDERS

Generally, **19:199 to 19:206**Definition, **19:201**

QUALIFIED DOMESTIC RELATIONS ORDERS

—Cont'd

Plan benefits

amount, determination of, 19:206 assignment and alienation, 19:199 form of payment, 19:204 timing of payment, 19:205
Required information, 19:203

QUALIFIED TERMINABLE INTEREST PROPERTY

Estates, **8:84 to 8:88, 19:178**Generation-skipping transfer tax, **8:146, 8:168, 8:194, 8:195, 12:10**

Gift tax, **8:43**, **8:44**, **19:167**, **19:168** Lifetime transfers planning, **9:19**

Postmortem planning and administration, **12:6 to 12:10**

Reverse QTIP election

generation-skipping transfer tax, **8:146, 8:168, 8:194, 8:195**

postmortem planning and administration, 12:10

Terminally ill clients, trust, **11:39 to 11:41, 11:48**

Trust

estates, 8:84 to 8:88

generation-skipping transfer tax, 8:146, 8:168, 8:194, 8:195, 12:10

terminally ill clients, 11:39 to 11:41, 11:48

Unified transfer tax system, Economic Recovery Tax Act of 1981, **8:12**

QUALITY ASSESSMENT COMMITTEE

Medicaid, nursing facilities, 30:37

QUALITY ASSURANCE PROGRAM

Medicare Advantage (MA) Program, **26A:86**

QUALITY CARE

Patients' right to equal access, 23:30

QUALITY IMPROVEMENT ORGANIZATION

Medicare, 27:72

QUALITY OF CARE

Long-term and residential care facilities, ensuring continued quality of care post-admission, 21:8

QUARTERS OF COVERAGE

Social Security (this index)

QUESTIONNAIRES

Estate planning, **10:18**, **10:19**, **10:26**, **10:28**

Gathering and preserving client information, 2:11

OUESTIONS

Continuing care retirement community, counseling prospective resident, 21:55 to 21:60

Nursing facility, advising prospective resident, **21:38 to 21:43**

Social Security Administration, hypothetical questions of witnesses at administrative hearings, **18:150**

RAILROAD RETIREMENT BENEFITS

Generally, 20:67 to 20:121

Administration, **20:67**Administrative review, entitlement proceedings, **20:111 to 20:114**

Age

employee annuity, **20:68** proof of age, applying for benefits, **20:105**

Alimony, garnishment and assignment of benefits, **20:120**

Amendment

beginning date, 20:92

record of compensation, evidence in applying for benefits, **20:110**

Amount of annuity, 20:81 to 20:90 Annuities, 20:67 to 20:121

Appeal and review, entitlement proceedings, **20:111 to 20:115**

Applying for benefits, 20:95 to 20:110

RAILROAD RETIREMENT BENEFITS—Cont'd

Assignment of benefits, **20:119**, **20:120**

Basic computation, amount of annuity, 20:81 to 20:84

Beginning date, 20:91 to 20:93 Boards, administrative review, 20:113, 20:114

Cancellation or termination annuity termination date, **20:94** application for benefits, **20:102**

Change. Amendment, supra

Child support, garnishment and assignment of benefits, **20:120**

Choosing beginning date, 20:92

Claims, entitlement proceedings, 20:95 to 20:121

Compensation record, evidence in applying for benefits, **20:110**

Computation, amount of annuity, 20:81 to 20:84

Current connection with railroad industry, eligibility, **20:80**

Date. Time or date, infra

Death filing application for benefits after

death of claimant, 20:99 survivor annuity, 20:74 to 20:76, 20:83

Deductions or reductions, amount of annuity, 20:85 to 20:90

Delay, proof of good cause for delay in applying for benefits, 20:107

Denial of application for benefits, **20:103**

Determinations

disability, employee annuity, **20:70** initial determination, administrative review, **20:111**

Disability annuity, employee annuity, 20:69, 20:70

Divorce

alimony, garnishment and assignment of benefits, **20:120** annuity for divorced spouse, **20:73, 20:82, 20:87**

Duration, 20:91 to 20:94

RAILROAD RETIREMENT BENEFITS—Cont'd

Effective period of application for benefits, **20:101**

Effect of work and other payments, beginning date, **20:93**

Eligibility, 20:68 to 20:80

Employee annuity, 20:68 to 20:71, 20:81, 20:86

Entitlement

proceedings, 20:95 to 20:121 reduction based on entitlement to multiple annuities, amount of annuity, 20:89

Erroneous payments of benefits, recovery of, **20:121**

Establishing filing date prior to application for benefits, **20:96**

Evidence, applying for benefits, **20:104 to 20:110**

Extension of time, filing application for benefits, **20:98**

Filing application for benefits, 20:96 to 20:100

Garnishment of benefits, 20:119, 20:120

Giving up right to return to work, eligibility, **20:79**

Good cause for delay, proof in applying for benefits, **20:107**

Hearings and Appeals Board, administrative review, **20:113**

Husband and wife. Spouses, infra Initial determination, administrative review, 20:111

Judicial review, entitlement proceedings, **20:115**

Loss of annuity, 20:85

Lump sums, 20:76, 20:84

Multiple annuities, reduction based on entitlement to, **20:89**

Payment or payments

annuity due but unpaid at death of annuitant, survivor annuity, 20:75

benefits, entitlement proceedings, 20:116 to 20:121

effect of other payments, beginning date, **20:93**

RAILROAD RETIREMENT BENEFITS—Cont'd

Payment or payments—Cont'd lump-sum payments, basic computation of amount of annuity, 20:84

Permanent residence of employee, proof in applying for benefits, **20:106**

Railroad Retirement Board, administrative review, **20:114**

Reconsideration, administrative review, **20:112**

Record of compensation, evidence in applying for benefits, **20:110**

Recovery of erroneous payments of benefits, **20:121**

Reductions or deductions, amount of annuity, 20:85 to 20:90

Representative payee, 20:118

Residual lump-sum benefit, survivor annuity, **20:76**

Review and appeal, entitlement proceedings, **20:111 to 20:115**

Spouses

annuity, **20:72**, **20:73**, **20:82**, **20:87**

divorce, supra

Stopping work for pay, eligibility, 20:78

Submitting application for benefits, **20:95**

Supplemental annuity, **20:71, 20:88**Support of child or spouse, garnishment and assignment of benefits, **20:120**

Survivor annuity, **20:74 to 20:76**, **20:83**

Termination. Cancellation or termination, supra

Time or date

duration, 20:91 to 20:94

effective period of application for benefits, **20:101**

establishing filing date prior to application for benefits, **20:96**

filing application for benefits, **20:98, 20:100**

RAILROAD RETIREMENT BENEFITS—Cont'd

Time or date—Cont'd proof of good cause for delay, applying for benefits, **20:107** years of service, eligibility, **20:77**

Verification of service claimed, applying for benefits, **20:108**

Waiver of annuity, 20:117

Where to file application for benefits, **20:97**

Wife and husband. Spouses, supra Windfall benefit reduction, amount of annuity, **20:90**

Work

deductions on account of work, amount of annuity, 20:86, 20:87

effect of work, beginning date, 20:93

giving up right to return to work, eligibility, **20:79**

stopping work for pay, eligibility, **20:78**

verification of service claimed, applying for benefits, **20:108** years of service, eligibility, **20:77** Years of service, eligibility, **20:77**

RAILROAD RETIREMENT BOARD

Railroad retirement benefits, administrative review, **20:114**

RANK AND FILE EMPLOYEES

Distributions from qualified retirement plans and IRAs, **19:251**

RATES AND CHARGES

Generation-skipping transfer tax, 8:161, 8:162

Medicare, charges paid by governmental entity, **27:15**

Unified Transfer Tax System (this index)

RATING OF DISABILITY

Veterans, disability compensation benefits, **17:14**, **17:18**

REAL PROPERTY

Generally, 7:1 to 7:47

REAL PROPERTY—Cont'd REAL PROPERTY—Cont'd Conservation easements, 7:1 Absence from residence, exclusion of gain on sale or exchange of Cooperative housing corporations, principal residence, 7:22 stockholders, 7:21 Adjustments to basis. Basis, infra Deduction of state and local income Agricultural property, 7:1 tax payments, 7:25 Basis Deeds, transfer on death deeds, 7:46, 7:47 generally, 7:3, 7:6 to 7:18 **Definitions** adjustments to basis elderly homeowner, 7:30 generally, 7:4, 7:7 to 7:12 home equity conversion mortgage, community property, 7:11 7:30 post-1981 decedents, 7:9, 7:10 homeowner, 7:32 pre-1982 decedents, 7:8 qualified joint interests, 7:9 reduction of tax burden on Depreciation deductions, determining surviving spouse, 7:10 adjusted basis of property, 7:4, surviving spouses, generally, 7:35 7:6, 7:7, 7:10 Easements, determining adjusted unmarried cotenants, 7:12 basis of property, 7:4 community property, 7:11, 7:14 Estimated tax payments, 7:23 gift, appreciated property acquired Exclusion of gain on sale or by decedent by gift within one exchange of principal residence, year of death, 7:13 7:19 to 7:22 institutionalized spouse, transfer of interests of, **7:14**, **7:18** Family limited partnerships, 7:1 Federal tax rates, 7:5 life estate, transfer with reservation of. 7:15 to 7:18 Financial planning, generally, 7:1 to post-1981 decedents, 7:9, 7:10 7:47 pre-1982 decedents, 7:8 First-time home buyer, penalty taxes reduction of tax burden on survivon premature distributions from qualified retirement plans or ing spouse, 7:10 IRAs, 19:73 retaining and renting former Gifts principal residence, 7:34 stepped-up basis rules, 7:6, 7:13, one year of death, basis in appreci-7:17, 7:35 ated property acquired by decedent by gift within, 7:13 surviving spouses, generally, 7:7, 7:10 valuing life estate and remainder, 7:17 taxes, infra unmarried cotenants, 7:12 Holding period and federal tax rates, 7:5 valuing life estate and remainder, 7:17 Home equity conversions generally, 7:27 to 7:33 Capital gains and losses, 7:5 Casualty losses, determining adjusted annual statements, 7:33 basis of property, 7:4 counseling of borrowers, 7:31 Community property insurance, home equity conversion adjustments to basis, 7:11 mortgage insurance, 7:30 to 7:33 institutionalized spouse, transfer of public versus private sector loans, interest to community spouse, 7:14 7:29 Condominiums, 7:30 safeguards for homeowners, 7:32

REAL PROPERTY—Cont'd	REAL PROPERTY—Cont'd
Home equity conversions—Cont'd	Presumptions and burden of proof
types of plans, 7:28, 7:29	—Cont'd
Houseboats, 7:21	community property interests, 7:11
Improvements, determining adjusted	unmarried cotenants, 7:12
basis of property, 7:4 Institutionalized spouse	Rental of residence. Rental Property
tax relief for elderly taxpayers,	and Rents (this index)
7:42	Repair costs, determining adjusted basis of property, 7:4
transfer of interests of, 7:14, 7:18	Reporting real estate transactions to
Insurance	IRS, 7:26
adjusted basis of property,	Retaining and renting former
determining, 7:4	principal residence, 7:34 to 7:36
home equity conversion mortgage insurance, 7:30 to 7:33	Rights-of-way, determining adjusted basis of property, 7:4
Life estates	Sales and exchanges
tax relief for elderly taxpayers,	exclusion of gain on sale or
7:43	exchange of principal resi-
transfer with reservation of, 7:15	dence, 7:19 to 7:22
Limitation to one sale or exchange of	limitation to one sale or exchange
principal residence every two	of principal residence every two years, 7:21
years, 7:21	rental use, sale of principal resi-
Medicaid, consideration of, 7:1, 7:14, 7:15, 7:34	dence after, 7:36
Medicare Catastrophic Coverage Act,	Second mortgages, 7:8
income-producing real estate,	Stepped-up basis rules, 7:6 , 7:13 ,
exempt or excluded assets,	7:17, 7:35
29:72	Surviving spouses, adjustments to basis, 7:6 , 7:7 , 7:10
Mental capacity or condition.	Taxation
Institutionalized spouse, supra	relief for elderly individuals, gen-
Mortgages	erally, 4:46
home equity conversion mortgage insurance, 7:30 to 7:33	SSI unearned income exclusion,
reverse mortgages, 4:24, 7:27,	real property tax refunds,
7:28, 7:29	16:64
second mortgages, 7:8	Taxes
Moving expenses, determining	age and residence, 7:41
adjusted basis of property, 7:4	basis of property
Overview of elder law, 1:12	"cost" of property, determining,
Penalty for underpayment of	7:3
estimated taxes, 7:23	reduction of tax burden on
Planning, generally, 7:1 to 7:47	surviving spouse, 7:10
Post-1981 decedents, adjustments to basis, 7:9 , 7:10	circuit breaker statutes, 7:38 to 7:42
Pre-1982 decedents, adjustments to	client interview form, 7:45
basis, 7:8	constitutional issues, 7:39
Presumptions and burden of proof	deduction of state and local income
adjusted basis of property, 7:3	tax payments, 7:25

REAL PROPERTY—Cont'd

Taxes-Cont'd

home equity conversion mortgages, **7:32**

homestead exemption, 7:37 income qualifications, 7:41, 7:42 interest in property, 7:43 prototype statutes, 7:40

qualifications for relief, 7:41 to 7:43

required annual payment, 7:24 retaining and renting former principal residence, 7:34 to 7:36

suggestions for practitioners, 7:44, 7:45

tax relief for elderly individuals, generally, **7:37 to 7:45**

timing of payment of taxes, 7:23 to 7:26

Terminally ill clients, 11:6

Unmarried cotenants, 7:12

Unrealized gains, 7:2
Valuing life estate and remainder,

Wills, interests bequests, 10:54

REASONABLENESS

7:17

Care, home care, hospices and similar care alternatives, **22:25**Diligence, ethical issues, **3:11**Services, Medicare, **27:3 to 27:7**

REBUTTAL

Age Discrimination in Employment Act, rebuttal of circumstantial evidence, 35:73 to 35:79

Presumptions and Burden of Proof (this index)

RECALCULATION OR RECOMPUTATION

Calculations and Computations (this index)

RECAPITALIZATION

Disposing of businesses, 13:68

RECAPTURE

Penalty taxes on premature distributions of qualified retirement

RECAPTURE—Cont'd

plans and IRAs, 19:65

RECIPROCAL TRUSTS

Lifetime transfers planning, 9:15

RECOGNITION

Gain, lifetime transfers planning, 9:5

RECOMMENDATIONS

Age Discrimination in Employment Act, **35:37**

Social Security Administration, recommended decision of administrative law judge, 18:153, 18:172

RECOMPUTATION OR RECALCULATION

Calculations and Computations (this index)

RECONSIDERATION

See also **Redetermination** (this index)

Home care, hospices, and similar care alternatives, **22:47**

Medicare Part A and B, initial determination, **28:69 to 28:72**

Pensions and Retirement (this index)

Social Security Administration, administrative review, **18:95**, **18:101 to 18:103**

Terminally ill clients, reconsideration of fiduciaries, 11:14

RECORDS

See also **Reports** (this index)

Access to records, 23:16, 26A:87

Age Discrimination Act, duty to maintain records, **35:220**

Discriminatory practices prohibited by federal law, duty to maintain records relating to loans, **35:178**

Documents (this index)

Financial planning, 5:19, 5:42

Health Insurance Portability and Accountability Act of 1996, privacy issues, **33:20**

Medicaid, 30:45, 31:30

RECORDS—Cont'd

Medicare Advantage (MA) Program, enrollees' records, **26A:87**

Railroad retirement benefits, record of compensation as evidence in applying for benefits, 20:110

Social Security Administration (this index)

Social Security (this index)
Veterans' benefits, military service records, 17:8

RECOVERY

Basis, income taxation, **19:111 to 19:113**

Medicaid (this index)

Pensions and Retirement (this index)

Social Security Administration, waiver of overpayment of OASDI or SSI benefits, **18:38**, **18:39**

RECURRING NEED FOR SKILLED SERVICES

Home care, hospices, and similar care alternatives, Medicare coverage, 22:27

REDEMPTION

Disposing of businesses, 13:40, 13:58

Postmortem planning and administration, closely held stock, **12:28 to 12:30**

Terminally ill clients, 11:34, 11:35

REDETERMINATION

Medicaid, 31:9

Medicare Part A and B, initial determination, **28:47 to 28:53**

Medicare Part D, prescription drug benefits, **26B:21**, **26B:24**

REDUCTIONS

Deductions and Reductions (this index)

REEMPLOYMENT

Age Discrimination in Employment Act, application for reemployment. **35:26**

REEMPLOYMENT—Cont'd

United States civil service retirement system, effect on payment of annuity, **20:18**

REENROLLMENT

Medicare, 25:44

REFERENCES

Age Discrimination in Employment Act, **35:37**

REFERRALS

Age Discrimination in Employment Act, **35:25**

REFORMATION OF TRUST

Estate tax marital deduction, noncitizen spouse, **8:92**

REFORM OF TAXES

Tax Reform Acts (this index)

REFUND OR REIMBURSEMENT

Medicare, 26A:94, 26:33, 26:49, 28:14

Social Security Administration administrative hearings, reimbursement for travel expenses, 18:130

Taxes and Taxation (this index)

REFUSAL

Approval or Acceptance (this index)

REGISTERS AND REGISTRATION

Medicaid, registry of nurses aides, 30:30

REGULATION

Continuing care facilities, continuing care retirement communities, and life care facilities, **21:46 to 21:52**

REGULATIONS

Rules and Regulations (this index)

REHABILITATION

Discrimination on basis of disability. **Disability Discrimination** (this index)

Environment of comprehensive outpatient rehabilitation facility services. 26:102

REHABILITATION—Cont'd

Medicare (this index)

Patients' rights, 23:4

Vocational Rehabilitation (this index)

REIMBURSEMENT

Refund or Reimbursement (this index)

REINSTATEMENT

Age Discrimination in Employment Act, **35:136**

Employment discrimination, 35:136

Medicaid, reinstatement of services pending hearing, **31:23**

Medicare (this index)

REJECTION

Approval or Acceptance (this index)

RELATIVES

Family or Relatives (this index)

RELEASE

Discharge (this index)

RELIEF

Remedies or Relief (this index)

RELIGION AND RELIGIOUS MATTERS

Christian Science sanatoriums, **25:60**, **25:98**

Disability discrimination, religious entities as exempt from compliance with access to public accommodations regulations, 36:79

Fraternal benefit (RFB) society plans, Medicare Advantage (MA) program, **26A:6**, **26A:8**

Medicaid, services provided in religious, nonmedical health care institution, **30:90**

Medicare (this index)

SSI earned income, religious order members, **16:44**

REMAINDER INTEREST

Reversionary or Remainder Interest (this index)

REMAND

Social Security Administration (this index)

REMARRIAGE

Marriage and Marital Matters (this index)

REMEDIES OR RELIEF

Age Discrimination in Employment Act, **35:130 to 35:147**

Disability Discrimination (this index)

Elder victimization, abuse, and neglect, **4A:26**, **4A:27**

Exhaustion of Administrative Remedies (this index)

Social Security Administration, judicial review, 18:205 to 18:207, 18:211 to 18:213

REMOVAL OF PERSON

Employee, federal employees' retirement system, eligibility for basic annuity, **20:30**

Trustee, special needs trusts, 16:117

REMOVAL TO APPEALS COUNCIL

Social Security Administration, administrative hearings, **18:134**

RENAL DISEASE

Medicare (this index)

RENEWAL

Long-term care insurance, policies, 24:15

RENTAL PROPERTY AND RENTS

For correlative topic, see **Tenants** and **Tenancy** (this index)

Exclusion of gain on sale or exchange of principal residence, 7:22

Income tax planning, 6:51

Real property planning, rental of primary residence, generally, **7:34** to **7:36**

Special valuation rules for transfer taxes, 8:216, 8:223, 8:255

Supplemental Security Income (SSI) (this index)

RENUNCIATION RIGHT OF SPOUSE

Federal estate tax, **8:88** Revocable trusts, **10:91**

REOPENING AND REVISION

Estate planning, 10:15
Living will, 11:8
Medicaid final determinations, 31:32
Social Security Administration,
administrative review, 18:180 to
18:189

Terminally ill clients, 11:5 to 11:16

REORGANIZATIONS

Age Discrimination in Employment Act, 35:36, 35:49, 35:72

REPAIRS

Real property planning, repair costs, 7:4

SSI unearned income exclusion, repair of resource, **16:69**

REPEALS

Estate tax \$100,000 exclusion, distributions from qualified retirement plans and IRAs, 19:172

Internal Revenue Code, special valuation rules for transfer taxes, 8:207, 8:208, 8:308

REPLACEMENT

Age Discrimination in Employment Act, replacing elderly employees. **35:57**

Life insurance, income, 14:2 to 14:4 Supplemental Security Income (SSI) (this index)

REPORTS AND REPORTING

See also **Records** (this index)

Adult protective services, mandatory reporting, **4A:20**

Age Discrimination Act, 35:235

Medicare Advantage (MA) program, information reporting procedures, **26A:81**

Patients' rights, reporting violations of regulations or laws, 23:49, 23:50 to 23:54

REPORTS AND REPORTING —Cont'd

Real property planning, reporting real estate transactions to IRS, 7:26

Social Security (this index)

SSI, married persons' eligibility, report of separation, **16:16**

REPRESENTATIVE PAYEE OR PAYMENTS

Railroad retirement benefits, **20:118** Social Security Administration, OASDI or SSI benefits, **18:28**

REPRESENTATIVES AND REPRESENTATION

Attorneys (this index)

Medicaid, 31:24

Medicare, 28:78, 28:79

Payee or payments. **Representative Payee or Payments** (this index)

Personal representative, wills, **10:34**, **10:65**, **10:66**, **10:69**

Social Security Administration (this index)

Veterans' benefits, representing veterans and claimants, **17:4**

REPRESENTATIVE SETTINGS

Ethical issues, 3:4, 3:9, 3:10

REQUESTS

Applications, Petitions or Requests (this index)

RESERVE VALUE

Life insurance, 14:18

RESIDENCE AND RESIDENCY

Care facilities. **Residential Care Facilities** (this index)

Income, personal residence, **6:50 to 6:56**

Lifetime transfers planning, 9:20

Medicaid (this index)

Medicare Catastrophic Coverage Act, exempt or excluded assets, 29:71

Medicare (this index)

Nonresident or nonresidence, wills, **10:65**

RESIDENCE AND RESIDENCY —Cont'd

Personal residence

income, 6:50 to 6:56

trusts, special valuation rules for transfer taxes, **8:273 to 8:284**

Railroad retirement benefits, proof of employee's permanent residence, 20:106

Real Property (this index)

Resident physician's services, Medicare, Part A, 25:74, 25:128, 25:173

Special valuation rules for transfer taxes, **8:273 to 8:284**

Supplemental Security Income (SSI) (this index)

Terminally ill clients, **11:17**, **11:41**

Trusts and Trustees (this index)

Wills, nonresident or nonresidence, **10:65**

RESIDENTIAL CARE FACILITIES

Generally, 21:1 to 21:57

Abuse, patients' rights, 23:14, 23:45, 23:46, 23:49

Licensing standards, Generally, 23:40 to 23:44

Person-centered care plan, 23:12

RESIDENTS

Rights of residents

continuing care facilities, continuing care retirement communities, and life care facilities, state regulation, **21:49**

Nursing Homes/Facilities (this index)

Supplemental Security Income (SSI) (this index)

RESIDUAL OR RESIDUARY

Railroad retirement benefits, survivor annuity, residual lump-sum benefit, 20:76

Special needs trusts, naming residual beneficiary, 16:164
Wills, 10:55, 10:56

RESIGNATION

Age Discrimination in Employment Act. **35:34**

RESIGNATION—Cont'd

Fiduciary, terminally ill clients, 11:15

RES JUDICATA

Age Discrimination in Employment Act, doctrine of res judicata, **35:88**

Social Security Administration, administrative and judicial review, 18:109, 18:224

RESOURCES

For correlative topic, see **Assets** (this index)

Medicaid (this index)

Social Security Administration, value of countable resources in waiver of overpayment of OASDI or SSI benefits, 18:37

Supplemental Security Income (SSI) (this index)

RESPIRATORY THERAPY

Medicaid, respiratory care services, 30:94

Medicare, 25:132, 26:97

RESPITE CARE

Home care, hospices, and similar care alternatives, **22:7 to 22:11**Medicare, **25:193**

RESPONDEAT SUPERIOR

Patients' rights of action, 23:11

RESTATEMENT RULES

Special needs trusts, SSI rules relating to self-settled trusts, **16:163**

RESTORATION

Federal employees' retirement system, earning capacity, **20:38**

Guardianship or conservatorship termination, 34:47

Home care, hospices, and similar care alternatives, 22:26

RESTRAINTS

Patients' rights, 23:14

RESTRICTIONS

Limitations or Restrictions (this index)

RESTRUCTURING OF DEBT

Financial planning, 5:21

RESULTS OF TRUST

Special Needs Trusts (this index)

RETAINER AGREEMENT

Attorney or assistance of counsel, 2:14

RETALIATION

Age Discrimination in Employment Act, **35:19 to 35:22**

Employee Retirement Income Security Act, retaliation for exercising right to benefits, **35:154**

RETENTION

Estates, interests and powers, 8:108 to 8:115

Federal gift tax, interest and powers, 8:38, 8:40

Special valuation rules for transfer taxes, valuation of retained interests, 8:251

RETIREMENT

Pensions and Retirement (this index)

RETROACTIVE BENEFITS

Medicaid, 31:10, 31:52

Medicare Catastrophic Coverage Act, retroactive Social Security, and SSI payments, 29:73

SSI unearned income, retroactive Social Security benefits, **16:61**

RETROSPECTIVE ACCOUNTING

SSI, amount of benefits, 16:28

RETURN TO UNITED STATES

Income tax planning, 6:72

RETURN TO WORK

Railroad retirement benefits, giving up right to return to work, **20:79**

REVENUE

Reconciliation Acts, 8:16, 8:17, 8:207, 8:208, 12:18

Rulings, estate tax, 19:183

Technical and Miscellaneous Revenue Act of 1988 (this index)

REVERSALS

Social Security Administration, attorney's fees under Equal Access to Justice Act, 18:85

REVERSE

Mortgages, 4:24, 7:27, 7:28, 7:29 QTIP election. Qualified Terminable Interest Property (this index)

REVERSIONARY OR REMAINDER INTEREST

Charitable trusts, estate and gift taxes, 8:45, 8:49, 8:89

Estates, 8:110, 8:124

Life insurance, 14:58

Personal residence, income tax planning, **6:55**

Special valuation rules for transfer taxes, **8:260**, **8:271**, **8:272**, **8:277**

REVERSIONARY OR REMAINDER INTERESTS

Special valuation rules for transfer taxes, **8:251**

REVIEW

Appeal and Review (this index)

REVISION

Reopening and Revision (this index)

REVOCABLE OR IRREVOCABLE MATTERS

Elections, 19:164

Gift tax, distributions from qualified retirement plans and IRAs, 19:164

Trusts and Trustees (this index)

REVOCATION

Suspension or Revocation (this index)

RHODE ISLAND

Credit, discriminatory practices prohibited by state law, **35:202**

Durable power of attorney for health care, form, **33:67**

Elder victimization, abuse, and neglect, **4A:70**

Living will declaration, form, 33:67

RIDERS

Life insurance, 14:11

RIGHTS

Age Discrimination in Employment Act, right to sue letter, **35:102**

Guardians and conservators, rights of of respondent, **34:20**

Railroad retirement benefits, giving up right to return to work, 20:79

Residents (this index)

Social Security Administration (this index)

RIGHTS-OF-WAY

Real property planning, determining adjusted basis of property, 7:4

RISKS

Abuse, neglect, and victimization of elders, risk factors for abuse, **4A:4**

Continuing care facilities, continuing care retirement communities, and life care facilities, financial risks, **21:45**

ROLLOVERS

Income taxation, distributions from qualified retirement plans and IRAs, 19:142, 19:149 to 19:162

ROOM'S VALUE UNDER BUSINESS ARRANGEMENT

SSI, in-kind support and maintenance, 16:80

ROTH IRA

Generally, **19:31**, **19:118**, **19:162**, **19:236**

ROUTINE PHYSICALS

Medicare, 27:88

ROYALTIES

SSI, unearned income, 16:58

RULES AND REGULATIONS

Affordable care Act, 21:21

Age Discrimination Act, duty to maintain records, **35:214 to 35:216**

Covid-19 pandemic, 21:22

RULES AND REGULATIONS

-Cont'd

Distributions from qualified retirement plans and IRAs, simplified rules lead to complications, 19:252

Generation-skipping transfer tax, rule against perpetuities, **8:126**

Long-term care insurance, 24:10

Medicare supplemental insurance (MEDIGAP), **24:26**, **24:27**, **24:28**

Nursing homes/facilities, history of federal oversight, **21:17**

Retiree health benefits, 24:40

Social Security Administration, applicability of OASDI rules to Medicare eligibility reconsiderations, **18:181**

Special Matters (this index)

Special Needs Trusts (this index)

SSI, one-third reduction rule for inkind support and maintenance, 16:82 to 16:86

Three-Year Rule (this index)
Transition Rules (this index)

RULINGS

Revenue rulings, estate tax, 19:183

RURAL HEALTH CLINICS

Medicaid, 30:57 to 30:63

RURAL HOSPITALS AND HEALTH CLINICS

Medicare, 25:57, 26:106

SAFEGUARDS

Wills, 10:76, 10:77

SAFETY

Disability discrimination, modification of public accommodations posing threat to health and safety of others, 36:86

SALARY

Income (this index)

SALES

Buy-Sell Agreements (this index) Disposing of businesses, **13:43**

SALES—Cont'd

Income (this index)

Installment Sales and Payments (this index)

Real Property (this index)

Special Valuation Rules for

Transfer Taxes (this index)

SSI nonincome items, sale of resource, **16:38**

Subsidiary or division, lump sum distributions from qualified retirement plans and IRAs, 19:123

Terminally Ill Clients (this index)

SANCTIONS

Age Discrimination in Employment Act, Rule 11 sanctions for frivolous filings, **35:110**

Fines, Penalties and Forfeitures (this index)

SATISFACTION

Life insurance, withdrawal request, 14:84, 14:85

Medicare Advantage (MA) Program, plan satisfaction of benefits requirements, **26A:41**

Wills, terminology, 10:38, 10:39

SAVINGS BONDS

Postmortem planning and administration, 12:23

Terminally ill clients, 11:51

SAVINGS PLAN

Federal employees' retirement system, thrift savings plan, **20:33, 20:34**

SCHEDULES

Lists (this index)

SCHOLARSHIPS

SSI, unearned income exclusion, **16:66**

SCHOOLS AND EDUCATION

Attorneys, 2:19 to 2:22

Discrimination

generally, **35:204 to 35:212**District of Columbia, **35:205**

SCHOOLS AND EDUCATION

—Cont'd

Discrimination—Cont'd

Illinois, 35:206

Michigan, 35:207

Montana, 35:208

New Jersey, 35:209

New York, 35:210

Oregon, 35:211

Pennsylvania, 35:212

Federal gift tax, 8:34

Generation-skipping transfer tax, **8:153**

Grandparents and grandchildren, educational consent laws, 37:5

Higher education expenses, penalty taxes on premature distributions of qualified retirement plans and IRAs, 19:72

Medicaid, review of nurses aide training, **30:29**

Medicare, 25:118, 25:159

SSI eligibility of resident of public educational institution, **16:5**

SCOPE OF JUDICIAL REVIEW

Social Security Administration, 18:203

S CORPORATIONS

Disposing of businesses, 13:52 to 13:61

Postmortem planning and administration, 12:11

SCREENING MAMMOGRAPHY SERVICES

Medicare, 26:70, 27:7

SCREENINGS

Age Discrimination in Employment Act, **35:65**

Medicaid (this index)

SECONDARY MEDICARE BENEFITS

Generally, 27:59, 27:65

SECOND MORTGAGES

Real property planning, 7:8

SECOND-TO-DIE POLICY

Life insurance, 14:82

SECURE

Tax Equity and Fiscal Responsibility Act of 1982, distributions from qualified retirement plans and IRAs, 19:82

SECURITIES

Income taxation, distributions from qualified retirement plans and IRAs, 19:136 to 19:142

SECURITY

Social Security (this index)
Supplemental Security Income
(SSI) (this index)
Wills, 10:69

SELF-CANCELLING INSTALLMENT NOTE

Lifetime transfers planning, 9:48

SELF-DIALYSIS TRAINING

Medicare, 25:19

SELF-EMPLOYMENT AND SELF-EMPLOYMENT INCOME

Social Security Administration, allegation in complaint for disallowance of benefits, judicial review, **18:226**

Social Security (this index)

SSI, earned income, **16:43**, **16:44** Taxation

income tax on self-employment income, **6:32**

lump sum distributions from qualified retirement plans and IRAs, 19:121

SELF-EVALUATIONS

Age Discrimination Act, 35:221

SELF-NEGLECT

Generally, 4A:11

SELF-PROVING AFFIDAVIT

Wills, 10:75

Index-164

SELF-REGULATION

Continuing care facilities, continuing care retirement communities, and life care facilities, 21:52

SELF-SETTLED TRUSTS

Special Needs Trusts (this index)

SELF-SUPPORT

Medicare Catastrophic Coverage Act, property essential to self-support, exempt or excluded assets, 29:66

SSI, unearned income exclusion of income used to fulfill plan of self-support, **16:74**

SEMINARS

Attorneys, 2:21

SENIOR CENTERS

Older Americans Act, 4:9

SENIORITY SYSTEM

Age Discrimination in Employment Act, 35:35, 35:74, 35:90

Disability discrimination, reasonable accommodation as conflicting with seniority system, **36:51**

"SENIOR SCARES"

Consumer issues, 4:30

SENSITIVITY TO CONDITION OF CLIENT

Terminally ill clients, 11:2

"SENTENCE FOUR" REMANDS AND REVERSALS

Social Security Administration, attorney's fees under Equal Access to Justice Act, 18:85

"SENTENCE SIX" REMANDS AND REVERSALS

Social Security Administration, 18:85, 18:206

SEPARATED SPOUSES

Spouses (this index)

SEPARATE MATTERS

For correlative topic, see **Joint Matters** (this index)

SEPARATE MATTERS—Cont'd

Accounts, distributions from qualified retirement plans and IRAs, 19:115

Trusts and Trustees (this index)

SEPARATION FROM EMPLOYMENT

Pensions and Retirement (this index)

SERVICE OF PROCESS AND OTHER PAPERS

Guardians and conservators, **34:18 Social Security Administration** (this index)

SERVICES

Continuing care retirement community, counseling prospective resident, 21:59, 21:60

Mandatory Services or Programs (this index)

Nursing Homes/Facilities (this index)

Social Security Administration, attorney's fees under Equal Access to Justice Act, **18:82**

Social Services (this index)

Supplemental Security Income

(SSI) (this index)
Veterans (this index)

SETTING EVERY COMMUNITY UP FOR RETIREMENT ENHANCEMENT ACT OF 2019

Distributions from qualified retirement plans and IRAs, 19:9.70, 19:82

SETTLED TRUSTS

(SECURE)

Special Needs Trusts (this index)

SETTLEMENT

Compromise and Settlement (this index)

SETTLOR'S INTENT

Special needs trusts, 16:107, 16:120

SEX OR GENDER

Financial planning, 5:6

SEXUAL ABUSE

Generally, 4A:7

SHARE OF COSTS

Home care, hospices, and similar care alternatives, **22:32**

SHELTERED HOUSING

Congregate and Sheltered Housing (this index)

SHELTERED WORKSHOP INCOME

SSI, earned income, 16:45

SHELTER TRUSTS

Credit and Crediting (this index)

SHIFTING

Income, transfer taxes, 8:313

SHIPS OR VESSELS

Medicare, 27:75

SHOES

Medicare, 26:88, 27:84

SHORT TERM

Long Term or Short Term (this index)

SICKNESS

Disease or Illness (this index)

SIGNATURES

Medicare, 28:18

Social Security Administration, applications for OASDI or SSI benefits, **18:4** to **18:7**, **18:49**

SIMPLE WILLS

Drafting and execution, 10:46 et seq.

SIMPLIFIED EMPLOYEE PENSION PLANS

Distributions from qualified retirement plans and IRAs, 19:30

SINGLE PREMIUM POLICY

Life insurance, 14:72

SINGLE TAXPAYER

Income tax planning, 6:29

SIXTY-DAY REQUIREMENT

Income taxation, distributions from qualified retirement plans and IRAs, 19:153

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

Home care, hospices, and similar care alternatives, 22:3, 22:21, 22:25

Medicaid (this index)

Medicare, 5:32, 21:23, 21:28, 25:65, 25:87 to 25:137, 25:152 to 25:160

SKILLED THERAPY SERVICES

Medicare, requirements, 25:161

SKIPPING OF GENERATIONS Generation-Skipping Transfer Tax (this index)

SMALLER HOME

Relocation, income tax planning, **6:54**

SMALL ESTATES

Generation-skipping transfer tax, **8:190**

"SNAPSHOT"

Medicare Catastrophic Coverage Act, treatment of resources of married individuals, **29:57 to 29:59**, **29:63**

SOCIAL DAY-CARE FOR ADULTS

Home care, hospices, and similar care alternatives, 22:9

SOCIAL SECURITY

Generally, 15:1 et seq.

Acquiescence rulings, **15:7**

Administration. **Social Security Administration** (this index)

Administrative publications of SSA, 15:7

Age

old age benefits, generally, see lines throughout this topic proof of, **15:60**, **15:61**

Agricultural Labor Law after 1954 and before 1978, **15:52**, **15:53**

SOCIAL SECURITY—Cont'd

Alcoholism, effect of, 15:131

Amount. Maximums and minimums, infra

Application or request

lump-sum death benefits, 15:104

widows, widowers, and surviving divorced spouses, benefit programs for, 15:87

Benefit adjustments

generally, 15:162 to 15:207

age of beneficiary, effect of

generally, 15:180 to 15:186

disability benefit and old-age benefit, **15:182**

disability benefit and widow's or widower's benefit, **15:183**

disability benefit and wife's, husband's, widow's or widower's benefit, **15:186**

old-age benefit and widow's or widower's benefit, **15:184**

old-age benefit and wife's or husband's benefit, **15:185**

retirement age, reduction for payment before, **15:180**

simultaneous entitlement to agereduced benefit and other Social Security benefit, reduction for, **15:181**

delayed retirement, increase in benefit for, 15:187 to 15:189

foreign country, deduction for noncovered work outside U.S., 15:199 to 15:201

misconduct or nonresidence of claimant

generally, 15:202 to 15:207

deportation or residence outside U.S., nonpayment of benefits due to, 15:205

false or misleading statements, suspension of benefits due to, **15:207**

imprisonment of claimant, nonpayment of benefits due to, 15:204

Medicare benefits, 15:206

SOCIAL SECURITY—Cont'd SOCIAL SECURITY—Cont'd Benefit adjustments—Cont'd Benefit adjustments—Cont'd misconduct or nonresidence of simultaneous entitlement to ageclaimant—Cont'd reduced benefit and other Social Security benefit, reducrehabilitation services and the tion for, 15:181 Ticket to Work Program, 15:202 technical adjustments subversive activity, recalculation generally, 15:162 to 15:168 of benefits due to conviccatch-up cost-of-living tion for. 15:203 increases, 15:165 other entitlements, effect of cost-of-living increases, 15:163, generally, 15:173 to 15:179 15:165 disability or old-age benefit and publication, 15:164 another benefit, entitlement recalculations, 15:168 to. 15:173 recomputations, 15:166, 15:167 government pension, entitlement windfall reduction applicable to to, 15:176 claimant with significant old-age benefit and disability noncovered employment, benefit, entitlement to, 15:162 15:175 Benefit computation public disability benefits, entitlegenerally, 15:147 to 15:207 ment to, 15:177, 15:178 adjustments. Benefit adjustments, Supplemental Security Income supra (SSI) benefits, entitlement average indexed monthly earnings to, 15:179 (AIME) computation method widow's or widower's benefit generally, 15:153 to 15:158 and another benefit, entitleaverage of total wages, 15:155 ment to, 15:174 bend point formula, application workers' compensation, entitleof to average indexed ment to, 15:177 monthly earning, 15:157 post-retirement earnings, effect of computation of average indexed generally, 15:190 to 15:198 monthly earnings, 15:156 annual report requirement, indexing year, 15:154 15:196, 15:197 average-monthly-wage (AMW) charging excess earnings, computation method, 15:159 15:194 base years, computation of, 15:151 deduction in benefit for excess benchmark years, 15:149 earnings, 15:190 benefit computation years, 15:152 divorced spouse, applicability of elapsed years, 15:150 excess earnings deduction guaranteed alternative computation to, 15:191 method, 15:160 earnings subject to deduction, prior disability, alternative 15:192 methods for computation for earnings that are not counted, claimants with, 15:161 15:195 rounding of benefits, 15:148 exempt amount of earnings, Benefit programs, generally 15:193 generally, 15:68 et seq. penalty deduction for failure to file annual report, 15:197 children, 15:79 to 15:84

SOCIAL SECURITY—Cont'd SOCIAL SECURITY—Cont'd Benefit programs, generally—Cont'd Crimes and offenses intentional act causing insured's felony, impairments arising from death, 15:106 commission of, 15:129 lump-sum death benefits, 15:102 imprisonment of claimant, nonpayto 15:105 ment of benefits due to. 15:204 mothers and fathers, 15:95, 15:96 subversive activity, recalculation parents, 15:97 to 15:101 of benefits due to conviction spouses, 15:72 to 15:78 for, 15:203 widows, widowers, and surviving Currently insured status divorced spouses, 15:85 to generally, 15:38 to 15:40 15:94 defined, 15:38 workers, 15:68 to 15:71, 15:107 to disability, effect of, 15:40 15:109 quarters of coverage required, Benefits, see lines throughout this 15:39 topic Date. Time, infra Blindness, 15:115, 15:130 Death Burden of proof. Presumptions and burden of proving presumption of burden of proof, infra death, 15:109 Cancellation of disabled worker's intentional act causing insured's benefits, 15:121 death, 15:106 Children preferred evidence of death, generally, 15:79 to 15:84 15:107 amount of benefits, 15:83 presumption of death, 15:108, definition of child, 15:80 15:109 dependency requirement, 15:81 survivors, infra disabled child, entitlement to Definitions benefits as, 15:82 child, 15:80 duration of benefits, 15:83 divorced spouse, 15:89 entitlement to child's benefits, evidence, 15:133 15:79, 15:82 period of disability, 15:54 Combination of impairments, 15:127 quarter of coverage, 15:41 Commencement of disabled worker's spouse, 15:73 benefits, 15:120 Deportation or residence outside Common-law marriage, proof of mar-U.S., nonpayment of benefits ital status, 15:65 due to, 15:205 Constitutional law Disability different standards for corrections benefits, generally, see lines by self-employed individuals throughout this topic and wage earning individuals, blindness, 15:115, 15:130 15:25 discrimination law, status as qualivalidity of OASDI, 15:3 fied individual with disability, Construction and interpretation of 36:40 Social Security Act, 15:4, 15:5 eligibility. Disability, effect of on eligibility for benefits, infra Cost-of-living increases, 15:163, 15:165 Disability, effect of on eligibility for benefits Credits and crediting. Quarters of coverage, infra generally, 15:54 to 15:59

SOCIAL SECURITY—Cont'd	SOCIAL SECURITY—Cont'd
Disability, effect of on eligibility for	Earnings records—Cont'd
benefits—Cont'd	expiration of time limitation for
beginning of period of disability,	requesting correction of earn-
15:58	ing record, correction after,
currently insured status, 15:40	15:17, 15:19
ending of period of disability,	federal employees, evidence of
15:59	correct earnings for, 15:26
filing, 15:55	fraud, correction of earnings record
fully insured status, 15:37	due to, 15:19
mental condition, failure to file due	hearing, right to, 15:32
to, 15:57	initiation of corrections by SSA, 15:14
physical condition, failure to file	investigation beginning prior to
due to, 15:57	expiration of time limitation
requirements of eligibility, 15:55	for requesting correction of
status, disability insured status,	earning record, 15:18
15:56	investigation by SSA of requests
Divorced spouse	for correction of earnings rec-
entitlement to spouse's benefits,	ord, 15:30
15:76	notice of SSA correction of earn-
post-retirement earnings, effect of,	ings record, 15:31
15:191	presumptive or conclusive evi-
surviving divorced spouses.	dence, 15:16
Widows, widowers, and	procedure for correction of earn-
surviving divorced spouses,	ings records, generally, 15:27 to 15:32
benefit programs for, infra	report of earnings, incorrectly
Drug addiction, effect of, 15:131	reported earnings, 15:12
Duration of disability, 15:125	review by court, right to, 15:32
Earnings records	self-employment income, 15:20 ,
generally, 15:8 to 15:11	15:24, 15:25
absence of wages entry, 15:16	statute, wage payments under,
allocation of wages and self-	15:22
employment income, 15:20	substantive law of correction of
conforming records to state wage	earnings records, generally,
reports, 15:21	15:12 to 15:26
contents and process of request for	tax returns, correcting SSA records
correction of earnings record,	to agree with, 15:23 , 15:24
15:28	time limitation for requesting cor-
correction of mistakes in earnings	rection of earning record,
records, generally, 15:12 to	15:13, 15:17, 15:18
15:32	timing of request for correction of earnings record, 15:29
evidence	Employers and employees. Workers,
federal employees, evidence of	infra
correct earnings for, 15:26	Entitlement to disability benefits
presumptive or conclusive evi-	generally, 15:110 to 15:121
dence, 15:16	age 31
weight of earnings records,	becoming disabled before age
15:15	31, 15:113

SOCIAL SECURITY—Cont'd	SOCIAL SECURITY—Cont'd
Entitlement to disability benefits	Filing—Cont'd
—Cont'd	earnings records, filing request fo
age 31—Cont'd	correction of earnings record
period of disability before age	15:27
31, 15:114	Foreign country
amount of disabled worker's	deduction for noncovered work
benefits, 15:119	outside U.S., 15:199 to
blind claimants, 15:115	15:201
commencement of disabled	deportation or residence outside
worker's benefits, 15:120	U.S., nonpayment of benefit
counting quarters of coverage,	due to, 15:205
15:117	Former rules for surviving spouses
determination of disability insured	and surviving divorced spouses
status, 15:111	15:128
disabled worker, entitlement as,	Fraud, 15:19
15:110	Fully insured status
fully insured status for disability	generally, 15:33 to 15:37
purposes, 15:116	benefits obtainable, 15:35
termination of disabled worker's	period of disability, effect of,
benefits, 15:121	15:37
20/40 test, 15:112	quarters of coverage required,
waiting period, 15:118	15:36
Evidence	Government pension, entitlement to
generally, 15:133 to 15:139	15:176
age, proof of, 15:60, 15:61	Imprisonment of claimant, nonpay-
child "in care," evidence of status	ment of benefits due to, 15:204
as, 15:75	Income
death, preferred evidence of,	base amount, 6:58 , 6:59
15:107	benefits, 6:57 to 6:61
definition of evidence, 15:133	corporate directors, tax, 6:64
earnings records, supra	filing status, 6:58
failure to submit required evi-	modified adjusted gross income,
dence, 15:138	6:59, 6:60
marital status, proof of, infra	nonqualified deferred compensa-
medical evidence, 15:135	tion plans, tax, 6:63
other governmental determina-	self-employment income, infra
tions, effect of, 15:139	tax, 6:62 to 6:64
presumptions and burden of proof,	Information available in earnings
infra	records, 15:11
SSA responsibilities, 15:136 where to submit evidence, 15:137	Intentional act causing insured's
	death, 15:106
False or misleading statements, suspension of benefits due to,	Legal framework of OASDI, 15:2
15:207	Liberal construction of Social Secu-
Felony, impairments arising from	rity Act, 15:123
commission of, 15:129	Lump-sum death benefits
Filing	generally, 15:102 to 15:105
disability, effect of on eligibility	amount of lump-sum payment,
for benefits, 15:55	15:103

SOCIAL SECURITY—Cont'd SOCIAL SECURITY—Cont'd Lump-sum death benefits—Cont'd Old age benefits, generally, see lines application requirement, 15:104 throughout this topic entitlement to lump-sum death Onset date of disability, **15:124** benefits, 15:102 Operating Manuals of SSA, 15:7 preclusion of payment of lump-Overview of elder law, 1:10 sum death benefit, 15:105 Parents, benefit programs for Marital status, proof of generally, 15:97 to 15:101 generally, 15:62 to 15:67 amount of benefits, 15:100 common-law marriage, 15:65 duration of benefits, 15:101 deemed valid marriage, 15:66 entitlement to parent's benefits, state law, applicability of, 15:63 15:97 termination of marriage, 15:67 relationship of claimant to insured person, 15:98 valid ceremonial marriage, 15:64 Maximums and minimums support requirement, 15:99 generally, 15:169 to 15:172 Payment maximum family benefit, 15:170 benefits, see lines throughout this minimum PIA. 15:169 group deportation or residence outside quarters of coverage, maximum U.S., nonpayment of benefits taxable wages or income, due to, 15:205 15:44, 15:50 imprisonment of claimant, nonpayreduction, application of, 15:171 ment of benefits due to, savings clauses, 15:172 15:204 self-employment income, retirement age, reduction for paymaximum taxable selfment before, 15:180 employment income plus Pensions and retirement wages, 15:50 delayed retirement, increase in **Medicare** (this index) benefit for, 15:187 to 15:189 Mental condition, failure to file due suspension of benefits, effect of to, 15:57 post-retirement earnings, Minimums. Maximums and 15:198 minimums, supra Presumptions and burden of proof Minors. Children, supra death, presumption of, 15:108, Mothers and fathers, benefit 15:109 programs for, 15:95, 15:96 Notice of SSA correction of earnings earnings records, 15:16 Prior determination of non-disability, record. 15:31 effect of, 15:132 Number or amount. Maximums and minimums, supra Proof. Evidence, supra **OASDI** Quarters of coverage generally, see lines throughout this generally, 15:41 to 15:53 topic Agricultural Labor Law after 1954 and before 1978, 15:52, 15:53 **Social Security Administration** (this index) assessment of quarters of coverage special needs trusts do not impact to specific quarters, 15:47 all public benefits, 16:98 crediting on calendar year basis, Obtaining earnings records, 15:9, wages after 1977, 15:45 15:10 crediting on quarterly basis, wages Offenses. Crimes and offenses, supra before 1978, 15:43

Special Needs Trusts (this index)

SOCIAL SECURITY—Cont'd SOCIAL SECURITY—Cont'd Quarters of coverage—Cont'd Reports—Cont'd crediting quarters of coverage for post-retirement earnings, annual agricultural labor, 15:52 report requirement, 15:196, 15:197 currently insured status, 15:39 Request. Application or request, definition of quarter of coverage, 15:41 supra Residual functional capacity, 15:144 exclusion of quarters, 15:42 Retirement. Pensions and retirement, fully insured status, 15:36 supra maximum taxable wages or Retirement age, reduction for payincome, 15:44, 15:50 ment before, **15:180** national increases in average Retroactive social security benefits, wages, earnings for quarters counting unearned income for of coverage in future years SSI, 16:61 tied to, 15:46 Rounding of benefits, computation of 1977, wages or income after, **15:45** benefits, 15:148 to 15:47, 15:51 Rules and regulations, 15:6 1978, wages or income before, Rulings, **15:7** 15:43, 15:44, 15:49 Savings clauses, minimum and reassignment of quarters of covermaximum amounts, 15:172 age for agricultural labor, Self-employment income 15:53 generally, 15:48 to 15:51 self-employment income allocating self-employment income generally, 15:48 to 15:51 earned after 1977, 15:51 allocating self-employment earnings records, 15:20, 15:24, income earned after 1977, 15:25 15:51 maximum taxable self-employmaximum taxable self-employment income plus wages, ment income plus wages, 15:50 15:50 minimum income requirements, minimum income requirements, 15:48 15:48 1978, income earned before, 15:49 1978, income earned before, Sequential evaluation of disability 15:49 generally, **15:140 to 15:146** Records. Earnings records, supra any other work, ability to perform, Refusal of treatment, effect of, 15:145 15:126 burden of persuasion, 15:146 Rehabilitation services and the Ticket listing of impairment, 15:143 to Work Program, 15:202 past relevant work, ability to Remarriage, effect on entitlement to perform, 15:144 programs for widows, widowers, residual functional capacity, and surviving divorced spouses, 15:144 15:86 severity of impairment, 15:142 Reports substantial gainful activity, 15:141 earnings records Severity of impairment, 15:142 conforming records to state Social Security Administration (this wage reports, 15:21 index) incorrectly reported earnings,

15:12

SOCIAL SECURITY—Cont'd	SOCIAL SECURITY—Cont'd
Spouses	Time—Cont'd
generally, 15:72 to 15:78	waiting period, entitlement to dis-
amount of benefits, 15:77	ability benefits, 15:118
child "in care" requirement,	year or years, infra
15:74, 15:75	Vision and visual impairment,
divorced spouses, supra	15:115, 15:130
duration of benefits, 15:78	Waiting period, entitlement to dis-
entitlement to spouse's benefits,	ability benefits, 15:118
15:72	Weight of SSA's interpretation of the
evidence of status as child "in	Social Security Act, 15:5
care," 15:75	Widows, widowers, and surviving
Standards for disability determina-	divorced spouses, benefit programs for
tion, generally, 15:122 to	generally, 15:85 to 15:94
15:132	amount of benefits, 15:92
State or states	application requirement, 15:87
earnings records, conforming	deemed widow or widower, 15:90
records to state wage reports, 15:21	definitions
	divorced spouse, 15:89
marital status, proof of, 15:63	widow or widower, 15:88
Subversive activity, recalculation of benefits due to conviction for,	disabled surviving spouse, duration
15:203	of benefits for, 15:94
Supplemental Security Income	duration of benefits, 15:93 , 15:94
(SSI) (this index)	entitlement to surviving spouse's
Support requirement, parents' benefit	or surviving divorced
programs, 15:99	spouse's benefits, 15:85
Survivors	remarriage, effect on entitlement, 15:86
benefits, generally, see lines	
throughout this topic	time during which disability must begin, 15:91
widows, widowers, and surviving	Windfall reduction applicable to
divorced spouses, benefit	claimant with significant
programs for, infra	noncovered employment,
Suspension of benefits	15:162
false or misleading statements, suspension of benefits due to,	Workers
15:207	generally, 15:68 to 15:71, 15:107
post-retirement earnings, effect of,	to 15:109
15:198	amount of benefits, 15:70
Tax returns, correcting SSA records	burden of proving presumption of
to agree with, 15:23 , 15:24	death, 15:109
Time	duration of benefits, 15:71
commencement of disabled	earnings records, supra
worker's benefits, 15:120	entitlement to old-age benefits,
earnings records, time limitation	15:68
for requesting correction of	establishing death of worker,
earning record, 15:13 , 15:17 , 15:18	15:107 to 15:109
onset date of disability, 15:124	preferred evidence of death, 15:107
OHSEL UALE OF UISADHILV. 13:144	13.107

SOCIAL SECURITY—Cont'd

Workers—Cont'd presumption of death, **15:108**, **15:109**

retirement age, 15:69

workers' compensation, effect of entitlement to, 15:177

Workers' compensation, effect of entitlement to, **15:177**

Year or years

base years, computation of, **15:151** benchmark years, **15:149**

benefit computation years, **15:152** crediting on calendar year basis,

wages after 1977, **15:45**

elapsed years, 15:150

indexing year, 15:154

national increases in average wages, earnings for quarters of coverage in future years tied to, 15:46

SOCIAL SECURITY ACT

Home care, hospices, and similar care alternatives, 22:38, 22:40

Nursing Homes/Facilities (this index)

Patients' rights, 23:9

Social Security Administration (this index)

SOCIAL SECURITY ADMINISTRATION

Generally, **18:1 to 18:229**

Acceptance. Approval or acceptance, infra

Adjustment, waiver of overpayment of OASDI or SSI benefits, 18:38, 18:39

Administrative law judge

appointments clause objections to, 18:119

court remand cases, Appeals Council review, **18:175 to 18:177**

decisions

administrative hearings, generally, **18:152 to 18:154**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

Administrative law judge—Cont'd decisions—Cont'd

exception to decision, Appeals Council review, **18:176**, **18:177**

recommended decision, **18:153**, **18:172**

disqualification, administrative hearings, **18:118**, **18:122**

heightened duty to develop record, unrepresented claimants at administrative hearings, 18:145

introduction at administrative hearing, **18:147**

issuance of recommended decision, remand by Appeals Council, **18:172**

opening statement at administrative hearing, **18:147** recommended decision, **18:153**,

18:172

Administrative matters

Appeals Council, **18:134, 18:155 to 18:179**

attorney's fees under Social Security Act, **18:51 to 18:60**, **18:74**

exhaustion of administrative remedies, final decision requirement for judicial review, 18:211 to 18:213

law judge. Administrative law judge, supra

review, 18:35, 18:88 to 18:189

Admissibility of evidence, administrative hearings, **18:148**

Adopted child, allegation in complaint for disallowance of

benefits, judicial review, 18:228

Affidavit in opposition to motion to dismiss complaint for failure to exhaust administrative remedies, final decision requirement for judicial review, 18:213

Agreements

contingency fee agreements, attorney's fees under Social

SOCIAL SECURITY SOCIAL SECURITY ADMINISTRATION—Cont'd ADMINISTRATION—Cont'd Agreements—Cont'd Applications—Cont'd Security Act, 18:73 dismissal of request expedited appeals process, administrative hearing, 18:132 administrative review, 18:107 Appeals Council review, 18:170 ALJ. Administrative law judge, supra filing, infra Allegations in complaints, judicial limitations on authority of reprereview, 18:224, 18:226, 18:228, sentative to sign application 18:229 for benefits, 18:49 Amount OASDI or SSI benefits, generally, attorney's fees, 18:52, 18:65 to 18:1 to 18:24 18:67, 18:80 petitions, infra past-due benefits, attorney's fees requests, infra under Social Security Act, Appointments clause objections to 18:56 administrative law judge, 18:119 Appeal and review Approval or acceptance administrative review, 18:35, attorney's fees under Social Secu-18:88 to 18:189 rity Act, 18:51, 18:61 to Appeals Council, 18:134, 18:155 18:63 to 18:179 circumstances in which "Sentence attorney's fees, 18:58 to 18:60, Six" remand may be granted, 18:63, 18:85 judicial review, 18:206 extension of time for filing, 18:94 complaints for disallowance of to 18:98 benefits, judicial review, judicial review. Courts and judicial 18:223 to 18:229 matters, infra exception to decision of streamlined approval process, administrative law judge attorney's fees under Social rejected, Appeals Council Security Act, 18:63 review, 18:177 Appeals Council, 18:134, 18:155 to presumption of death erroneously 18:179 refused application, allegation Appearance, administrative hearings, in complaint for disallowance 18:136 to 18:138 of benefits, judicial review, Application or applicability 18:229 OASDI rules to Medicare eligibilrequest for Appeals Council review ity reconsiderations, denied, 18:157 administrative review. 18:181 self-employment income erronepresumption of death erroneously ously refused credit, alleganot applied, allegation in tion in complaint for disalcomplaint for disallowance of lowance of benefits, judicial benefits, judicial review, review, 18:226 18:229 Assignment res judicata erroneously applied, case assigned to magistrate, allegation in complaint for judicial review, 18:199 disallowance of benefits,

judicial review, 18:224

attorney's fees under Equal Access

to Justice Act. 18:83 to 18:85

Applications

OASDI or SSI benefits, 18:40

Appeals Council, court remand

Assumption of jurisdiction by

cases, 18:178

SOCIAL SECURITY

ADMINISTRATION—Cont'd

Attachment, OASDI or SSI benefits, 18:40

Attorneys

cover letter, filing date of application for OASDI or SSI benefits based on written statement, **18:11**

fees, OASDI or SSI claimants, 18:50 to 18:87

representation of OASDI or SSI claimants, 18:45

Authority

court's authority to determine attorney's fees under Social Security Act, **18:67**

representatives, OASDI or SSI claimants, 18:48, 18:49

sign application for OASDI or SSI benefits for claimant, 18:7, 18:49

Availability

administrative hearings, **18:110** default judgment against Commissioner, judicial review, **18:200**

judicial review, attorney's fees under Social Security Act, 18:60

Benefits, 18:1 to 18:229

Briefs, Appeals Council review, **18:163 to 18:165**

Children, complaints for disallowance of benefits, judicial review, 18:227, 18:228

Circumstances in which "Sentence Six" remand may be granted, judicial review, 18:206

Claims for OASDI or SSI benefits, **18:1 to 18:229**

Class actions, judicial review, **18:220** Commissioner

availability of default judgment against Commissioner, judicial review, **18:200**

defendant in judicial proceeding, 18:221

final decision of Commissioner after remand, Appeals Council review, **18:179**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

Complaints, judicial review, **18:213**, **18:222 to 18:229**

Compromise, overpayment of OASDI benefits, **18:33**

Conferences

prehearing or posthearing conference, administrative hearings, 18:128, 18:129

request for formal or informal conference to reconsider initial determination, administrative review, **18:103**

Consolidated administrative hearing, 18:140, 18:141

Constructive reopening of determination, administrative review, 18:185

Contents

decision of administrative law judge, administrative hearings, 18:154

petitions for attorney's fees, 18:54, 18:70

Contingency fee agreements, attorney's fees under Social Security Act, **18:73**

Contracts. Agreements, supra Convincing evidence, support of claim for OASDI benefits, **18:22**

Copy or copies

Appeals Council review, copy of record request, **18:162**

submission of original records and copies, evidence required to support claim for OASDI benefits, **18:21**

Costs and fees

attorney's fees, OASDI or SSI claimants, 18:50 to 18:87

reimbursement for travel expenses, administrative hearings, 18:130

Counsel. Attorneys, supra

Countable resources value, waiver of overpayment of OASDI or SSI benefits, 18:37

Courts and judicial matters
Appeals Council review, court

SOCIAL SECURITY	SOCIAL SECURITY
ADMINISTRATION—Cont'd	ADMINISTRATION—Cont'd
Courts and judicial matters—Cont'd	Default judgment against Commis-
remand cases, 18:174 to	sioner, availability on judicial
18:179	review, 18:200
attorney's fees under Social Secu-	Denial. Approval or acceptance,
rity Act at judicial level,	supra
18:64 to 18:73, 18:75	Determinations
review	attorney's fees under Social Secu-
generally, 18:190 to 18:229 availability of judicial review,	rity Act, 18:55 to 18:57 , 18:67 , 18:71 to 18:73
attorney's fees under Social	credibility determinations,
Security Act, 18:60	administrative hearings,
Court of Appeals, appeal to,	18:151
18:208	decisions, supra
extension of time to file for	distinction between determination
judicial review, 18:97,	and decision, administrative
18:98	review, 18:90
Cover letter from attorney, filing date	finality of determinations,
of application for OASDI or SSI	administrative review, 18:108
benefits based on written state-	initial determination, infra
ment, 18:11	notice, infra
Credibility determinations,	overpayment of SSI benefits, 18:31 reopening and revision of
administrative hearings, 18:151	determinations, administrative
Date. Time or date, infra	review, 18:180 to 18:189
Death	Development of record by
complaints for disallowance of	administrative law judge,
benefits, judicial review,	unrepresented claimants, 18:145
18:227 to 18:229	Direct payment from past-due
OASDI, generally, 18:1 to 18:229	benefits, attorney's fees under
signing application for OASDI or	Social Security Act, 18:74 to
SSI benefits, death of claim-	18:77
ant, 18:5	Disallowance. Approval or accep-
substitution for deceased claimant, judicial review, 18:218	tance, supra
Decisions	Discovery, administrative hearings, 18:123 to 18:125
administrative law judge, supra	Dismissal
Appeals Council review, 18:173	administrative hearing request,
determinations, infra	18:131 to 18:133
distinction between determination	affidavit in opposition to motion to dismiss complaint for failure
and decision, administrative	to exhaust administrative rem-
review, 18:90	edies, final decision require-
final decision, infra	ment for judicial review,
finality of decisions, administrative review, 18:108	18:213 Appeals Council review request,
on-the-record decision, administra-	18:169, 18:170
tive hearings, 18:139	Disposition
revised decision notice,	payment, OASDI or SSI benefits,
administrative review, 18:188	18:40, 18:41

SOCIAL SECURITY ADMINISTRATION—Cont'd

Disposition—Cont'd submitting case for disposition, judicial review, **18:201**, **18:202**

Disqualification of administrative law judge, administrative hearings, **18:118. 18:122**

Distinction between determination and decision, administrative review, 18:90

Dual awards, attorney's fees, **18:86**Due process claims, judicial review, **18:204**

Duties

attorney's duty to file under Equal Access to Justice Act for fees, 18:87

heightened duty of administrative law judge to develop record, unrepresented claimants, 18:145

EAJA (Equal Access to Justice Act), attorney's fees, **18:78 to 18:87**

EAP (expedited appeals process), administrative review, **18:104 to 18:107**

Effective period of applications for OASDI or SSI benefits, **18:15 to 18:19**

Eligibility

disqualification of administrative law judge, administrative hearings, 18:118, 18:122

filing of application for OASDI or SSI benefits before or after meeting eligibility requirements, effective period of application, 18:15 to 18:18

Equal Access to Justice Act, attorney's fees, 18:78 to 18:87

Equity, waiver of overpayment of OASDI or SSI benefits, **18:39**

Erroneous matters, allegations in complaints for disallowance of benefits, judicial review, **18:224**, **18:226**, **18:229**

Evaluating request for attorney's fees under Social Security Act,

SOCIAL SECURITY ADMINISTRATION—Cont'd 18:55, 18:56, 18:72

Evidence

admissibility of evidence, administrative hearings, **18:148**

Appeals Council review, **18:161**, **18:162**, **18:168**

authority to sign application for OASDI or SSI benefits for claimant, 18:7

discovery, administrative hearings, 18:123 to 18:125

erroneous refusal to apply presumption of death, allegation in complaint for disallowance of benefits, judicial review, 18:229

opinion evidence, administrative hearings, **18:151**

presentation of evidence right, administrative hearings, 18:137

requesting evidence from Appeals Council, **18:161, 18:162**

support of claims for OASDI or SSI benefits, **18:20 to 18:24**

witnesses, administrative hearings, 18:125, 18:149 to 18:151

Examination

record, administrative hearings, **18:126**

witnesses, administrative hearings, 18:149, 18:150

Exclusions or exceptions

administrative review, 18:91

Appeals Council review, exception to decision of administrative law judge, **18:176**, **18:177**

exclusive nature of Social Security Act's provisions for judicial review, 18:192

Exclusive nature of Social Security Act's provisions for judicial review, **18:191**, **18:192**

Exhaustion of administrative remedies, judicial review, **18:211 to 18:213**

SOCIAL SECURITY	SOCIAL SECURITY
ADMINISTRATION—Cont'd	ADMINISTRATION—Cont'd
Expedited appeals process,	Filing—Cont'd
administrative review, 18:104 to	requests
18:107 Extension of time for filing, appeal	administrative hearings, 18:113, 18:114
and review, 18:94 to 18:98 Failure to exhaust administrative	direct payment from past-due benefits, attorney's fees
remedies, judicial review, 18:213	under Social Security Act, 18:77
Failure to give evidence requested to support claim for OASDI benefits, 18:23	expedited appeals process, administrative review, 18:105
Failure to make timely request for attorney's fees under Social Security Act, 18:59	petition for extension of time to file request, administrative appeals, 18:95, 18:96
Fair hearing, unrepresented	time or date, infra
claimant's right, 18:144 , 18:145	Final decision
Fees. Costs and fees, supra	Commissioner's final decision
Filing	after remand, Appeals
action, judicial review, 18:195	Council review, 18:179
administrative appeal, 18:93 to 18:96	requirement for judicial review, 18:209 to 18:214
applications	Finality of determinations and deci-
attorney's fees under Equal	sions, administrative review,
Access to Justice Act,	18:108
18:84, 18:85	Formal conference to reconsider
OASDI or SSI benefits, 18:1 to 18:18	initial determination, request, 18:103
briefs, Appeals Council review, 18:163 to 18:165	Format of decision of administrative law judge, administrative hear-
complaints, judicial review, 18:222	ings, 18:154
to 18:229	Forms
duty of attorney to file under Equal Access to Justice Act, attorney's fees, 18:87	affidavit in opposition to motion to dismiss complaint for failure to exhaust administrative rem-
exception to decision of	edies, final decision require-
administrative law judge,	ment for judicial review,
Appeals Council review,	18:213
18:176	Appeals Council review request,
extension of time for filing, appeal	18:156
and review, 18:94 to 18:98	brief filing request, Appeals
judicial review, 18:97 , 18:98	Council review, 18:164
letter requesting consolidation of	complaints, judicial review, 18:223
claims and prior filings,	to 18:229
administrative hearings,	copy of record request, Appeals
18:141	Council review, 18:162
petition for attorney's fees under	dismissal of hearing request
Social Security Act, 18:68 , 18:69	application, administrative hearings, 18:132

SOCIAL SECURITY ADMINISTRATION—Cont'd

Forms—Cont'd

dismissal of request for review application, Appeals Council review, **18:170**

expedited appeals process request, administrative review, **18:106**

extension of time for filing appeal, **18:95, 18:96, 18:98**

hearing request, administrative hearings, **18:114**

intervention request, administrative hearings, **18:112**

letter requesting consolidation of claims and prior filings, administrative hearings, 18:141

letter to Administration requesting reconsideration, administrative review, **18:102**

notice of objection to time or place of administrative hearing, 18:120

oral argument request, Appeals Council review, **18:167**

prehearing or posthearing conference request, administrative hearings, 18:129

reopening and revision of initial determination petition, administrative review, **18:183**

subpoena issuance request, administrative hearings, 18:124

summary judgment motion and notice, judicial review, **18:202** use of prescribed forms,

administrative review, 18:92

waiver of right to appear and present evidence, administrative hearings, **18:137**

written statement, filing date of application for OASDI or SSI benefits based on, **18:10**

Good cause for missing deadline for requesting administrative review. **18:99**

Good conscience, waiver of overpayment of OASDI or SSI benefits, 18:39

SOCIAL SECURITY ADMINISTRATION—Cont'd

Grounds

Appeals Council review, **18:159** waiver of overpayment of OASDI or SSI benefits, **18:38**, **18:39**

Hearings, administrative review, 18:96, 18:110 to 18:154, 18:189

Heightened duty of administrative law judge to develop record, unrepresented claimants, **18:145**

Hypothetical questions, examination of witnesses at administrative hearings, **18:150**

Informal conference to reconsider initial determination, request, 18:103

In forma pauperis motion, judicial review, **18:196**

Initial determination

administrative review, generally, **18:100**

reconsideration, **18:95**, **18:103** reopening and revision, **18:183**

Initial review of request for waiver of overpayment of OASDI or SSI benefits, 18:35

Intervention

administrative hearings, **18:112** judicial review, **18:219**

Introduction of administrative law judge at hearing, **18:147**

Issuance

decision of administrative law judge, administrative hearings, 18:152

recommended decision of administrative law judge, remand by Appeals Council, 18:172

subpoenas, administrative hearings, **18:124**

Issues, administrative hearing objections, **18:117**, **18:121**

Joint administrative hearing, **18:142** Judges

administrative law judge, supra magistrate judge, judicial review, 18:199

SOCIAL SECURITY

ADMINISTRATION—Cont'd ADMINISTRATION—Cont'd Judgments Medicare—Cont'd availability of default judgment reconsiderations, administrative review, 18:181 against Commissioner, judicial review, 18:200 relationship to Medicare, applications for OASDI or SSI summary judgment, judicial review, 18:202 benefits, 18:2 Judicial matters. Courts and judicial Misinformation from Administration, matters, supra effective period of applications for OASDI or SSI benefits, Jurisdiction 18:19 assumption of jurisdiction by Appeals Council, court Mootness, judicial review, 18:193 remand cases, 18:178 Motions exception for statutory mandamus affidavit in opposition to motion to jurisdiction, exclusive nature dismiss complaint for failure of Social Security Act's proto exhaust administrative remvisions for judicial review, edies, final decision require-18:192 ment for judicial review, Lawyers. Attorneys, supra 18:213 Letters own motion, Appeals Council consolidation of claims and prior review, 18:158 filings, administrative hearproceed in forma pauperis, judicial ings, 18:141 review. 18:196 cover letter from attorney, filing summary judgment, judicial date of application for OASDI review, 18:202 or SSI benefits based on writ-New application not required, ten statement, 18:11 OASDI or SSI benefits, 18:3 presence of witness requested, New issue, request to consider at administrative hearings, administrative hearing, 18:121 18:125 Non-attorney representative reconsideration request. administrative hearings, 18:146 administrative review. 18:102 direct payment from past-due Limitations benefits, attorney's fees under amount of attorney's fees under Social Security Act, 18:52, Social Security Act, 18:76 18:65, 18:66 Nondesignated person, signing authority of representative to sign application for OASDI or SSI application, OASDI or SSI benefits, 18:6 claimants, 18:49 Notice effective period of application for administrative hearings, 18:115 to OASDI benefits, 18:17 18:122 time for reopening of determina-Appeals Council review, 18:160 tion, administrative review, determinations 18:186 attorney's fees under Social Location. Place, infra Security Act, 18:57 Magistrate judge, assignment of overpayment of SSI benefits, judicial case to, 18:199 18:31 objections, administrative hearapplicability of OASDI rules to ings, 18:120, 18:122 Medicare eligibility

SOCIAL SECURITY

Notice—Cont'd

proposed revision of determination, administrative review, 18:187

representation, OASDI or SSI claimants, **18:43**, **18:47**

revised determination or decision, administrative review, **18:188**

streamlined approval process, attorney's fees under Social Security Act, **18:62**

summary judgment, judicial review, **18:202**

written notice, representation of OASDI or SSI claimants, **18:47**

Number. Amount, supra

OASDI, generally, 18:1 to 18:229

Objections, administrative hearings, 18:116 to 18:122

Offset of tax refund, overpayment of OASDI or SSI benefits, **18:32**

On-the-record decision, administrative hearing, **18:139**

Opening statement of administrative law judge, administrative hearing, **18:147**

Opinion evidence, administrative hearings, **18:151**

Opposition to motion to dismiss complaint for failure to exhaust administrative remedies, affidavit, **18:213**

Oral matters

filing date of application for SSI benefits based on oral inquiry, **18:12, 18:13**

hearing as matter of right, **18:135 to 18:138**

request for oral argument before Appeals Council, **18:166**, **18:167**

Original records, evidence required to support claim for OASDI benefits, **18:21**

Overpayments, OASDI or SSI benefits, 18:30 to 18:39

Parol matters. Oral matters, supra

SOCIAL SECURITY ADMINISTRATION—Cont'd

Parties

intervention, supra

judicial review, **18:215 to 18:221**

request for administrative hearing, **18:111, 18:112**

Past-due benefits, attorney's fees under Social Security Act, 18:56, 18:74 to 18:77

Payment

attorney's fees under Equal Access to Justice Act, **18:79**

direct payment from past-due benefits, attorney's fees under Social Security Act, **18:74 to 18:77**

OASDI or SSI benefits, 18:25 to 18:41

Penalties, attorney's fees under Social Security Act, **18:66**

Personal appearance, administrative hearings, **18:136 to 18:138**

Petitions

attorney's fees under Social Security Act, **18:53**, **18:54**, **18:68** to **18:70**

extension of time for filing appeal, **18:95, 18:96, 18:98**

reopening and revision of initial determination, administrative review, 18:183

Place

administrative hearing, **18:116 to 18:122**

venue, judicial review, 18:194

Posthearing conference, administrative review, **18:128**, **18:129**

Power. Authority, supra

Preferred evidence to support claim for OASDI benefits, **18:22**

Prehearing matters, administrative review, **18:127 to 18:129**

Presence of witness, administrative hearing, **18:125**

Presentation or presentment final decision requirement for judicial review, **18:210**

Presentation or presentment—Cont'd right to present evidence, administrative hearings, 18:137

Presumption of death erroneously not applied, allegation in complaint for disallowance of benefits, judicial review, 18:229

Prior filings, letter requesting consolidation, **18:141**

Private organization, judicial review, 18:217

Proof. Evidence, supra

Proposed revision of determination notice, administrative review, **18:187**

Qualification. Eligibility, supra Recommended decision of administrative law judge, 18:153, 18:172

Reconsideration, administrative review, **18:95**, **18:101** to **18:103**

Record or records

copy of record request, Appeals Council review, **18:162**

examination of record, administrative hearings, **18:126**

heightened duty of administrative law judge to develop record, unrepresented claimants, 18:145

on-the-record decision, administrative hearings, **18:139**

submission of original records and copies, evidence required to support claim for OASDI benefits, 18:21

transcript of record, judicial review, **18:198**

Recovery, waiver of overpayment of OASDI or SSI benefits, **18:38**, **18:39**

Refund of tax offset, overpayment of OASDI or SSI benefits, **18:32**

Refusal. Approval or acceptance, supra

Reimbursement for travel expenses, administrative hearings, **18:130**

SOCIAL SECURITY ADMINISTRATION—Cont'd

Rejection. Approval or acceptance, supra

Remand

attorney's fees under Equal Access to Justice Act, **18:85**

by Appeals Council, **18:171**, **18:172**

court remand cases, Appeals Council review, **18:174 to 18:179**

judicial review, **18:206**, **18:207**"Sentence Six" remands, **18:85**, **18:206**

Remedies, judicial review, **18:205 to 18:207**, **18:211 to 18:213**

Removal to Appeals Council, administrative hearings, **18:134**

Reopening of determinations, administrative review, **18:180** to **18:189**

Representatives and representation attorneys, supra

non-attorney representative, supra OASDI or SSI claimants, **18:42 to 18:87**

payments of OASDI or SSI benefits, 18:28

unrepresented claimant's right to fair hearing, administrative hearings, **18:144**, **18:145**

Requests

administrative hearings, **18:111 to 18:114**

Appeals Council review, **18:155 to 18:157**

attorney's fees under Social Security Act, **18:55**, **18:56**, **18:59**, **18:72**

consider new issue, administrative hearings, **18:121**

copy of record, Appeals Council review, **18:162**

direct payment from past-due benefits, attorney's fees under Social Security Act, **18:77**

dismissal of hearing request, administrative hearings, 18:131 to 18:133

Requests—Cont'd

dismissal of request for review, Appeals Council review, 18:169, 18:170

disqualification of administrative law judge, administrative hearings, 18:122

evaluating request for attorney's fees under Social Security Act, 18:55, 18:56, 18:72

evidence from Appeals Council, **18:161, 18:162**

expedited appeals process, administrative review, **18:105, 18:106**

failure to give requested evidence to support claim for OASDI benefits, **18:23**

filing, supra

formal or informal conference to reconsider initial determination, administrative review, 18:103

good cause for missing deadline for requesting administrative review, 18:99

intervention, administrative hearings, **18:112**

issuance of subpoenas, administrative hearings, **18:124**

letter requesting consolidation of claims and prior filings, administrative hearings, 18:141

letter to witness requesting presence, administrative hearings, 18:125

oral argument, Appeals Council review, **18:166**, **18:167**

petition for extension of time to file request for hearing, administrative appeal, **18:96**

petition for extension of time to file request for reconsideration of initial determination, administrative appeal, 18:95

prehearing or posthearing conference, administrative hearings, 18:129

SOCIAL SECURITY ADMINISTRATION—Cont'd

Requests—Cont'd

reconsideration, administrative review, **18:102**, **18:103**

reopening of determination, administrative review, **18:184**

vacation of dismissal of hearing request, administrative hearings, **18:133**

waiver of overpayment of OASDI or SSI benefits, 18:35

withdrawal of application for OASDI or SSI benefits, **18:14**

Res judicata, administrative and judicial review, **18:109**, **18:224**

Restrictions. Limitations, supra Reversals, attorney's fees under Equal Access to Justice Act, 18:85

Review. Appeal and review, supra Revision of determinations, administrative review, **18:180 to 18:189**

Rights

appearance at administrative hearing, **18:136** to **18:138**

oral hearing as matter of right, administrative hearings, 18:135 to 18:138

presentation of evidence, administrative hearings, 18:137

representation, OASDI or SSI claimants, 18:42 to 18:44

unrepresented claimant's right to fair hearing, administrative hearings, **18:144**, **18:145**

Scope of judicial review, **18:203** Self-employment income, allegation

in complaint for disallowance of benefits, judicial review, **18:226**

"Sentence Four" remands and reversals, attorney's fees under Equal Access to Justice Act, 18:85

"Sentence Six" remands and reversals, **18:85**, **18:206**

Service

decision of administrative law judge, **18:152**

SOCIAL SECURITY	SOCIAL SECURITY
ADMINISTRATION—Cont'd	ADMINISTRATION—Cont'd
Service—Cont'd	Streamlined approval process,
process, judicial review, 18:197	attorney's fees under Social
Services, attorney's fees under Equal	Security Act, 18:61 to 18:63
Access to Justice Act, 18:82	Sua sponte Appeals Council review,
Signatures, applications for OASDI	18:158
or SSI benefits, 18:4 to 18:7 ,	Submission of original records and
18:49	copies, evidence required to support claim for OASDI
Social Security Act	benefits, 18:21
attorney's fees, 18:50 to 18:77 , 18:86 to 18:87	Submitting case for disposition,
exclusive nature of Social Security	judicial review, 18:201 , 18:202
Act's provisions for judicial	Subpoenas, administrative hearings,
review, 18:191 , 18:192	18:124
Source of payment, attorney's fees	Substantial justification standard,
under Equal Access to Justice	attorney's fees under Equal
Act, 18:79	Access to Justice Act, 18:81
Spouses, complaints for disallowance	Substitution for deceased claimant,
of benefits, judicial review,	judicial review, 18:218
18:227, 18:228	Summary judgment, judicial review,
SSI, generally, 18:1 to 18:229	18:202
Standards	Survival of actions, judicial review, 18:218
judicial review, 18:203	Taxes and taxation
substantial justification standard,	OASDI benefits, 18:41
attorney's fees under Equal	refund offset, overpayment of
Access to Justice Act, 18:81	OASDI or SSI benefits, 18:32
Standing, judicial review, 18:215 to 18:217	Time or date
State	effective period of applications for
	OASDI or SSI benefits, 18:15
agency, judicial review, 18:216 Statements	to 18:19
opening statement of administra-	expedited appeals process,
tive law judge at administra-	administrative review, 18:104
tive hearing, 18:147	to 18:107
written statement, filing date of	extension of time for filing, appeal
application for OASDI or SSI	and review, 18:94 to 18:98 failure to make timely request,
benefits based on, 18:9 to	attorney's fees under Social
18:11	Security Act, 18:59
Statutes	filing
Equal Access to Justice Act,	administrative appeal, 18:93 to
attorney's fees, 18:78 to	18:96
18:87	application for OASDI or SSI
judicial review, 18:190 et seq.	benefits, 18:8 to 18:13
Social Security Act, supra	judicial action, 18:195
Stepchild, complaint for disallowance	petition for attorney's fees under
of benefits, judicial review, 18:227	Social Security Act, 18:69
Steps in administrative review pro-	good cause for missing deadline
cess, 18:89	for requesting administrative review, 18:99

Time or date—Cont'd objections relating to time of administrative hearing, 18:116 to 18:122

reopening of determination, administrative review, 18:186

Transcript of record, judicial review, 18:198

Travel expense reimbursement, administrative hearings, 18:130

Treatment of OASDI application as SSI oral inquiry, filing date of application for SSI benefits based on oral inquiry, 18:13

Types of administrative hearings, 18:135 to 18:142

Underpayments, OASDI or SSI benefits, 18:29

Unrepresented claimant's right to fair hearing, administrative hearings, 18:144, 18:145

Use of prescribed forms, administrative review, 18:92

Vacation of request for dismissal of administrative hearing, 18:133

Value of countable resources, waiver of overpayment of OASDI or SSI benefits, 18:37

Venue, judicial review, 18:194 Waiver

appearance right, administrative hearings, 18:137, 18:138

exhaustion of administrative remedies, final decision requirement for judicial review, 18:212

overpayment of OASDI or SSI benefits, 18:34 to 18:39

presentation of evidence right, administrative hearings, 18:137

representation right, OASDI or SSI claimants, 18:44

Withdrawal

application for OASDI or SSI benefits, request, 18:14 waiver of right to appear, administrative hearings, 18:138

SOCIAL SECURITY ADMINISTRATION—Cont'd

Without fault requirement, waiver of overpayment of OASDI or SSI benefits, 18:36

Witnesses, administrative hearings, 18:125, 18:149 to 18:151

notice, representation of OASDI or SSI claimants, 18:47

statement, filing date of application for OASDI or SSI benefits based on, 18:9 to 18:11

SOCIAL SERVICES

Block grants, home care, hospices, and similar care alternatives, 22:39, 22:40

Medicaid, social services in facilities with more than 120 beds. 30:47

Medical Matters (this index) **Medicare** (this index) SSI, nonincome items, 16:37

SOCIOLOGY

Overview, sociology of aging, 1:17

SOURCE OF PAYMENT

Social Security Administration, attorney's fees under Equal Access to Justice Act, 18:79

SOUTH CAROLINA

Do not resuscitate order, emergency services, 33:111

Elder victimization, abuse, and neglect, 4A:71

Health care power of attorney, form, 33:68

Natural death, declaration of desire for, form, 33:68

SOUTH DAKOTA

Elder victimization, abuse, and neglect, 4A:72

Living will declaration, 33:69

SPECIAL MATTERS

Allowances, veterans' benefits, 17:20, 17:46

Assets, terminally ill clients, 11:56 to 11:59

SPECIAL MATTERS—Cont'd

Attorneys (this index)

Enrollment period, Medicare, 25:32, 26:13 to 26:15, 26:20

Estates. 8:63, 9:24

Generation-Skipping Transfer Tax (this index)

Life insurance, rules, **8:261, 14:43 to 14:48**

Lifetime transfers planning, 9:36

Medicare Advantage (MA) Program (this index)

Medicare (this index)

Needs trusts. **Special Needs Trusts** (this index)

Postmortem planning and administration, 12:15 to 12:17

Questionnaires, gathering and preserving client information, 2:11

Rules

Generation-Skipping Transfer Tax (this index)

life insurance, 8:261, 14:43 to 14:48

Special Valuation Rules for Transfer Taxes (this index)

Shoes for diabetics, Medicare, **26:88** Support, veterans with disabilities, health care benefits, **17:43**

Terminally ill clients, 11:32, 11:38

Valuation rules. **Special Valuation Rules for Transfer Taxes** (this index)

SPECIAL NEEDS PLANS (SNPS)

Medicare Advantage (MA) program, **26A:10**

SPECIAL NEEDS TRUSTS

Generally, **16:91 to 16:175**

Accumulated assets, self-settled supplemental trust, **16:139**

Alternatives or options

designing supplemental trusts, **16:118**

third party settled trusts, options for leaving assets to person who has disability, **16:169**, **16:170**

SPECIAL NEEDS TRUSTS—Cont'd

Amendment of trust, designing supplemental trusts, **16:119**

Annuities, treatment of trusts after Omnibus Budget Reconciliation Act of 1993, **16:93**

Appointment

testamentary power of appointment, gift taxes and designing supplemental trusts, 16:136

trustee, designing supplemental trusts, **16:117**

Approval of court, income taxes and designing supplemental trusts, 16:133

Arguments against gift, gift taxes and designing supplemental trusts, 16:135

Assets

accumulated assets, self-settled supplemental trust, **16:139**

Medicaid rules relating to selfsettled trusts, **16:147**, **16:148**

options for leaving assets to person who has disability, third party settled trusts, **16:169**, **16:170**

Assignment to trust, income taxes and designing supplemental trusts, 16:132

Assisted housing programs, trusts do not impact all public benefits, 16:103

Authority. Powers, infra Availability

assets of trust, Medicaid rules relating to self-settled trusts, **16:147**

corpus and income of trust, treatment of trusts after Omnibus Budget Reconciliation Act of 1993, **16:94**

Beneficiary

naming residual beneficiary, SSI rules relating to self-settled trusts. **16:164**

non-tax design issues, designing supplemental trusts, **16:118**, **16:124**

Benefits, trusts do not impact all public benefits. **16:97 to 16:103**

SPECIAL NEEDS TRUSTS—Cont'd Categorization of trusts, 16:104 to 16:114

- Chart of options for leaving assets to person who has disability, third party settled trusts, **16:170**
- Corpus of trust availability, treatment of trusts after Omnibus Budget Reconciliation Act of 1993, 16:94
- Court approval, income taxes and designing supplemental trusts, **16:133**
- "D4A" trust, exempt self-settled trusts. **16:150 to 16:152**
- Date trust is established, categorization of trusts, **16:114**
- Deemed to be established trusts, Medicaid rules relating to selfsettled trusts, 16:146
- Definition of trust, Medicaid rules relating to self-settled trusts, **16:144**
- Describe beneficiary's needs, non-tax design issues for supplemental trusts, **16:124**
- Designing supplemental trusts, 16:115 to 16:137
- Dilemma of third party, third party settled trusts, **16:168**
- Disabled persons, **16:91 to 16:175**
- Disadvantages of pooled trust, exempt self-settled trusts, 16:158
- Disclaimers, self-settled supplemental trust, **16:142**
- Discretionary matters
 - distribution provisions, discretionary trusts, **16:111**, **16:112**
 - non-tax design issues for supplemental trusts, discretion of trustee, 16:121
- Distribution provisions, categorization of trusts, **16:108 to 16:113**
- Effect of trusts on eligibility for SSI and Medicaid, **16:96**
- Elderly persons, **16:91 to 16:175** Eligibility for SSI and Medicaid,

effect of trusts on, 16:96

SPECIAL NEEDS TRUSTS—Cont'd

- Establishment of trust
 - categorization of trusts, **16:104 to 16:106, 16:114**
 - Medicaid rules relating to selfsettled trusts, 16:145, 16:146, 16:148
 - SSI rules relating to self-settled trusts, **16:166**
- Estate taxes, designing supplemental trusts, **16:137**
- Exempt self-settled trusts, 16:149 to 16:158
- Financial need, trusts do not impact all public benefits, **16:98 to 16:103**
- Flexibility of trustee, non-tax design issues for supplemental trusts, 16:121
- Four distribution standards of supplemental trusts, categorization of trusts, **16:108**

Gifts

- self-settled supplemental trust, **16:141**
- taxes, designing supplemental trusts, **16:134 to 16:136**
- Give trustee as much discretion and flexibility as possible, non-tax design issues for supplemental trusts, 16:121
- Grantor trusts, income taxes and designing supplemental trusts, **16:129**, **16:130**
- Hardship waivers, treatment of trusts after Omnibus Budget Reconciliation Act of 1993, 16:95
- How trusts deemed to be established by person are treated, Medicaid rules relating to self-settled trusts, 16:146

Impact

- distribution standards of selfsettled vs. third party settled trusts, categorization of trusts, 16:113
- trusts do not impact all public benefits, **16:97 to 16:103**

SPECIAL NEEDS TRUSTS—Cont'd SPECIAL NEEDS TRUSTS—Cont'd Non-tax design issues, supplemental trusts, 16:115 to 16:124 availability of trust income, treatment of trusts after Omnibus OASDI, trusts do not impact all pub-Budget Reconciliation Act of lic benefits, 16:98 1993, **16:94** Omnibus Budget Reconciliation Act qualified income trusts, exempt of 1993, treatment of trusts after, self-settled trusts. 16:153. 16:92 to 16:95 16:154 Options. Alternatives or options, Supplemental Security Income (SSI), infra Oversight of trustee, non-tax design taxes, designing supplemental issues for supplemental trusts, trusts, **16:128 to 16:133** 16:116 Inheritance, self-settled supplemental Penalties for transfer, SSI rules relattrust, 16:141 ing to self-settled trusts, 16:160 Intent of settlor, 16:107, 16:120 Personal injury awards Interpretation rules, intent of settlor, income taxes, designing 16:107 supplemental trusts, 16:131 Irrevocable trusts self-settled supplemental trust, living supplemental trust, third 16:140 party settled trusts, 16:175 Pooled trust, exempt self-settled tax-related design issues for trusts, 16:155 to 16:158 supplemental trusts, 16:126 **Powers** Living trust, third party settled trusts, beneficiary should not have power, 16:172 to 16:175 non-tax design issues for MCCA (Medicare Catastrophic supplemental trusts, 16:118 Coverage Act of 1998), treattestamentary power of appointment of trusts before, 16:91 ment, gift taxes and designing Medicaid supplemental trusts, 16:136 effect of trusts on eligibility for unique trustee powers, non-tax Medicaid, 16:96 design issues for programs that are need based, supplemental trusts, 16:122 trusts do not impact all public benefits, 16:102 Programs, trusts do not impact all public benefits, 16:98 to 16:103 rules relating to self-settled trusts, 16:143 to 16:148 Purely discretionary trust, categoriza-Medicare tion of trusts, 16:111 programs not based on financial Qualified income trusts, exempt selfneed, trusts do not impact all settled trusts, 16:153, 16:154 public benefits, 16:99 Removal of trustee, non-tax design treatment of trusts before Medicare issues for supplemental trusts, Catastrophic Coverage Act of 16:117 1998 (MCCA), 16:91 Residual beneficiary naming, SSI Methods of making trust grantor rules relating to self-settled trust, income taxes and designtrusts, 16:164 ing supplemental trusts, 16:130 Restatement rules, SSI rules relating Miller trusts, exempt self-settled

trusts, 16:153, 16:154

Naming residual beneficiary, SSI

trusts, 16:164

rules relating to self-settled

to self-settled trusts, 16:163

"d4A" trust, exempt self-settled

trusts, 16:152

Results of trust

supplemental trusts, 16:127,

16:174, 16:175

SPECIAL NEEDS TRUSTS—Cont'd SPECIAL NEEDS TRUSTS—Cont'd Standards, distribution provisions, Results of trust—Cont'd 16:108, 16:113 pooled trust, exempt self-settled trusts, 16:156 State law, SSI rules relating to selfsettled trusts, 16:165 Revocable trusts living supplemental trust, third Medicare Catastrophic Coverage party settled trusts, 16:174 Act of 1998 (MCCA), 16:91 SSI rules relating to self-settled trusts, 16:161 Omnibus Budget Reconciliation Act of 1993, 16:92 to 16:95 tax-related design issues for state law, SSI rules relating to selfsupplemental trusts, 16:126 settled trusts, 16:165 Rules Supplemental Security Income (SSI) exempt self-settled trusts, 16:149 effect of trusts on eligibility for interpretation, intent of settlor, SSI, 16:96 16:107 programs that are need based, Medicaid rules relating to selftrusts do not impact all public settled trusts, 16:143 to benefits, 16:101 16:148 rules relating to self-settled trusts, SSI rules relating to self-settled 16:159 to 16:166 trusts, 16:159 to 16:166 Supplemental trusts Self-settled trusts designing supplemental trusts, generally, **16:138 to 16:166** 16:115 to 16:137 distribution provisions, categorizadistribution provisions, categorization of trusts, 16:113 tion of trusts, 16:108 supplemental trusts, 16:127, living supplemental trust, third 16:139 to 16:142 party settled trusts, 16:174, tax-related design issues for 16:175 supplemental trusts, 16:127 self-settled trusts, 16:127, 16:139 who established trust, categorizato 16:142 tion of trusts, 16:105 third party settled trusts, 16:127, Separate living trust, third party 16:174, 16:175 settled trusts, 16:173 Support trusts, distribution provi-Settled trusts sions, 16:109, 16:112 self-settled trusts, supra Taxes and taxation, designing third party settled trusts, infra supplemental trusts, 16:125 to Settlor's intent, **16:107**, **16:120** 16:137 Social Security Testamentary matters Medicaid, supra power of appointment, gift taxes Medicare, supra and designing supplemental trusts, 16:136 OASDI, trusts do not impact all public benefits, 16:98 trust, third party settled trusts, 16:171 Supplemental Security Income Third party settled trusts (SSI), infra Spendthrift provisions, non-tax generally, 16:167 to 16:175 design issues for supplemental distribution provisions, categorizatrusts, 16:123 tion of trusts, **16:113**

SSI. Supplemental Security Income

(SSI), infra

SPECIAL NEEDS TRUSTS—Cont'd

Third party settled trusts—Cont'd tax-related design issues for supplemental trusts, 16:127

who established trust, categorization of trusts, **16:106**

Totally discretionary trust, distribution provisions, **16:111**

Transfer penalties, SSI rules relating to self-settled trusts, **16:160**

Treatment of trusts

after Omnibus Budget Reconciliation Act of 1993, **16:92 to 16:95**

before Medicare Catastrophic Coverage Act of 1998 (MCCA), **16:91**

how trusts deemed to be established by person are treated, Medicaid rules relating to self-settled trusts, 16:146

Trustee, non-tax design issues for supplemental trusts, 16:115 to 16:118, 16:121, 16:122

Unavailability of trust assets to person who established trust, Medicaid rules relating to self-settled trusts, 16:148

Unique trustee powers, non-tax design issues for supplemental trusts, 16:122

Use

pooled trust, exempt self-settled trusts, **16:157**

self-settled supplemental trust, 16:139 to 16:142

Veterans' benefits, trusts do not impact all public benefits, **16:100**

Waivers for hardship, treatment of trusts after Omnibus Budget Reconciliation Act of 1993, 16:95

Wills. Testamentary matters, supra

SPECIAL VALUATION RULES FOR TRANSFER TAXES

Adjustments to avoid double tax, corporations and partnerships, 8:248, 8:249

SPECIAL VALUATION RULES FOR TRANSFER TAXES —Cont'd

Alternatives, elections or options buy-sell agreements and options, infra

corporations and partnerships, elections by transferor or family member, **8:227**, **8:245**

Amount. Number or amount, infra Applicable family member defined, corporations and partnerships, 8:233, 8:252

Applicable percentage, limitation on increase in value, **8:244**

Arm's length transaction requirement, buy-sell agreements and options, **8:292**

Buy-sell agreements and options generally, **8:288**

arm's length transaction requirement, **8:292**

bona fide business arrangement, **8:291**

device to transfer for less than adequate consideration, **8:288**

disregard of certain agreements, options, rights and restrictions, 8:288

exceptions, 8:289, 8:290, 8:304 existing requirements, 8:293 family, restriction, 8:290

general business practices, **8:292** liquidations, exceptions to applicable restrictions, **8:304**

modification of right or restriction, 8:294, 8:295

substantial modification of right or restriction, **8:294**

Treasury Department, regulatory authority, generally, **8:305**

Cash holding in trust, **8:274**, **8:280** Chapter 14, **8:209** to **8:213**, **8:285**, **8:309**

Charitable trusts exception, **8:260**Compounding rules, corporations and

partnerships, **8:241 to 8:247**Control of corporation or partnership, **8:234**

SPECIAL VALUATION RULES FOR TRANSFER TAXES —Cont'd

Conversion, 8:219, 8:259, 8:283

Corporations and partnerships, see lines throughout this topic

Coverage of Chapter 14, 8:210

Credit against federal estate tax, adjustment to avoid double tax, 8:249

Damage or destruction of residence, qualified personal residence trust, 8:282

Date. Time, infra

Debt, principal and interest payments, **8:216**, **8:223**

Definitions, 8:233, 8:241, 8:252, 8:256, 8:272

Determination of value, 8:224, 8:225

Disclosure of transaction on tax return, **8:307**

Disposition of assets of qualified personal residence trust, **8:283**

Distribution rights, corporations and partnerships, 8:215, 8:222, 8:223, 8:227

Double taxation, 8:248, 8:249, 8:300

Elections. Alternatives, elections or options, supra

Employment contract compensation rights, **8:216**, **8:223**

Excess amounts, 8:263, 8:267

Exclusions and exceptions, see lines throughout this topic

Extraordinary payment rights, corporations and partnerships, 8:215 to 8:221, 8:228

Family members

corporations and partnerships, **8:247**

interests in trusts, **8:250**, **8:252** lapsing voting and liquidation rights, **8:297**

Filing return, disclosure of transaction, **8:306**, **8:307**

Fractional interests in same residence, **8:273**

Freezing transactions, prior law, 8:202 to 8:205

SPECIAL VALUATION RULES FOR TRANSFER TAXES

—Cont'd

Gift and estate tax consequences of Chapter 14, **8:210**

Grantor retained income trusts, prior law. **8:204**

Guaranteed payments, corporations and partnerships, **8:222**

Historical perspective, **8:202 to 8:205**

Improvements, interests in trusts, **8:259, 8:280**

Inability of family to liquidate, exceptions, **8:299**

Incomplete gifts, 8:256, 8:284

Independent trustee, **8:284**

Indirect holdings, 8:233, 8:252

Insurance, interests in trusts, 8:261, 8:277

Interests in trusts, generally, **8:250** Internal Revenue Code

Chapter 14, 8:209 to 8:213, 8:285, 8:309

Omnibus Budget Reconciliation Act of 1987, **8:206, 8:207**

prior law, 8:206 to 8:208

repeals, **8:207**, **8:208**, **8:308**

retained provision, 8:208

Revenue Reconciliation Act of 1990, **8:207**, **8:208**

Technical and Miscellaneous Revenue Act of 1988, **8:206**

Junior equity interests, corporations and partnerships, **8:222**, **8:243**

Lapsing voting and liquidation rights, 8:296 to 8:309

Leases and leaseholds, **8:216**, **8:223**, **8:255**

Life estates and remainders, split interest purchases, **8:205**

Life insurance policy transfer to trust exception, **8:261**

Limitations

buy-sell agreements and options, 8:288 to 8:295

corporations and partnerships, 8:229, 8:237 to 8:239, 8:243, 8:244

SPECIAL VALUATION RULES SPECIAL VALUATION RULES FOR TRANSFER TAXES FOR TRANSFER TAXES —Cont'd —Cont'd Limitations—Cont'd Proportionate transfer as to rights exceptions, 8:237 to 8:239 exception, **8:240** liability exception, 8:237 to 8:239 **Oualified** liquidation, 8:302 to 8:305 annuity interests, 8:262 to 8:265, minimum value of residual 8:270, 8:283 interests, 8:229 interests, 8:250 et seq. qualified personal residence trust, payment rights, 8:226 restrictions on assets that may personal residence trust, 8:279 to be held, **8:280, 8:281** 8:284 statute of limitations, 8:306, 8:307 remainder interests, 8:251, 8:271, Liquidations, 8:221, 8:296 to 8:309 8:272 Management rights differences, unitrust interests, 8:251, 8:266 to exceptions, 8:237 to 8:239 8:269 Mandatory payment right, corpora-Recapitalizations, corporations and tions and partnerships, 8:218 partnerships, **8:230** Marital deduction treatment of Reduction in taxable gifts, interests in transfer to spouse, compounding trusts, 8:285 to 8:287 rules, 8:246 Regulations to avoid double tax. Marketable interest exception, 8:235 8:248 Minimum value of residual interest, Rental payments under lease, 8:216, 8:229 8:223, 8:255 Modification of right or restriction, Residual interest, minimum value buy-sell agreements and options, requirement, 8:229 8:294, 8:295 Restrictions. Limitations, supra Number or amount corporations and partnerships, Return, disclosure of transaction, 8:242 to 8:244 8:306, 8:307 excess amounts, 8:263, 8:267 Revenue Reconciliation Act of 1990, 8:207, 8:208 interests in trusts, 8:287 minimum value of residual inter-Reversionary or remainder interests, est, 8:229 8:251, 8:260, 8:271, 8:272, 8:277 Occurrence of lapse, 8:294 Omnibus Budget Reconciliation Act Sales of 1987, **8:206, 8:207** buy-sell agreements and options, Options. Alternatives, elections or supra options, supra personal residence, qualified Partnerships and corporations, see personal residence trust, 8:281 lines throughout this topic Personal residence trusts, 8:273 to Same class exception, corporations 8:284 and partnerships, 8:236 Pooled income funds exception, Separate interests, corporations and 8:260 partnerships, 8:232 Power of appointment, retention by Split-gift treatment, reduction in taxtransferor, 8:277 able gifts, **8:286** Prior law, 8:202 to 8:205 Split interest purchases, prior law, Property settlement exceptions, 8:260 8:205

SPECIAL VALUATION RULES FOR TRANSFER TAXES

-Cont'd

Spousal transfers

corporations and partnerships, compounding rules, **8:246**

marital deduction treatment of transfer to spouse, compounding rules, **8:246**

personal residence trusts, spouses holding interests in same residence, 8:278

split-gift treatment, 8:286

Statute of limitations, 8:306, 8:307

Statutory change, exception, **8:301** Subordinate interest, lapsing voting

and liquidation rights, **8:294**

Substantial modification, buy-sell agreements and options, **8:294**

Subtraction method of valuation, corporations and partnerships, 8:228

Tangible property, term interests, 8:257 to 8:259

Taxable event, compounding rules, **8:241**

Technical and Miscellaneous Revenue Act of 1988, **8:206**

Term interests in trusts, 8:257 to 8:259

Time

conversion date, 8:283

corporations and partnerships, effective date of rules, **8:231**

modification date, buy-sell agreements and options, **8:294**

occurrence of lapse of voting or liquidation right, 8:298

Transactions treated as transfers, **8:217**

Treasury Department, regulatory authority, **8:305**

Trusts

equivalents, 8:254, 8:255

grantor retained income trusts, prior law, **8:204**

Use of residence, interests in trusts, **8:276**, **8:282**, **8:283**

Valuation, 8:252, 8:258

SPECIAL VALUATION RULES FOR TRANSFER TAXES

-Cont'd

Voting

corporations and partnerships, 8:220, 8:237 to 8:239

exceptions, 8:237 to 8:239

lapsing voting and liquidation rights, **8:296 to 8:309**

SPEECH-LANGUAGE PATHOLOGY SERVICES

Medicaid, 30:89

Medicare, 25:131, 25:164, 26:97

SPENDING CLAUSE

Disability discrimination, laws under, 36:22

SPENDTHRIFT PROVISIONS

Special needs trusts, non-tax design issues for supplemental trusts, 16:123

SPENDTHRIFT TRUSTS

Generally, 10:60, 10:117

SPLIT-DOLLAR INSURANCE

Life insurance, 14:25, 14:54, 14:73

SPLIT GIFTS

Gifts (this index)

SPLIT INTEREST PURCHASES

Special valuation rules for transfer taxes, **8:205**

SPLIT PAYMENTS

Medicare, 28:7

"SPOOFING"

Consumer issues, **4:26**

SPOUSES

As to marriage, generally. Marriage and Marital Matters (this index)

Alimony (this index)

Community Property (this index)

Death, lifetime distributions, 19:88

Distributions from qualified retirement plans and IRAs, 19:14, 19:88, 19:159, 19:223, 19:250

Estates (this index)

SPOUSES—Cont'd **STABILITY Gifts** (this index) Continuing care retirement com-**Income** (this index) munity prospective resident **Life Insurance** (this index) counseling, financial stability of facility questions, 21:56 Lifetime Transfers Planning (this index) **STAFFING** Medicaid (this index) Attorney or assistance of counsel, 2:5 **Medicare Catastrophic Coverage** Nursing facility (NF) certification, **Act** (this index) Medicare and Medicaid, 21:31 Medicare Part B premium deduction STANDARD DEDUCTION for spouse of civil service annuitant, consent, 26:37 **Income** (this index) **Noncitizen Spouses** (this index) STANDARD OPERATING Nonspouses, 8:39, 19:229 **PROCEDURE** Pensions and Retirement (this Age Discrimination in Employment index) Act, 35:51 **Real Property** (this index) **STANDARDS** Renunciation Right of Spouse (this Guardians and conservators, stanindex) dards for determining compe-Rollovers, 19:159 tence, 34:24 Separated spouses Social Security Administration (this Income tax planning, 6:39 index) SSI, married persons' eligibility, Special needs trusts, distribution proseparation report, 16:16 visions, 16:108, 16:113 Social Security Administration, STANDBY GUARDIAN complaints for disallowance of Kinship caregivers, 37:7 to 37:9 benefits, judicial review, 18:227, 18:228 **STANDING Social Security** (this index) Parties (this index) **Special Valuation Rules for Transfer Taxes** (this index) STATE **Supplemental Security Income State or States** (this index) (SSI) (this index) **STATEMENTS** Surviving spouse. Widows and Medicare, 25:181 **Widowers** (this index) Social Security Administration (this Tenants by entirety index) estate tax, 8:113 to 8:115 STATE OF MIND will substitute, 10:120 to 10:124 Terminally ill clients, 11:3 **Trusts and Trustees** (this index) Widows and Widowers (this index) STATE OR STATES Wills (this index) Age Discrimination Act, remedies available against state violators, **SSA** 35:233 Social Security Administration (this Age Discrimination in Employment index) Act, lawsuit filed by state or **SSI** state agency, 35:103

Supplemental Security Income (SSI) (this index)

Alabama (this index)

Arizona (this index)

STATE OR STATES—Cont'd

Assisted living facilities, 21:35

California (this index)

Colorado (this index)

Connecticut (this index)

Consumer issues. **Consumers** (this index)

Continuing care facilities, continuing care retirement communities, and life care facilities, state involvement, 21:46 to 21:50

Death taxes, credit, 8:98

Delaware (this index)

Disability discrimination, state statutes, **36:96**, **36:97**

Disposing of businesses, 13:20

District of Columbia (this index)

Elder victimization, abuse, and neglect, **4A:29 et seq.**

Employment discrimination, state antidiscrimination statutes, 35:158 to 35:161

Florida (this index)

Generation-skipping transfer tax, filing of return and payment of tax, 8:187

Georgia (this index)

Guardians and conservators, state laws, **34:1 to 34:49**

Hawaii (this index)

Idaho (this index)

Illinois (this index)

Indiana (this index)

Iowa (this index)

Kentucky (this index)

Louisiana (this index)

Maine (this index)

Maryland (this index)

Massachusetts (this index)

Medicaid (this index)

Medicare (this index)

Missouri (this index)

Montana (this index)

Nebraska, health care powers of attorney, form, **33:55**

Nevada (this index)

New Hampshire (this index)

New Jersey (this index)

STATE OR STATES—Cont'd

New York (this index)

North Carolina (this index)

Oregon (this index)

Pennsylvania (this index)

Residential health care facilities and nursing homes, 23:38 to 23:39

Retirement systems, **20:122 to 20:130**

Rhode Island (this index)

Social Security Administration, 1:18

Social Security Administration (this index)

Social Security (this index)

South Dakota (this index)

Special needs trusts, state law and SSI rules relating to self-settled trusts, **16:165**

Spousal rights, distributions from qualified retirement plans and IRAs, 19:210

State laws, residential rights

abuse and neglect, 23:55 to 23:109

Tennessee (this index)

Uniform Veterans Guardianship Act, 17:60

United States (this index)

Vermont (this index)

Virginia (this index)

Washington (this index)

West Virginia (this index)

Wisconsin (this index)

STATISTICS

Age Discrimination in Employment Act, **35:43**, **35:53**, **35:75**

STATUS

SSI eligibility for married persons, evidence of marital status, **16:12**

STATUTE OF FRAUDS

Employment discrimination, 35:165

STATUTE OF LIMITATIONS

Limitation of Actions (this index)

STATUTES

Assisted living facilities, regulation of, **21:35**

STATUTES—Cont'd

Distributions from qualified retirement plans and IRAs, 19:6 to 19:9.90, 19:35, 19:36

Guardians and conservators, **34:1 to 34:49**

Internal Revenue Code. **Taxes and Taxation** (this index)

Medicaid, state statutes relating to mandatory and optional services, **30:5**

Mental capacity or condition, statutory definition of incapacity, 32:8

Nontax rules relating to qualified retirement plans, 19:34, 19:35

Nursing Homes/Facilities (this index)

Older Americans Act (this index)
Omnibus Budget Reconciliation
Acts (this index)

Patients' rights, 23:2 to 23:10 Revenue Reconciliation Acts, 8:16, 8:17, 8:207, 8:208, 12:18

Setting Every Community Up for Retirement Enhancement Act of 2019, **19:82**

Social Security Act (this index)
Social Security Administration (this index)

Special Needs Trusts (this index) SSI, unearned income exclusions, 16:63

Tax Equity and Fiscal Responsibility Act of 1982, 19:81, 19:82, 19:170, 19:171

Tax Reform Acts (this index)
Technical and Miscellaneous Revenue Act of 1988 (this index)

Veterans' benefits. 17:1 to 17:62

STEPCHILD

Social Security Administration, complaint for disallowance of benefits, judicial review, **18:227**

STEPPED-UP BASIS RULES

Real property planning, 7:6

STOCK AND STOCKHOLDERS

Bonus plans, distributions from qualified retirement plans and IRAs, 19:30

STOCK AND STOCKHOLDERS

—Cont'd

Closely Held Businesses, Corporations and Stock (this index)

Disposing of Businesses (this index) **Dividends** (this index)

Employee Stock Ownership Plans (this index)

Federal estate tax, 8:109

Postmortem planning and administration, redemption, 12:28 to 12:30

STOPPING WORK FOR PAY

Railroad retirement benefits, eligibility, **20:78**

STREAMLINED APPROVAL PROCESS

Social Security Administration, attorney's fees under Social Security Act, **18:61 to 18:63**

STUDENT EARNINGS

SSI, earned income exclusion, 16:47

SUA SPONTE APPEALS COUNCIL REVIEW

Social Security Administration, 18:158

SUBORDINATE INTEREST

Special valuation rules for transfer taxes, **8:298**

SUBPOENAS

Medicaid, 31:26

Social Security Administration, administrative hearings, **18:124**

SUBROGATION

Medicaid, 29:4, 31:46, 31:48

SUBSTANTIAL JUSTIFICATION STANDARD

Social Security Administration, attorney's fees under Equal Access to Justice Act, **18:81**

SUBSTANTIAL LIMITATION

Disability discrimination, 36:26

SUBSTANTIAL MODIFICATION

Special valuation rules for transfer taxes. **8:294**

SUBSTANTIVE DUE PROCESS

Employment discrimination, 35:150

SUBSTITUTES OR SUBSTITUTION

Social Security Administration, substitution for deceased claimant in judicial proceeding, 18:218

Wills (this index)

SUCCESSOR CORPORATIONS

Age Discrimination in Employment Act, liability of successor corporations, **35:6**

SUFFICIENCY

Medicaid (this index)

SUICIDE

Living wills, physician aid-in-dying, 33:22

SUMMARY JUDGMENT

Age Discrimination in Employment Act, motion for summary judgment, **35:116**

Social Security Administration, judicial review, **18:202**

SUMMARY OF CASE

Attorney or assistance of counsel, **2:13**

SUMMARY SHEET

Financial planning, 5:48

SUPERVISION

Guardians and conservators, court's paternal supervision, **34:25**

SUPPLEMENTAL MATTERS

Annuity. **Pensions and Retirement** (this index)

Medicare Advantage (MA)
Program (this index)

Medicare supplemental insurance (MEDIGAP), 24:24 to 24:39, 28:10

Retirement income needs, financial planning, **5:52**

Security income. Supplemental Security Income (SSI) (this index)

SUPPLEMENTAL MATTERS

-Cont'd

Trusts. **Special Needs Trusts** (this index)

SUPPLEMENTAL SECURITY INCOME (SSI)

Absent parent's support, one-third excluded from unearned income, **16:73**

Acceptable evidence of age, eligibility, **16:20**

Actual availability of resources, **16:88**

Adjustments, benefits, 15:179

Age, eligibility, 16:19, 16:20

Alimony payments, unearned income, **16:56**

Amount of benefits, **16:21 to 16:28**Annuities, unearned income, **16:53**Application for other benefits
requirement, eligibility, **16:9**

Assistance

disaster assistance, unearned income exclusion, **16:67**

dwelling unit assistance, unearned income exclusion, **16:75**

home energy assistance, unearned income exclusion, **16:72**

needs-based income assistance, unearned income exclusion, 16:65

public assistance household, onethird reduction rule for inkind support and maintenance, 16:86

Availability of resources, actual, **16:88**

Basic exclusion, earned income, **16:48**

Benefits, see lines throughout this topic

Blind persons, earned income exclusion of impairment-related work expenses, 16:49

Burial resource interest, unearned income exclusion, **16:71**

Care

home care, hospices, and similar care alternatives, 22:32, 22:40

SUPPLEMENTAL SECURITY	SUPPLEMENTAL SECURITY
INCOME (SSI)—Cont'd Care—Cont'd	INCOME (SSI)—Cont'd
medical care, treatment and ser-	Dividends, unearned income, 16:58
vices, infra	Dwelling unit assistance, unearned income exclusion, 16:75
noninstitutional care situation, one-	Earned income
third reduction rule for in-	
kind support and mainte-	generally, 16:41 to 16:50
nance, 16:85	credits, unearned income exclusion, 16:77
Citizenship, eligible individual, 16:8	
Community residence serving 16 or	Eligibility
fewer persons, eligible individ-	generally, 16:1 to 16:20 amount of benefits when Medicaid
ual, 16:4	pays for care of resident of
Computing benefits, 16:27	medical treatment facility,
Confinement, amount of benefits	16:23 to 16:25
when Medicaid pays for care of	Medicaid, infra
resident of medical treatment	special needs trusts, effect on
facility, 16:23 to 16:25	eligibility for SSI, 16:96
Costs and expenses	End of marriage determination, mar-
impairment-related work expenses, earned income exclusion,	ried persons' eligibility, 16:18
16:49, 16:50	Evaluating in-kind income, 16:31
pro rata share of household operat-	Evidence
ing expenses, one-third reduc-	age, eligibility, 16:20
tion rule for in-kind support	married persons' eligibility, 16:12,
and maintenance, 16:84	16:14
subtracting expenses, counting	Exchange of resource, nonincome
unearned income, 16:60	items, 16:38
Counting or countable	Exclusions or exemptions
determination of countable	countable income, 16:34
income, 16:33 , 16:34	earned income, 16:46 to 16:50
unearned income, 16:59 to 16:61	nonliquid resources, 16:40
Death benefits, unearned income,	resources, generally, 16:90
16:54	unearned income, 16:62 to 16:78
Deduction. Reduction, infra	Existence of marriage determination,
Determinations	married persons' eligibility,
age, eligibility, 16:19 , 16:20	16:11
countable income, 16:33 , 16:34	Facilities
married persons' eligibility, 16:11 , 16:15 , 16:18	amount of benefits when Medicaid
	pays for care of resident of
resources, 16:87, 16:89	medical treatment facility, 16:22 to 16:26
Disability	individual's eligibility, Medicaid
earned income exclusion, impair- ment-related work expenses	patient in medical care facil-
of disabled persons, 16:50	ity, 16:3
unearned income, disability	living in same facility, married
benefits, 16:53	persons' eligibility, 16:17
Disaster assistance, unearned income	Fellowships, unearned income exclu-
exclusion, 16:67	sion, 16:66

SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd	SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd
Food tax refunds, unearned income	Limitations—Cont'd
exclusion, 16:64	waiver of benefit limitation,
Gifts, unearned income, 16:55, 16:76	amount of benefits when
Grants, unearned income exclusion,	Medicaid pays for care of
16:66	resident of medical treatment
Home	facility, 16:26
care, hospices, and similar care alternatives, 22:32, 22:40	Living in same hospital, home or facility, married persons' eligibility, 16:17
energy assistance, unearned income exclusion, 16:72	Living with person of opposite sex, married persons' eligibility,
living in same home, married	16:13
persons' eligibility, 16:17	Maintenance. Support and mainte-
support and maintenance in non-	nance, infra
profit retirement home, unearned income, 16:52 ,	Married persons, eligibility, 16:10 to
16:78	16:18
Household, one-third reduction rule	Maximum payment amounts of
for in-kind support and mainte-	benefits, 16:21
nance, 16:82 to 16:86	Medicaid amount of benefits when Medicaid
Husband and wife. Spouses, infra	pays for care of resident of
Impairment-related work expenses,	medical treatment facility,
earned income exclusion, 16:49 ,	16:22 to 16:26
16:50	eligibility
Income	individuals, Medicaid patient in
earned income, supra	medical care facility, 16:3
limitations, 16:29 to 16:86	use of SSI methodologies, 29:37
Medicaid, infra	to 29:47
resources distinguished, 16:32 Individuals, eligibility, 16:2 to 16:8	financial responsibility of relatives, 29:42
Infrequent unearned income, exclu-	income
sion, 16:70	determining, 29:39
Inheritances, unearned income, 16:55 In-kind	spousal income, consideration of, 29:43
evaluating in-kind income, 16:31	standard, medically needy program, 29:45
support and maintenance, 16:79 to	treatment of, 29:38
16:86	medically needy program, 29:44 to
Interest, unearned income, 16:58 , 16:71	29:47 resources
Irregular unearned income, exclusion,	determining, 29:40
16:70	spousal resources, consideration
Lawful resident, eligible individual,	of, 29:43
16:8	standard, medically needy
Limitations	program, 29:46
income limitations, 16:29 to 16:86	treatment of, 29:38
resource limitations, 16:87 to	section 209(b) states, supplemental
16:90	security income versus, 29:9

SUPPLEMENTAL SECURITY SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd INCOME (SSI)—Cont'd Payment or payments—Cont'd Medicaid—Cont'd spend-down calculation, medically maximum payment amounts of needy program, 29:47 benefits, 16:21 spousal income and resources. support and alimony payments, consideration of, 29:43 unearned income. 16:56 Medical care, treatment and services Pensions and retirement amount of benefits when Medicaid nonprofit retirement home, support pays for care of resident of and maintenance as unearned medical treatment facility, income, 16:52, 16:78 16:22 to 16:26 unearned income, 16:52, 16:53, eligible individual, Medicaid 16:78 patient in medical care facil-Plan of self-support, unearned ity, 16:3 income exclusion of income nonincome items, 16:36 used to fulfill. 16:74 Proof. Evidence, supra Medicare, **25:13** Members of religious orders, earned Pro rata share of household operating income, 16:44 expenses, one-third reduction rule for in-kind support and Ministers, earned income, 16:44 maintenance, 16:84 Needs Public assistance household, one-**Special Needs Trusts** (this index) third reduction rule for in-kind unearned income exclusion, needssupport and maintenance, 16:86 based income assistance. Public educational institution resi-16:65 dent, eligible individual, 16:5 Nonincome items, 16:35 to 16:40 Public emergency shelter resident, Noninstitutional care situation, oneeligible individual, 16:6 third reduction rule for in-kind Qualification. Eligibility, supra support and maintenance, 16:85 Real property tax refunds, unearned Nonliquid resources, exclusion, income exclusion, 16:64 16:40 Reduction Nonprofit retirement home, support counting unearned income, and maintenance as unearned income, 16:52, 16:78 subtracting expenses, **16:60** one-third reduction rule, in-kind One-third support and maintenance, reduction rule, in-kind support and 16:82 to 16:86 maintenance, 16:82 to 16:86 Refunds of taxes, unearned income support from absent parent, unearned income exclusion, exclusion, **16:64** Relatives, financial responsibility, 16:73 29:41, 29:42 Operating expenses of household, Religious order members, earned one-third reduction rule for inincome, 16:44 kind support and maintenance, 16:84 Rent Overview of elder law. 1:14 unearned income. 16:57 value of rent under business Payment or payments arrangement, in-kind support amount of benefits when Medicaid and maintenance, 16:80 pays for care of resident of

medical treatment facility.

16:22 to 16:26

Repair of resource, unearned income

exclusion. 16:69

SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd

Replacement. Resources, infra Report of separation, married persons' eligibility, **16:16**

Residence and residency

resident of community residence serving 16 or fewer persons, eligible individual, **16:4**

United States residency, eligible individual, **16:7**

Residents

amount of benefits when Medicaid pays for care of resident of medical treatment facility, 16:22 to 16:26

community residence serving 16 or fewer persons, eligible individual, **16:4**

lawful resident, eligible individual, **16:8**

medical care or treatment facility, 16:3, 16:22 to 16:26

public educational institution, eligible individual, **16:5**

public emergency shelter, eligible individual, **16:6**

Resources

income distinguished, 16:32 interest on burial resources, unearned income exclusion, 16:71

limitations, 16:87 to 16:90

Medicaid, supra

nonliquid resources, exclusions, **16:40**

repair of resource, unearned income exclusion, **16:69**

replacement of resource nonincome items, **16:38**

unearned income exclusion, 16:69

sale or exchange of resource, nonincome items. **16:38**

Retirement. Pensions and retirement, supra

Retroactive social security benefits, counting unearned income, **16:61**

SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd

Retrospective accounting, amount of benefits, **16:28**

Revocable trusts, 10:114

Room's value under business arrangement, in-kind support and maintenance, **16:80**

Royalties, unearned income, **16:58**Sale of resource, nonincome items, **16:38**

Scholarships, unearned income exclusion, **16:66**

Self-employment income, earned income, **16:43**, **16:44**

Self-support plan fulfillment income, unearned income exclusion, 16:74

Separation report, married persons' eligibility, **16:16**

Services

medical care, treatment and services, supra

social services, nonincome items, **16:37**

Sheltered workshop income, earned income, **16:45**

Social Security Administration (this index)

Social services, nonincome items, **16:37**

Special Needs Trusts (this index) Spouses

amount of benefits when Medicaid pays for care of resident of medical treatment facility,

16:23 to 16:25

eligibility of married persons, **16:10 to 16:18**

income and resources, 29:43

Statutes, unearned income exclusions, **16:63**

Student earnings, earned income exclusion, **16:47**

Subtracting expenses, counting unearned income, **16:60**

Support and maintenance

in-kind support and maintenance, **16:79 to 16:86**

SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd

Support and maintenance—Cont'd nonprofit retirement home, unearned income, 16:52, 16:78

one-third of support from absent parent, unearned income exclusion. 16:73

self-support plan, unearned income exclusion for income used to fulfill, **16:74**

unearned income, generally, 16:56, 16:68

Tax refunds, unearned income exclusion, **16:64**

Ticket for transportation received as gift, unearned income exclusion, **16:76**

Transportation ticket received as gift, unearned income exclusion, 16:76

Treatment. Medical care, treatment and services, supra

Trusts and trustees, 10:114 Unearned income, 16:51 to 16:78

United States residency, eligible individual, **16:7**

Value and valuation, in-kind support and maintenance, 16:80, 16:81

Wages, earned income, 16:42

Waiver of benefit limitation, amount of benefits when Medicaid pays for care of resident of medical treatment facility, **16:26**

Wife and husband. Spouses, supra

SUPPLEMENTS

Supplemental Matters (this index)

SUPPLIES AND EQUIPMENT

Home care, hospices, and similar care alternatives, 22:3, 22:23, 22:37

Income tax planning, deductibility of medical expenses, **6:70**

Medicaid, 30:61, 30:112

Medicare (this index)

SUPPORT AND MAINTENANCE

Alimony (this index) **Children** (this index)

SUPPORT AND MAINTENANCE

—Cont'd

Income tax planning, **6:16**, **6:26**Railroad retirement benefits, garnishment and assignment of benefits,

20:120

Revocable trusts, 10:115

Self-Support (this index)

Special needs trusts, distribution provisions, support trusts, **16:109**, **16:112**

Supplemental Security Income (SSI) (this index)

SURGICAL ITEMS AND SERVICES

Medicare, 25:73, 25:74, 26:89 to 26:92, 27:89

SURROGATE DECISION MAKING

Health Insurance Portability and Accountability Act of 1996, privacy issues, **33:20**

SURVEYS

Medicaid, disclosure of provider surveys, **30:15**Patients' rights, **23:31, 23:50**

SURVIVAL OF ACTIONS

Social Security Administration, judicial review, **18:218**

SURVIVORS

For correlative topic, see **Death** (this index)

Annuities

estate tax, 19:177

gift tax, 8:35, 19:165 to 19:168

nontax rules relating to qualified retirement plans, 19:48

Pensions and Retirement (this index)

spouses, 19:189 to 19:198

Estates, 8:76, 8:112 to 8:115

Gift tax, annuities, 8:35, 19:165 to 19:168

Income tax planning, filing return, **6:24, 6:30**

Life insurance, 14:23

Medicare, 25:6 to 25:8, 25:11

SURVIVORS—Cont'd

Nontax rules relating to qualified retirement plans, annuities, 19:48

Social Security (this index)

Spouses. Widows and Widowers (this index)

Veterans, benefits, 17:44 to 17:50, 20:60 to 20:63

Widows and Widowers (this index)

SUSPENSION OR REVOCATION

Medicare (this index)

Social Security (this index)

Waiver of survivor annuity, distributions from qualified retirement plans and IRAs, 19:196

SWEEPSTAKES

Consumer issues, 4:16

SWING-BED HOSPITAL

Medicare, 25:99

TABLES

Guardians and conservators, table of statutory authority, **34:11**

TAMRA

Technical and Miscellaneous Revenue Act of 1988 (this index)

TANGIBLE OR INTANGIBLE PERSONAL PROPERTY

Wills, 10:48 to 10:50, 10:53

TARGET BENEFIT PLANS

Distributions from qualified retirement plans and IRAs, 19:29

TAX CUTS AND JOBS ACT OF 2017

Generally, **8:20.50**

Generation-skipping transfers, 8:132

TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Distributions from qualified retirement plans and IRAs, 19:81, 19:82, 19:170, 19:171

TAXES AND TAXATION

Assumption of tax liability, 8:29

TAXES AND TAXATION—Cont'd

Basis (this index)

Capital gains. Gains or Losses (this index)

Death taxes, 8:98, 8:102, 10:63

Disposing of Businesses (this index)

Distributions from qualified retirement plans and IRAs, **19:1 et seq.**

Earned income. **Income** (this index)

Economic Growth and Tax Relief Reconciliation Act of 2001, 8:20, 8:24, 8:56

Economic Recovery Tax Act of 1981, 8:11. 8:12

Estates (this index)

Excise Taxes (this index)

Federal tax levy, penalty taxes on premature distribution from qualified retirement plans or IRAs, 19:70

Financial planning, 5:35, 5:39

Fostering Connections to Success and Increasing Adoptions Act of 2008, **37:23.50**

Generation-Skipping Transfer Tax (this index)

Gifts (this index)

Income (this index)

IRS Restructuring and Reform Act of 1998, **8:19**

Life Insurance (this index)

Lifetime Transfers Planning (this index)

Nontaxable transactions

distributions from qualified retirement plans and IRAs, 19:33 to 19:57, 19:240

life insurance, 14:30

terminally ill clients, 11:1 to 11:16

Postmortem Planning and Administration (this index)

Real Property (this index)

Reform Acts. **Tax Reform Acts** (this index)

Refunds

income taxes, filing to obtain refund of taxes withheld, **6:32**

TAXES AND TAXATION—Cont'd

Refunds—Cont'd

Social Security Administration, overpayment of OASDI or SSI benefits, 18:32

SSI, unearned income exclusion, **16:64**

Returns

Estates (this index)

Generation-Skipping Transfer Tax (this index)

Gifts (this index)

special valuation rules for transfer taxes, **8:306**, **8:307**

Self-Employment and Self-Employment Income (this index)

Social Security Administration (this index)

Social Security (this index)

SSI unearned income exclusion, tax refunds, **16:64**

Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the American Taxpayer Relief Act of 2012, and the Tax Cuts and Jobs Act of 2017, 8:20.50

Terminally Ill Clients (this index) **Transfer Taxes** (this index)

Trusts and Trustees (this index)

Unified Transfer Tax System (this index)

Veterans' benefits, exemption from taxation, **17:62**

Wills, 10:48, 10:63, 10:122 to 10:124, 10:129

Withholding (this index)

TAXPAYER RELIEF ACT OF 1997

Generally, 8:18

TAX REFORM ACTS

Distributions from qualified retirement plans and IRAs, 19:7, 19:171

Estate tax, distributions from qualified retirement plans and IRAs, 19:171

Generation-skipping transfer tax, 8:127 to 8:130

TAX REFORM ACTS—Cont'd

Transfer taxes, **8:127 to 8:130**Unified transfer tax system, **8:6 to 8:13**

TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010

Generally, 8:20.50

Generation-skipping transfers, 8:132

TECHNICAL AND MISCELLANEOUS REVENUE

MISCELLANEOUS REVENUE ACT OF 1988

Life insurance, 14:107, 14:108 Transfer taxes, 8:15, 8:131, 8:206, 12:18

TEFRA

Tax Equity and Fiscal Responsibility Act of 1982, distributions from qualified retirement plans and IRAs, 19:81, 19:82, 19:170, 19:171

TELEPHONE "SLAMMING"

Consumer issues, **4:22**

TEMPORARY MATTERS

Permanent or Temporary Matters (this index)

TENANTS AND TENANCY

For correlative topic, see **Rental Property and Rents** (this index)

Estate tax, joint tenants, 8:113 to 8:115

Joint tenants

estate tax, **8:113 to 8:115** terminally ill clients, **11:28 to 11:31**

wills, 10:119 to 10:121

Spouses (this index)

Terminally ill clients, joint tenants, 11:28 to 11:31

Wills, joint tenants, 10:119 to 10:121

TENNESSEE

Elder victimization, abuse, and neglect, **4A:73**

TENNESSEE—Cont'd

Health care power of attorney, warning statement for, **33:70**Living will declaration, **33:70**

TENURE

Age Discrimination in Employment Act, **35:29**

TEN-YEAR AVERAGING

Income taxation, distributions from qualified retirement plans and IRAs, 19:132

TERMINABLE INTERESTS

Estates, **8:71 to 8:89** Gifts, **8:38 to 8:45**

Lifetime transfers planning, 9:16, 9:17

Qualified Terminable Interest Property (this index)

TERMINALLY ILL CLIENTS

Generally, 11:1 to 11:66

Alien spouse, revision of existing estate plan, 11:16

Anatomical gifts, revision of existing estate plan, **11:9**

Ancillary administration avoidance, 11:18

Annual exclusion gifts, 11:42 to 11:44, 11:49

Appeal. Review, infra

Assets, special, 11:56 to 11:59

Attitude of family members, 11:4

Attorney-in-fact, durable power of attorney, **11:6**, **11:7**, **11:45**

Attorneys

generally, 11:1

attitude of family members, **11:4** attorney-in-fact, durable power of

attorney, **11:6**, **11:7**, **11:45** revision of existing estate plan,

11:5 to 11:16

sensitivity to condition of client, 11:2

state of mind of client, 11:3

Avoidance of taxes

charitable easements, 11:24

corporation, transfer of assets to, 11:25, 11:27

TERMINALLY ILL CLIENTS

—Cont'd

Avoidance of taxes—Cont'd diminution of value, 11:27 minority discount, 11:27 partnership, transfer of assets to, 11:26, 11:27

property restrictions, 11:24

transfers, 11:25 to 11:27

Basis of property, 11:30, 11:40

Burial arrangements, revision of existing estate plan, 11:10

Buy-sell agreements, **11:24**, **11:62** to **11:65**

Carryovers, income, 11:51, 11:54

Charitable bequests, 11:24, 11:47, 11:48, 11:58

Citizenship of client and spouse, revision of existing estate plan, 11:16

Closely held businesses

buy-sell agreements, **11:62 to 11:65**

exceptions to substantial modification of existing buy-sell agreements, 11:65

facilitation of estate administration, 11:22

gifts, reducing interests to minority status, **11:46**

management responsibility, 11:60

ownership transfer, 11:61

qualified family owned business deduction, **11:33**

review, existing buy-sell agreements, **11:63 to 11:65**

substantial modification of existing buy-sell agreements, 11:64, 11:65

Conclusion, fine-tuning of financial and estate planning, **11:66**

Corporation, transfer of assets to avoid taxes, 11:25, 11:27

Credit shelter trust, funding, 11:39 to 11:41

Current charitable contributions, 11:47

Current use, special valuation of real property, 11:32, 11:38

TERMINALLY ILL CLIENTS TERMINALLY ILL CLIENTS —Cont'd -Cont'd Deferral of estate tax payment, 11:32, Income—Cont'd 11:36, 11:37 income in respect of decedent (IRD), 11:52 to 11:55 Difficult-to-value assets, management by client to facilitate estate loss property sales, 11:50 administration, 11:21 partnership, purchase of interest in, Diminution of value of assets follow-11:51 ing transfer, measure to avoid savings bonds interest, 11:51 taxes, 11:27 Individual retirement accounts as Disclaimer by client to facilitate special assets, 11:57 to 11:59 estate administration, 11:20 Installment payments, 11:32, 11:36, Dispositive provisions within estate 11:37, 11:54 plans, review, 11:13 IRD or income in respect of Dividend treatment of redemption of decedent, 11:52 to 11:55 stock in closely held corpora-Joint tenancy, 11:28 to 11:31 tion, 11:35 Lawyers. Attorneys, supra Divorce agreements, review to facili-Life insurance as special asset, 11:56 tate estate administration, 11:19 Living wills, 11:8 Domicile, establishment to facilitate Loss property, 11:44, 11:50 estate administration, 11:17 Marital agreements, review to facili-Durable power of attorney, 11:6, 11:7 tate estate administration, 11:19 Estates, deferral of estate tax pay-Medical care decisions, power of ment, 11:32, 11:36, 11:37 attorney for, 11:7 Exclusion gifts, 11:42 to 11:44, 11:49 Minority discount, 11:27, 11:46 Existing documents, review, 11:11 Nonspouse, joint tenancy with, 11:31 Facilitating administration of estate, Nontax factors, 11:1 to 11:16 11:17 to 11:23 Organ donations, revision of existing Farmland, special valuation of real estate plan, 11:9 property, 11:32, 11:38 Partnerships, 11:26, 11:27, 11:46 Favorable tax treatment, 11:32 to Postnuptial marital agreements. 11:38 review to facilitate estate Fiduciaries, revision of existing estate administration, 11:19 plan, 11:14, 11:15 Postponing sale until after client's Fine-tuning of financial and estate death, 11:55 planning, conclusion, 11:66 Power of attorney, 11:6, 11:7, 11:45 Funding credit shelter and QTIP trusts, 11:39 to 11:41 Powers of appointment, 11:12 Funeral arrangements, revision of Prenuptial marital agreements, review to facilitate estate existing estate plan, 11:10 administration, 11:19 Generation-skipping transfer taxes, potential effect of disclaimers, Prolongation of life, revision of exist-11:20 ing estate plan, 11:8 Gifts, 11:42 to 11:49 Property, 11:6, 11:24 Health care decisions, power of **Oualified** attorney for, 11:7 disclaimer by client to facilitate estate administration, 11:20 generally, 11:50 domestic trusts, citizenship of carryovers, 11:51, 11:54 spouse, 11:16

TERMINALLY ILL CLIENTS

—Cont'd —Cont'd Qualified—Cont'd Taxes and taxation retirement plan benefits as special avoidance of taxes, supra assets, 11:57 to 11:59 favorable tax treatment, 11:32 to terminable interest property trusts, 11:38 11:39 to 11:41, 11:48 nontax factors, 11:1 to 11:16 Qualified family owned business Transfers deduction, 11:33 estate planning measures to avoid Real property interests, 11:6 taxes, 11:25 to 11:27 Reconsideration of fiduciary, revision facilitation of estate administraof existing estate plan, 11:14 tion, transfers to trusts, 11:23 Redemption, 11:34, 11:35 Trusts Residence and residency, 11:17, facilitation of estate administra-11:41 tion, transfers to trusts, 11:23 Resignation as fiduciary, revision of funding credit shelter and OTIP existing estate plan, 11:15 trusts, 11:39 to 11:41 Restrictions on property as measures QTIP trusts, 11:39 to 11:41, 11:48 to avoid taxes, 11:24 U.S. savings bonds interest, income Retirement Equity Act (REA) of tax planning, 11:51 1984, **11:57** Valuation of real property at current Review use, 11:32, 11:38 closely held businesses, review of **TERMINATING** existing buy-sell agreements, REPRESENTATION 11:63 to 11:65 Ethical issues, 3:20 existing dispositive positions, revision of existing estate plan, **TERMINATION** 11:13 Cancellation or Termination (this existing documents, revision of index) existing estate plan, 11:11 living will, revision of existing **TERMINOLOGY** estate plan, 11:8 **Definitions** (this index) Revision of existing estate plan, 11:5 TERM OR TERMS to 11:16 Sales **Life Insurance** (this index) Long Term or Short Term (this closely held business assets, sale or exchange treatment of, 11:34, index) 11:35 Special valuation rules for transfer postponing sale until after client's taxes, term interests in trusts, death, 11:55 8:257 to 8:259 Savings bonds interest, income tax TESTAMENTARY MATTERS planning, 11:51 Wills (this index) Sensitivity to condition of client, 11:2 Special assets, 11:56 to 11:59 **TESTIMONY** Special valuation of real property, Witnesses (this index) 11:32, 11:38

TESTS AND TESTING

Laboratory tests, 26:69

Clinical care and tests, 26:69, 26:74

TERMINALLY ILL CLIENTS

11:42

Split gifts, annual exclusion gifts,

State of mind of client, 11:3

TESTS AND TESTING—Cont'd

Percentage tests, postmortem planning and administration, 12:16

TEXAS

Advance health care directive, **33:71** Elder victimization, abuse, and neglect, **4A:74**

Medical power of attorney for health care, 33:71

Mental health treatment declaration, form, **33:99**

THERAPEUTIC ITEMS AND SERVICES

Home care, hospices, and similar care alternatives, 22:3, 22:21, 22:25
Medicare, 25:67 to 25:72, 25:77, 25:127, 25:188, 26:97

THERAPY

Medicare (this index)
Occupational Therapy (this index)

Speech Therapy (this index)

THIRD PERSONS OR PARTIES Grandparents and Grandchildren

(this index)
Medicaid, **29:4**, **31:43 to 31:52**

Medicare, payments, 27:27 to 27:40, 27:58, 28:19, 28:41

Special Needs Trusts (this index)

THREE-FOURTHS METHOD

Financial planning, **5:47**

THREE-YEAR RULE

Life insurance, **14:61 to 14:65**Lifetime transfers planning, **9:14**

THRIFT PLANS

Distributions from qualified retirement plans and IRAs, 19:30

THRIFT SAVINGS PLAN

Federal employees' retirement system, **20:33**, **20:34**

TICKET FOR TRANSPORTATION RECEIVED AS GIFT

SSI, unearned income exclusion, **16:76**

TICKET TO WORK PROGRAM

Generally, 15:202

TIME OR DATE

Advance or Future Matters (this index)

Age Discrimination in Employment Act (this index)

Alternative valuation date, 8:62, 12:3 to 12:5

Annual Matters (this index)

Birth date of unrelated individual, generation assignment, **8:144**

Commencement (this index)

Day or Daily (this index)

Deferral, Delay or Postponement (this index)

Distributions from qualified retirement plans and IRAs, 19:4, 19:37 to 19:46, 19:205

Duration (this index)

Effective Dates or Periods (this index)

Estates (this index)

Expedited Matters (this index)

Extension of Time (this index)

Generation-Skipping Transfer Tax (this index)

Holding Period (this index)

Initial or Preliminary Matters (this index)

Interim Matters (this index)

Intermittent home health care, 22:27, 25:154, 25:170

Limitation of Actions (this index)

Long Term or Short Term (this index)

Medicaid (this index)

Medicare (this index)

Nontax rules relating to qualified retirement plans, benefit payments, **19:37 to 19:46**

Overdue or Past Due (this index)

Pensions and Retirement (this index)

Permanent or Temporary Matters (this index)

Postmortem Planning and Administration (this index)

TIME OR DATE—Cont'd

Postponement. **Deferral, Delay or Postponement** (this index)

Premature distributions, qualified retirement plans and IRAs, 19:60 to 19:79, 19:135, 19:151, 19:215

Prior, Previous or Former Matters (this index)

Qualified domestic relations orders, distributions from qualified retirement plans and IRAs, 19:205

Social Security Administration (this index)

Social Security (this index)

Special needs trusts, date trust is established. **16:114**

Special Valuation Rules for Transfer Taxes (this index)

Three-Year Rule (this index)

Waiting Period (this index)

Years (this index)

TITLE AND OWNERSHIP

Dilution of ownership, disposing of businesses, 13:85

Employee Stock Ownership Plans (this index)

TOLLING LIMITATIONS PERIOD

Age Discrimination in Employment Act, **35:97 to 35:99**

TOP-HEAVY PLANS

Nontax rules relating to qualified retirement plans, **19:53**, **19:54**

TORTS

Employment discrimination, tort claims, **35:168 to 35:172**

Federal Tort Claims Act, Medicare, **27:20**

TOTAL MATTERS

Partial or Total Matters (this index)

TOTTEN TRUST

Will substitute, 10:128

TRAINING

Guardians and conservators, 34:39

TRANSCRIPT OF RECORD

Social Security Administration, judicial review, **18:198**

TRANSFERS

Assets

generally, 2:11

Medicaid (this index)

Medicare Catastrophic Coverage

Act (this index)

Assignments (this index)

Disposing of businesses, 13:14

Estates (this index)

Gifts, 8:26, 8:28

Inter Vivos Transfers and Trusts

(this index)

Life Insurance (this index)

Lifetime Transfers Planning (this index)

Medicaid (this index)

Medicare (this index)

Omnibus Budget Reconciliation

Act (this index)

Patients' rights, 23:23 to 23:27

Residence, income tax planning, 6:56

Sales (this index)

Special needs trusts, transfer penalties and SSI rules relating to self-settled trusts, **16:160**

Taxes. **Transfer Taxes** (this index)

Terminally Ill Clients (this index)

Wills, transfer on death (TOD) accounts as substitute for will, 10:125

TRANSFER TAXES

Business interests transfer, estate planning goals, **8:314**

Distributions from qualified retirement plans and IRAs, 19:11, 19:163 to 19:188, 19:219

Documents of estate planning, **8:316** Employee stock ownership plans,

8:13, 8:14, 8:16

Estate planning goals, 8:310 to 8:316 Generation-Skipping Transfer Tax

(this index) Gifts, **8:26**, **8:28**, **8:311**

Life insurance policies, 8:315

Limitation on actions, 8:306, 8:307

TRANSFER TAXES—Cont'd

Omnibus Budget Reconciliation Acts, 8:14, 8:206, 8:207

Revenue Reconciliation Acts, **8:16**, **8:17**, **8:207**, **8:208**

Shifting income, 8:313

Special Valuation Rules for Transfer Taxes (this index)

Statute of limitations, 8:306, 8:307

Tax Reform Acts, 8:127 to 8:130

Technical and Miscellaneous Revenue Act of 1988 (TAMRA), 8:15, 8:131, 8:206, 12:18

Unified Transfer Tax System (this index)

TRANSITION RULES

Estate tax, distributions from qualified retirement plans and IRAs, 19:170 to 19:173

Generation-skipping transfer tax, **8:189**

Income taxation, distributions from qualified retirement plans and IRAs, 19:116, 19:126, 19:134, 19:135

Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:75**, **19:76**

TRANSPLANTS

Medicaid, 30:98

Medicare, 25:18, 25:75

TRANSPORTATION AND TRAVEL

Consumer issues, travel scams, **4:23** Medicaid, **30:97**

Motor Vehicles (this index)

Social Security Administration administrative hearings, travel expense reimbursement, **18:130**

SSI unearned income exclusion, transportation ticket received as gift, **16:76**

Veterans' health care benefits, beneficiary travel, **17:42**

TRAVEL

Transportation and Travel (this index)

TREASURY DEPARTMENT

Generally, 8:179

TREATMENT

Care and Treatment (this index)

TRIAI

Guardians and conservators, **34:26 to 34:28**

Jury trial. **Jury and Jury Trial** (this index)

TRICATE/CHAMPVA

Medicare, 27:22

TRIGGERING EVENTS

Age Discrimination in Employment Act, **35:94**

Disposing of businesses, 13:24

TRIGGERS

Long-term care insurance, gatekeepers and triggers, 24:13

TRUSTS AND TRUSTEES

Accounts and accounting, 10:81 Agreement forms, 10:87, 10:88

Amendment of trust provisions, sample, **10:117**

Appointment, 10:94, 10:95

Assignments, sample assignment from grantor to trustee, **10:107**

Beneficiaries

disabled, 10:114

distributions from qualified retirement plans and IRAs, 19:96 to 19:102

revocable trusts, 10:114

Charitable Matters (this index)

Court accountings, avoidance, 10:81

Credit and Crediting (this index)

Crummey trusts, 8:32, 9:29, 14:79

"**D4**" **Trusts** (this index)

Deeds, sample deed from grantor to trustee, **10:106**

Disabled individuals, **10:114 to 10:117**

Disclaimers, tax planning, 10:99

Dispositive provisions, 10:85

Distributions, qualified retirement plans and IRAs, 19:96 to 19:102

TRUSTS AND TRUSTEES—Cont'd TRUSTS AND TRUSTEES—Cont'd **Medicare Catastrophic Coverage** Domestic trust. Qualified domestic **Act** (this index) trust, infra **Omnibus Budget Reconciliation** Estates **Act** (this index) exception to terminable interest rule, estate trust, 8:82, 8:83 Pick-up trust, 10:60 taxes, 8:111 Public benefit program, assets of trust to supplement, 10:114 Expenses, 10:86 **Qualified domestic trust** Family support trusts estates, marital deduction for sample GRAT (grantor retained annuity trust), 10:112 noncitizen spouse, 8:90 et sample GRIT (grantor retained postmortem planning and income trust) for personal administration, 12:18 residence, **10:111** sample GRUT (grantor retained terminally ill clients, 11:16 unitrust) alternative proviunified transfer tax system, Revesions, 10:113 nue Reconciliation Act of 1989, **8:16** sample irrevocable family support **Oualified Terminable Interest** trust, 10:110 **Property** (this index) Forms and letters Renunciation right of surviving agreement forms, 10:87, 10:88 spouse, 10:91 credit shelter trusts, 10:103 Residence and residency QTIP marital deduction, 10:103 personal residence, 8:273 to 8:284 simultaneous death clause, 10:102 sample GRIT (grantor retained Funds and funding, 10:83, 19:224 income trust) for personal **Generation-Skipping Transfer Tax** residence, 10:111 (this index) Revocable trusts Gifts (this index) generally, **10:79 to 10:117** Income accountings with court or probate planning, transfer of residence to official, avoidance, 10:81 grantor retained income trust, advantages, 10:82 6:56 agreement form, 10:87, 10:88 transfer of residence to grantor appointment, 10:94, 10:95 retained income trust, 6:56 **Inter Vivos Transfers and Trusts** beneficiary, disabled, 10:114 (this index) court accountings, avoidance, Irrevocable trusts 10:81 generally, see lines throughout this credit shelter trusts, 10:89 et seq. disabled individuals, 10:114 to **Special Needs Trusts** (this index) 10:117 Lead and lead annuity trusts, 8:48, disclaimers, 10:99 8:171 dispositive provisions, 10:85 Letters. Forms and letters, supra excluding credit shelter trust from **Life Insurance** (this index) spouse's estate, 10:92 **Lifetime Transfers Planning** (this expenses of estate, 10:86 index) five or five power, tax planning, Marital deduction. Revocable trusts, 10:96 infra forms and letters, 10:87, 10:88, **Medicaid** (this index) 10:102, 10:103

TRUSTS AND TRUSTEES—Cont'd	TRUSTS AND TRUSTEES—Cont'd
Revocable trusts—Cont'd	Revocable trusts—Cont'd
funding trusts during trustor's life,	unified credit, 10:89 et seq.
10:83	valid trust, 10:84
generation-skipping transfer (GST)	Separate trusts
tax, 10:97	generation-skipping transfer tax,
letters and forms, 10:87 , 10:88 , 10:102 , 10:103	8:176, 8:195, 8:196
Medicaid, assets of trust to supple-	special needs trusts, separate living trust, 16:173
ment, 10:114	Shelter trusts. Credit and Crediting
payment of estate taxes at death of	(this index)
spouse, 10:98	Special Needs Trusts (this index)
planning, taxes, 10:89 et seq.	Special Valuation Rules for
public benefit program, assets of	Transfer Taxes (this index)
trust to supplement, 10:114	Spendthrift trusts, 10:60, 10:117
qualified terminable interest prop-	Spouses
erty (QTIP) trust, 10:90 , 10:103	agreement form, married couple
renunciation right of surviving	with nontaxable estate, 10:88
spouse, 10:91	excluding credit shelter trust from
resources available, 10:116	spouse's estate, 10:92 payment of estate taxes at death of
sample individual revocable trust	spouse, 10:98
without marital deduction	QTIP marital deduction form,
provisions, 10:104	10:103
sample irrevocable family support	renunciation right of surviving
trust, 10:110	spouse, 10:91
sample joint revocable trust with	revocable trusts
marital deduction provisions, 10:105	sample individual revocable
simultaneous death clause, 10:101 ,	trust without marital deduction provisions, 10:104
10:102	sample joint revocable trust with
six-month survivorship clause,	marital deduction provi-
10:100	sions, 10:105
sole income beneficiary, 10:93	tax planning, 10:91, 10:92, 10:98,
special lifetime power of appoint-	10:101 to 10:105
ment, 10:94	SSI, 10:114
Special Needs Trusts (this index)	Support standard, avoidance, 10:115
spendthrift trusts, state law govern-	Taxes and taxation
ing, 10:117	credit shelter trusts, 10:89 et seq.
spouses, 10:88 et seq.	disclaimers, 10:99
SSI, 10:114	excluding credit shelter trust from
support standard, avoidance, 10:115	spouse's estate, 10:92
	five or five power, 10:96
surviving spouse, renunciation right, 10:91	forms, QTIP marital deduction and credit shelter trusts, 10:103
tax planning, 10:89 et seq.	generation-skipping transfer (GST)
terminology, 10:80	tax, 10:97
testamentary trusts, 10:89 to	payment of estate taxes at death of
10:113	spouse, 10:98

TRUSTS AND TRUSTEES—Cont'd

Taxes and taxation—Cont'd qualified terminable interest property (QTIP) trust, 10:90, 10:103

simultaneous death clause, 10:101, 10:102

six-month survivorship clause, 10:100

sole income beneficiary, **10:93** special lifetime power of appointment, **10:94**

special needs trusts, designing supplemental trusts, **16:125 to 16:137**

surviving spouse's right of renunciation, **10:91**

testamentary power of appointment, **10:95**

unified credit, 10:89 et seq.

Terminally III Clients (this index)

Terminology, 10:80

Testamentary trusts, tax planning in connection with revocable trusts, 10:89 to 10:113

Unified credit, **10:89 et seq.** Valid trusts, **10:84, 19:97 Wills** (this index)

TRUTH IN LENDING ACT

Consumer issues, 4:34

TUBERCULOSIS

Medicaid, T-B related services, 30:95

2010 HEALTH CARE REFORM

Medicare preventive services, impact of reform on, **26:66.70**

Nursing home transparency, impact of reform on, 23:35

TWO YEARS

Medicare, two-year qualifying period amyotrophic lateral sclerosis, Part A benefits, **25:22** disabled persons under age 65, Part A benefits, **25:10**

UNABLE TO WORK

Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 and the Amer-

UNABLE TO WORK—Cont'd

ican Taxpayer Relief Act of 2012, **8:20.50**Veterans, pension benefits, **17:25**

UNAVAILABILITY

Availability (this index)

Medicare Catastrophic Coverage Act, unavailable assets, 29:72, 29:73

Special needs trust assets unavailable to person who established trust, Medicaid rules relating to selfsettled trusts, 16:148

UNDERPAYMENTS

Social Security Administration, OASDI or SSI benefits, **18:29**

UNDERTAKINGS

Bonds and Undertakings (this index)

UNDERWRITING

Long-term care insurance, 24:12

UNDOCUMENTED ALIENS

Medicaid, eligibility, 29:35

UNDUE HARDSHIP

Medicare Catastrophic Coverage Act, asset transfers, 29:102

UNDUE INFLUENCE

Attorney, 2:7

Estates, **10:6**

Lifetime transfers planning, determining capacity and undue influence, 10:6

Mental Capacity or Condition (this index)

UNEARNED INCOME

SSI, 16:51 to 16:78

UNIFIED TRANSFER TAX SYSTEM

Generally, 8:1 to 8:24

Credit. Tax rate and unified credit, infra

Economic Growth and Tax Relief Reconciliation Act of 2001, 8:20, 8:24 UNIFIED TRANSFER TAX

8:23

revocable trusts, 10:89 et seq.

SYSTEM—Cont'd SYSTEM—Cont'd Tax rate and unified credit—Cont'd Economic Recovery Tax Act of 1981, 8:11, 8:12 surcharge, 8:24 Employee stock ownership plan, Tax Reform Act of 1976, 8:7 8:13, 8:14, 8:16 transfers after 1976, 8:22 Estates, 8:9 et seq. Tax Reform Acts, 8:6 to 8:13 Generation-skipping transfer tax, 8:4, Tax Relief, Unemployment Insurance 8:5. 8:10, 8:11, 8:13, 8:15 Reauthorization, and Job Cre-Gifts, 8:7 et seq. ation Act of 2010, the American Importance of planning, 8:1 Taxpayer Relief Act of 2012, IRS Restructuring and Reform Act of and the Tax Cuts and Jobs Act of 1998, 8:19 2017, 8:20.50 Marital deduction, 8:3, 8:8. 8:9, Technical and Miscellaneous Reve-8:12, 8:15 nue Act of 1988, 8:15 Noncitizen spouses, marital deduc-Unified credit. Tax rate and unified tion, 8:15, 8:16 credit, supra Obergefell vs Hodges, 8:20.50 Omnibus Budget Reconciliation Act UNIFORM COMMERCIAL CODE of 1987, **8:14** WARRANTIES Planning, 8:1 Consumer issues, 4:39 Pre-1977 law, 8:2 to 8:5 **Oualified** UNIFORM GUARDIANSHIP AND domestic trust, Revenue Reconcili-PROTECTIVE PROCEEDINGS ACT ation Act of 1989, 8:16 terminable interest property Generally, **34:4** (QTIP), Economic Recovery Tax Act of 1981, 8:12 UNIFORM HEALTH-CARE **DECISIONS ACT** Rates. Tax rate and unified credit, infra Living Wills (this index) Revenue Reconciliation Act of 1989, UNIFORM PROBATE CODE 8:16 Guardians and conservators, 34:3 Revenue Reconciliation Act of 1990, 8:17 UNIFORM TRANSFERS (GIFTS) Taxpayer Relief Act of 1997, 8:18 TO MINORS ACT Tax rate and unified credit Lifetime transfers planning, 9:26 applicable credit amount, 8:24 computation of estate tax, 8:22, UNIFORM VETERANS 8:23 **GUARDIANSHIP ACT** Economic Recovery Tax Act of Generally, 17:60, 34:5 1981, 8:11 estate and gift tax rate, 8:21 to UNIQUE TRUSTEE POWERS 8:24, 8:36, 8:55, 8:98, 8:311 Special needs trusts, non-tax design generation-skipping transfer tax, issues for supplemental trusts, 8:193 16:122 lifetime transfers planning, 9:18 UNIT reduction for tax on prior gifts,

UNIFIED TRANSFER TAX

SSI unearned income exclusion.

dwelling unit assistance, 16:75

Termination of payment of annuity,

Waiver of overpayment, 20:46

20:17

UNITED STATES CIVIL SERVICE UNITED STATES RETIREMENT SYSTEM Generally, Federal Matters (this index) —Cont'd Civil service retirement system. Effect of reemployment, payment of annuity, 20:18 **United States Civil Service Retirement System** (this index) Fiduciary, payment of annuity to, 20:15 Medicaid, 29:7 Medicare exclusion of items and ser-Final decision, 20:41 vices performed outside of, Guardian, payment of annuity to, 27:74, 27:75 20:15 **Savings Bonds** (this index) Immediate retirement annuity, 20:7, SSI eligible individual, United States 20:9 residency, 16:7 Increases in annuity, 20:13 Initial determinations or decisions, UNITED STATES CIVIL SERVICE 20:40, 20:47 RETIREMENT SYSTEM Judicial review, 20:44 Generally, 20:1 to 20:18, 20:39 to 20:47 Lump sum credit, 20:3 Mandatory separation, immediate Administrative review, **20:44** retirement annuity, 20:9 Agency, disability application, 20:43 Medicare premiums, payment by Age requirements, 20:6 to 20:11 deduction, 26:37 Annuities, 20:1 to 20:18, 20:39 to Member of Congress, disability 20:47 application, 20:42 Appeal and review, 20:40, 20:41, 20:44, 20:46, 20:47 Notice of overpayment, 20:45 Overpayments, 20:45 to 20:47 Applications, 20:42, 20:43 Benefits, 20:1 to 20:18, 20:39 to Payment or payments 20:47 annuity, 20:14 to 20:18 Commencement of payment of annuoverpayments, 20:45 to 20:47 ity, **20:16** Phased retirement, 20:8 Compromise of overpayment, 20:46 Proceedings, 20:39 to 20:47 Computation of annuities, 20:12, Reconsideration, 20:40, 20:46 20:13 Recovery of overpayments, 20:45 to Contributions, 20:2 20:47 Credits Reductions or deductions, 20:2, lump sum credit, 20:3 20:13 service creditable, 20:5 Reemployment, effect on payment of Decisions. Determinations or deciannuity, 20:18 sions, infra Request for reconsideration, recovery Deductions or reductions, 20:2, of overpayments, 20:46 20:13 Review and appeal, 20:40, 20:41, Deferred annuity, 20:10 20:44, 20:46, 20:47 Determinations or decisions Separation mandatory, immediate final decision, 20:41 retirement annuity, 20:9 initial determinations or decisions, Service, 20:5 to 20:11 20:40, 20:47 Survivor annuity, 20:4

Disability

annuity, 20:11 to 20:13

proceedings, 20:42 to 20:44

UNITED STATES vs WINDSOR

Transfer taxes, 8:20.50

UNIVERSAL LIFE INSURANCE

Generally, 14:20, 14:21

UNLIMITED CHARITABLE DEDUCTION

Federal estate tax, 8:96, 8:97

UNMARRIED COTENANTS

Real property planning, 7:12

UNPAID SERVICES

Medicare, obtaining Part B benefits, **28:20**

UNREALIZED GAINS

Real property planning, 7:2

UNREALIZED INCOME

Generally, 6:3, 6:4

UNRELATED INDIVIDUAL

Generation-skipping transfer tax, **8:144**

UNREPRESENTED CLAIMANT'S RIGHT TO FAIR HEARING

Social Security Administration, administrative hearings, **18:144**, **18:145**

UPGRADING OF POLICIES

Long-term care insurance, 24:15

USE

Social Security Administration, use of prescribed forms for administrative review, **18:92**

Special Needs Trusts (this index)

UTAH

Advance health care directive, form, 33:72

Elder victimization, abuse, and neglect, **4A:75**

Mental health treatment declaration, form, **33:100**

UTILITIES

Daily living problems, utility assistance programs, **4:48**

VA (VETERANS' ADMINISTRATION)

Veterans (this index)

VACATION OF REQUEST FOR DISMISSAL OF ADMINISTRATIVE HEARING

Social Security Administration, **18:133**

VACATION SCAMS

Consumer issues, **4:23**

VACCINES AND VACCINATION

Medicare, 27:86

VALID TRUSTS

Generally, 10:84, 19:97

VALUE AND VALUATION

Alternative valuation date, 8:62, 12:3 to 12:5

Appraisals, disposing of businesses, 13:28

Disposing of Businesses (this index)

Employment discrimination, value of administrative process, **35:160**

Generation-Skipping Transfer Tax (this index)

Gross estate, 8:61 to 8:63

Life estates and remainders, 7:17

Life Insurance (this index)

Postmortem Planning and

Administration (this index)

Real property, valuing life estate and remainder, **7:17**

Social Security Administration, value of countable resources and waiver of overpayment of OASDI or SSI benefits, **18:37**

Special Valuation Rules for

Transfer Taxes (this index)

SSI, in-kind support and maintenance, **16:80**, **16:81**

Terminally ill clients, 11:32, 11:38

VARIABLE INSURANCE

Life insurance, 14:22

VARIATIONS

Alternatives, Options or Variations (this index)

VEHICLES

Motor Vehicles (this index)

VENUE

Guardians and conservators, **34:16**Social Security Administration, judicial review, **18:194**

VERBAL MATTERS

Oral Matters (this index)

VERDICTS

Age Discrimination in Employment Act, directed verdict, **35:123**

VERIFICATION OF SERVICE CLAIMED

Railroad retirement benefits, applying for benefits, **20:108**

VERMONT

Durable power of attorney for health care, form, 33:73

Elder victimization, abuse, and neglect, **4A:76**

Terminal care document disclosure statement, **33:73**

VESSELS OR SHIPS

Medicare, 27:75

VESTING

Federal estate tax, 8:124

Nontax rules relating to qualified retirement plans, **19:55 to 19:57**

State and local retirement systems, benefits, **20:128**

VETERANS

Active service, pension benefits, **17:22**

Administration. Veterans' Administration, infra

Advance directives in VA facilities, 17:30.5

Aid and attendance, pension benefits, 17:28

Allowances

dependents' and survivors' benefits, 17:45, 17:46

disability compensation benefits, 17:19, 17:20

VETERANS—Cont'd

Allowances—Cont'd

special allowances, benefits, 17:20, 17:46

Amount

benefits

disability compensation benefits, 17:18, 20:54

pension benefits, 17:27

disability, compensation benefits, 17:14, 17:18, 17:19

Appeals, benefits, 17:51 to 17:59, 20:64 to 20:66

Application process for benefits, 17:7
Attendance and aid, pension benefits, 17:28

Attorney's fees, appeals, 17:59
Basic family member allowance,
dependents' and survivors'
benefits, 17:45

Benefits and beneficiaries

generally, 17:1 to 17:62

amount, supra

health care benefits, beneficiary travel, 17:42

pension and retirement benefits, 17:21 to 17:28, 17:48, 20:51 to 20:66

special needs trusts do not impact all public benefits, **16:100**

Blended retirement system, **20:55**

Board of Veterans' Appeals, 17:54, 17:55, 17:56

Burial benefits, 17:50

Care

domiciliary care, benefits, 17:38, 20:59

health care benefits, 17:29 to 17:43

medical care, dependents' and survivors' benefits, **17:49**

treatment, infra

Cash, disability compensation benefits, 17:10 to 17:20

Checklist for interviewing veteran or veteran's dependents, **17:6**

Claims for benefits

generally, 17:7

VETERANS—Cont'd	VETERANS—Cont'd
Claims for benefits—Cont'd	Discharge type, disability compensa-
Court of Appeals for Veterans'	tion benefits, 17:12
Claims, 17:57	Disqualification. Eligibility or ineligi-
retirement benefits, 20:64 to 20:66	bility for benefits, infra
Collection of overpayments, 17:61	Domiciliary care, benefits, 17:38,
Compensation	20:59
dependency and indemnity compensation, 17:47	Eligibility or ineligibility for benefits
dependents and survivors, gener-	generally, 17:9
ally, 17:44	disability compensation benefits, 17:11 to 17:17
disability compensation, 17:10 to	pension benefits, 17:22 to 17:28
17:20, 20:58	Enrollment, health care benefits,
Copayments, health care benefits,	17:29
17:33 Cost of living adjustment, 20:59	Exemptions or exclusions
Court of Appeals for Veterans'	creditors and taxation, exemption
Claims, 17:57	of benefits from, 17:62
Coverage, health care benefits, 17:31, 17:32	services not covered under medical benefits package, 17:31
Creditors, exemption of benefits	Family benefits
from, 17:62	generally, 17:10 to 17:28
Death	basic family member allowance,
pension benefits, 17:48	17:45
survivors' benefits, 17:44 to 17:50,	dependents, supra
20:60 to 20:63	survivors' benefits, 17:44 to 17:50, 20:60 to 20:63
Dental benefits, 17:39, 17:41	
Department of Veterans Affairs.	Final basic pay method, military retirement, 20:52
Veterans' Administration, infra	Financial eligibility, pension benefits,
Dependents	17:26
benefits, generally, 17:44 to 17:50 checklist for interviewing veteran's	Form, decision review request, 17:53
dependents, 17:6	Fraud and misrepresentation, 4:28
disability compensation benefits,	Health care benefits, 17:29 to 17:43
17:17, 17:19	High Three method, military retire-
survivors' benefits, 17:47, 20:60 to	ment, 20:53
20:63	Home care, hospices, and similar care
DIC (dependency and indemnity	alternatives, 22:37, 22:49
compensation), 17:47 Disability	Homeless veterans, health care
compensation benefits, 17:10 to	benefits, 17:36
17:20, 20:58	Hospitals, benefits, 17:30 , 17:37 , 20:59
pension and retirement benefits,	Housebound benefits, 17:28
17:24, 20:58	Improved pension benefits, 17:21 to
special allowance for disabled spouses, dependents' and	17:28, 17:48
survivors' benefits, 17:46	Ineligibility. Eligibility or ineligibil-
special support for veterans with	ity for benefits, supra
disabilities, health care	Interviewing veteran or veteran's
benefits, 17:43	dependents, checklist, 17:6

nected disability compensa-

tion, 20:53

VETERANS—Cont'd VETERANS—Cont'd Limited coverage, health care Qualification. Eligibility or ineligibilbenefits, **17:32** ity for benefits, supra Lump sum option, military retire-Rating of disability, disability ment, 20:56 compensation benefits, 17:14, 17:18 Making claim for benefits, 17:7 Records of military service, 17:8 Medical benefits Redux method, military retirement, generally, 17:29 to 17:43 20:54 dependents' and survivors' Representing veterans and claimants, benefits, 17:49 services, 17:39, 20:59 17:4 Reservist retirement system, 20:57 Medical treatment in "civilian" Retirement, generally, 17:21 to hospitals, health care benefits, 17:28, 17:48, 20:51 to 20:66 17:37 Minimum disability rating, disability compensation benefits, 17:14 benefits, generally, 20:59 Monthly cash benefits, disability dental services, health care compensation benefits, 17:10 to benefits, 17:39, 17:41 17:20 limited coverage, health care Nonservice-connected pension benefits, **17:32** benefits, 17:48 medical services, benefits, 17:39. Number. Amount, supra 20:59 Nursing homes/facilities not covered under medical benefits benefits, 17:35, 20:59 package, health care benefits, Veterans' Administration, 21:14 17:31 Outpatient care or services, health pharmacy services, health care care benefits, 17:30, 17:40, benefits, 17:39, 17:40 17:41 Special allowances, benefits, 17:20, Overpayments, 17:61 17:46 Payment or payments Special needs trusts do not impact all benefits payable to veterans and public benefits, 16:100 their families, 17:10 to 17:28 Special support for veterans with copayments, health care benefits, disabilities, health care benefits, 17:33 17:43 overpayments, 17:61 States that have Uniform Veterans Pension benefits, 17:21 to 17:28, Guardianship Act, 17:60 17:48, 20:51 to 20:66 Statutes, 17:1 to 17:62 Permanent and total disability, pen-Summary of benefits, 17:5 sion benefits, 17:24 Supplemental claims, 17:52 Pharmacy services, health care Survivors' benefits, 17:44 to 17:50, benefits, 17:39, 17:40 20:60 to 20:63 Prescription drug benefits, Medicare Taxation, exemption of benefits from, Part D, 26B:18 17:62 Presumptions of entitlement, disabil-Total and permanent disability, penity compensation benefits, 17:15 sion benefits, 17:24 Private insurance, health care Treatment benefits, 17:34 causing disability, service-con-Program benefits, disability

17:20

compensation benefits, 17:18 to

VETERANS—Cont'd

Treatment—Cont'd
medical treatment in "civilian"
hospitals, health care benefits,
17:37

Type of discharge, disability compensation benefits, **17:12**

Unable to work, pension benefits, 17:25

Uniform Veterans Guardianship Act, 17:60, 34:5

Veterans' Administration

generally, 17:2

collection of overpayments, **17:61** Medicare, **27:18**

nursing homes/facilities, 21:14

Vocational rehabilitation causing disability, service-connected disability compensation, 20:53

Wartime service, pension benefits, **17:23**

VICTIMS

Crimes and Offenses (this index) Elder Victimization, Abuse, and Neglect (this index)

VIRGINIA

Credit, discriminatory practices prohibited by state law, **35:203**

Elder victimization, abuse, and neglect, **4A:78**

Health care advance medical directive form, **33:74**

VIRGIN ISLANDS

Elder victimization, abuse, and neglect, **4A:77**

VISION AND VISUALLY IMPAIRED PERSONS

Attorney or assistance of counsel, **2:4** Income, **6:19**

Medicaid (this index)

Medicare, 27:81, 27:82

Social Security, 15:115, 15:130

SSI, earned income exclusion of impairment-related work expenses for blind persons, 16:49

VISITATION

Grandparents and Grandchildren (this index)

Patients' rights, 23:19, 23:26

VISITOR

Guardians and conservators, appointment, **34:21**

VOCATIONAL REHABILITATION CAUSING DISABILITY

Veterans' benefits, service-connected disability compensation, **20:53**

VOIR DIRE

Age Discrimination in Employment Act, **35:119**

VOLUNTARY OR INVOLUNTARY MATTERS

Federal employees' retirement system, eligibility for basic annuity, involuntary separation, 20:30

Guardianship, 34:14

Nontax rules relating to qualified retirement plans, benefit payments, **19:45**, **19:46**

VOTING AND ELECTIONS

Disposing of businesses, 13:85
Federal estate tax, 8:109
Special Valuation Rules for
Transfer Taxes (this index)

WAGES

Income (this index)

WAITING PERIOD

Medicare (this index)

WAIVER AND ESTOPPEL

Age Discrimination in Employment

Act (this index)

Employment discrimination, promissory estoppel, **35:166**

Gift tax, 8:35, 19:165

Hardship Waivers (this index)

Medicaid (this index)

Medicare (this index)

Patients' rights, 23:11

Pensions and Retirement (this index)

WAIVER AND ESTOPPEL—Cont'd Social Security Administration (this index)

Special needs trusts, hardship waivers, **16:95**

SSI, waiver of benefit limitation, **16:26**

Survivor annuities, distributions from qualified retirement plans and IRAs, 19:195, 19:196 Wills, 10:69

WAR

Medicare exclusion, 27:73 Veterans' pension benefits, wartime service, 17:23

WARRANTIES

Medicare payments for items under warranty, **27:11**

WASHINGTON

Elder victimization, abuse, and neglect, **4A:79**

Health care directive form, 33:75, 33:101

Living wills, 33:75

Mental health advance directive form, **33:101**

WATER

Food and Water (this index)

THE WEB

Attorney's continuing education, 2:22

WELFARE

Disability discrimination, denial of access to welfare or public benefits, **36:67**

WEST VIRGINIA

Do not resuscitate order, 33:112

Elder victimization, abuse, and neglect, 4A:80

Living will, form, 33:76

Medical power of attorney, form, 33:76

WHOLE LIFE INSURANCE

Generally, 14:17, 14:18

WIDOWS AND WIDOWERS

Annuities, 19:189 to 19:198
Medicare, 25:11 to 25:14
Military retirement, 20:60, 20:63
Real property planning, 7:6, 7:7,
7:10

WIFE AND HUSBAND

Spouses (this index)

WILLS

Generally, **10:30 to 10:78**Abatement, terminology, **10:40**Accountings with court or probate official, **10:44**

Ademption, satisfaction, and advancement, terminology, 10:38, 10:39

Administration expenses, **10:63**, **10:69**

Administrators and administration, 10:34, 10:63, 10:69
Adopted children, 10:58

Affidavit, self-proving, **10:75**Ancillary administration, **10:65**

Anti-lapse and lapse, terminology, 10:36

Appointment powers, drafting and execution of simple will, **10:56**

Attestation clause, 10:74

Attorney's retention of copy of document, **10:77**

Authority to make distributions directly to trust beneficiaries, 10:59

Avoiding tax on distribution of tangible personal property, **10:48**

Banks and banking

joint accounts, 10:127

payable on death (POD) accounts, 10:125

personal representative or trustee, 10:66, 10:67

Totten trusts, 10:128

Beneficiaries, terminology, **10:35**Bequests, see lines throughout this

topic
Bond of fiduciary, waiving security,
10:69

WILLS—Cont'd	WILLS—Cont'd
Capacity. Mental Capacity or	Fiduciaries—Cont'd
Condition (this index)	naming and granting powers to,
Cash bequests, 10:51	10:64
Charitable bequests, 10:52 , 11:24 , 11:47 , 11:48 , 11:58	powers and duties, 10:64 , 10:70 trustee, 10:67
Children and grandchildren adopted children, 10:58	waiving security on fiduciary bond, 10:69
guardian of minor children, 10:68	Form for simple will, 10:78
per-stirpes or per capita distribution, 10:22, 10:37	Funeral expenses provision, drafting and execution of simple will,
testamentary trust, 10:42, 10:59,	10:61
10:60	Future incapacity of client, use of
Closing, drafting and execution of	living trust, 10:45
simple will, 10:73	Grandchildren, Children and
Community property, terminology,	grandchildren, supra
10:33 Copy of document, retention by	Guardian of minor children, drafting and execution of simple will, 10:68
attorney, 10:77	20100
Corepresentative, authority of personal representative to name,	Identification of community property, terminology, 10:33
10:65 Costs and expenses	Incapacity. Mental Capacity or Condition (this index)
administration expenses, 10:63, 10:69	Inheritance taxes, drafting and execution of simple will, 10:63
fiduciaries, compensation, 10:71 funeral expenses, 10:61	Intangible or tangible personal property, 10:48 to 10:50, 10:53
Court, avoidance of accountings, 10:44	Inter vivos or living trust, 10:42 to 10:45, 10:55
Death taxes, 10:63	Intestate, terminology, 10:31
Debt repayment, 10:61, 10:62	Joint matters
Definitions, 10:30 to 10:45, 10:72 Devisee and legatee, terminology,	bank account as substitute for will, 10:127
10:35 Direct distributions to trust beneficiaries, 10:59	debts of married couples, drafting and execution of simple will, 10:62
Disclaimers, drafting and execution of simple will, 10:57	tenancy as substitute for will, 10:119 to 10:121
Dispositive provisions, drafting and execution of simple will, 10:47	Lapse and anti-lapse provisions, 10:36 , 10:49
Doctrine of abatement, terminology, 10:40	Legatee and devisee, terminology, 10:35
Drafting and execution of simple will, 10:46 et seq.	Life estates and tenants, drafting and execution of simple will, 10:54
Expenses. Costs and expenses, supra	Living trusts, 10:42 to 10:45, 10:55
Federal estate taxes, 8:69	Living Wills (this index)
Fiduciaries	Married couples. Spouses, infra
compensation, 10:71	Meaning of terms in will, clarifica-
guardian of minor child 10.68	tion 10:72

WILLS—Cont'd Mental Capacit

Mental Capacity or Condition (this index)

Minors. Children and grandchildren, supra

Naming and granting powers to fiduciaries, drafting and execution of simple will, **10:64**

Nieces and nephews, per-stirpes or per capita distribution, **10:37**

Nonbinding memorandum, drafting and execution of simple will, 10:50

Nonresident personal representative, drafting and execution of simple will, **10:65**

Opening and closing, **10:46**, **10:73**Paramount concern, wishes of testator, **10:41**

Payable on death (POD) accounts as substitute for will, **10:125**

Personal representative, 10:34, 10:65, 10:66, 10:69

Per-stirpes or per capita distribution, 10:22, 10:37

Pick-up trust, drafting and execution of simple will, **10:60**

Planning for incapacity, use of living trust, **10:45**

Postmortem planning and administration, **12:41**

Potential problems, drafting and execution of simple will, **10:49**

Pour-over provisions, terminology, 10:43 to 10:45

Powers of appointment, drafting and execution of simple will, **10:56**

Probate estate, terminology, **10:35**Real property planning, interests bequests, **10:54**

Residuary clause, drafting and execution of simple will, **10:55**, **10:56**

Retention of copy by attorney, **10:77** Safeguarding documents, **10:76**, **10:77**

Satisfaction, ademption, and advancement, terminology of estate planning, 10:38, 10:39

Security on bond of fiduciary, waiver, 10:69

WILLS—Cont'd

Self-proving affidavit, **10:75**Simple will drafting and execution, **10:46 et seq.**

Special Needs Trusts (this index)
Spendthrift trust, drafting and execution of simple will, 10:60

Spouses

joint debts, drafting and execution of simple will, **10:62**

joint tenancy, 10:119 to 10:121

surviving spousal rights, terminology, **10:32**

tenancy by entirety, **10:120 to 10:124**

Substitutes for wills

generally, **10:118**

banks, 10:127, 10:128

estate tax problems, 10:129

joint accounts, 10:127

joint tenancy, 10:119 to 10:121

payable on death (POD) accounts, **10:125**

tenancy by entirety, **10:120 to 10:124**

Totten trusts, 10:128

transfer on death (TOD) security accounts and deeds, **10:126**

Tangible or intangible personal property, **10:48 to 10:50, 10:53**

Tax planning, 10:48, 10:63, 10:122 to 10:124, 10:129

Tenancy by entirety as substitute for will, **10:120 to 10:124**

Terminology, 10:30 to 10:45, 10:72

Testamentary capacity and undue influence, determining, **10:6**

Testamentary trust

children, 10:42, 10:59, 10:60

direct distributions to beneficiaries, 10:59

drafting and execution of simple will, **10:55**, **10:60**

naming trustee, 10:67

pick-up trust, 10:60

residuary clause, drafting and execution of simple will, **10:55**

WILLS—Cont'd

Testamentary trust—Cont'd revocable trusts, tax planning in connection with, 10:89 to 10:113

special needs trusts, third party settled trusts, **16:171**

spendthrift trusts, 10:60

Testimonium clause, **10:73**Totten trust as substitute for will,

10:128
Transfer on death (TOD) security

Transfer on death (TOD) security accounts and deeds, **10:126**

Trusts

inter vivos or living trust, 10:42 to 10:45, 10:55

Special Needs Trusts (this index)

testamentary trust, supra

Totten trust as substitute for will, 10:128

Waiving security on fiduciary bond, 10:69

Wishes of testator as paramount concern, 10:41

Witnesses, 10:74

WINDFALL BENEFIT REDUCTION

Railroad retirement benefits, amount of annuity, **20:90**

WISCONSIN

Elder victimization, abuse, and neglect, **4A:81**

Health care power of attorney, form, 33:77

Physicians, declaration to, form, 33:77

WISHES

Wills, wishes of testator as paramount concern, **10:41**

WITHDRAWAL

Distributions from qualified retirement plans and IRAs, 19:19, 19:114 to 19:116

Life Insurance (this index)

Medicare, withdrawal of request for reconsideration of initial determination. **27:47**

WITHDRAWAL—Cont'd

Social Security Administration (this index)

WITHHOLDING

Age Discrimination in Employment Act, withholding of benefits, 35:32

Income taxes withheld, filing to claim refund of, **6:32**

Penalty taxes on premature distributions of qualified retirement plans and IRAs, 19:79

WITHOUT FAULT REQUIREMENT

Social Security Administration, waiver of overpayment of OASDI or SSI benefits, **18:36**

WITNESSES

Age Discrimination in Employment Act, presentation of testimony, 35:122

Expert and Opinion Evidence (this index)

Social Security Administration, administrative hearings, 18:125, 18:149 to 18:151

Wills, 10:74

WORDS AND PHRASES

Definitions (this index)

WORK

Consumer issues, work-at-home offers, **4:30**

Patients' right to refuse, 23:22

Pensions and Retirement (this index)

WORKERS' COMPENSATION

Federal employees' retirement system, relationship to workers' compensation benefits, **20:20**

Medicare, 27:41 to 27:48

WORKSHEETS

Financial planning, 5:37, 5:51

WORKSHOP

SSI earned income, sheltered workshop income, **16:45**

WORTH

Value and Valuation (this index)

WRITING OR WRITTEN

Penalty taxes on premature distributions of qualified retirement plans and IRAs, **19:76**

Social Security Administration (this index)

WYOMING

Advance health care directive, **33:78** Elder victimization, abuse, and neglect, **4A:82**

X-RAYS

Medicare, 26:68, 26:70, 27:7

YEARS

Annual Matters (this index)

Fiscal year, postmortem planning and administration, 12:21, 12:22

Five-year rules, distributions from qualified retirement plans and IRAs, 19:129

Railroad retirement benefit eligibility, years of service, **20:77**

Social Security (this index)

Two Years (this index)