

2025 Edition Highlights

Some of the new features and recent developments in the 2025 edition include:

- Chapter 1:
 - Updated aging statistics including geographic distribution, gender, poverty, and race and ethnicity statistics
 - Added new § 1:4 examining the growing trend of elders living alone
- Chapter 2:
 - Added new § 2:18 on cybersecurity needs for elder law firms
- Chapter 3
 - Updated citations and quotations to the new 6th Edition of the American College of Trust and Estate Counsel’s Commentaries on the Model Rules of Professional Conduct
- Chapter 4:
 - Added information to §§ 4:2 and 4:4 regarding congressional failure to reauthorize the Older Americans Act at the end of 2024
 - Updated § 4:28 on elder fraud targeting veterans
 - Added new § 4:29 on social security scams
- Chapter 4A:
 - Adult protective services and mandatory reporting statutory amendments noted for Delaware, District of Columbia, Illinois, Iowa, Nevada, Vermont, Virgin Islands, and Washington
- Chapters 5, 6, 8, 9, 10, 11, 12, 13, 14:
 - Dollar amounts updated to reflect large increase in the tax exemptions and high-end of the income tax brackets due to recent inflation
- Chapter 15:
 - Social Security Fairness Act of 2024 eliminated the Windfall Elimination Provision and Government Pension Offset necessitating rewrites for §§ 15:162 and 15:176
 - New benefit amounts for 2025 and new case annotations were added
- Chapter 16:
 - Social Security Administration stopped including food in its calculations for in-kind support and maintenance for SSI recipients effective September 30, 2024, necessitating edits in several sections

- New benefit amounts for 2025 and new case annotations were added
- Chapter 17:
 - Updated fiscal and personnel statistics of the Veterans Administration including discussion of hiring freezes at the beginning of the second Trump administration
 - Documented changes to discharge status and upgrades to honorable discharges
 - Updated disability compensation, dependency and indemnity compensation, and pension benefit amounts for 2025
- Chapter 18:
 - Updated instructions regarding signing social security applications
 - Documented President Biden’s reduction of the overpayment recovery rate to 10% followed by President Trump’s return to a 100% overpayment recovery in 2025
 - Highlighted SSA’s transition to an appointment system for office visits
 - Rewrote § 18:47 regarding written notice for appointments
 - Added new case citations to § 18:72 regarding fee requests
 - Removed § 18:88 about state equal access to justice statutes and outdated information about SSA’s pandemic services
 - Updated information about notice and manner of appearance for hearings
- Chapter 19:
 - Dollar amounts updated to reflect large increase in the tax exemptions and high-end of the income tax brackets due to recent inflation
- Chapter 20:
 - Updated the statistics regarding the budget for veterans’ retirement and disability programs
 - Updated COLA figure for 2025 in § 20:59
 - Rewrote § 20:89 to include the impact of the Social Security Fairness Act on Railroad Retirement Board benefits
- Chapter 21:
 - Updated statistics on long-term care ownership, cost, and regulatory deficiencies
 - Updated statistics on Alzheimer’s disease and dementia
 - Discussion of Biden Administration anti-discrimination in health programs and activities regulation and the litigation against it
 - Discussion of the Biden Administration’s strengthened state survey guidelines for long-term care facilities

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- Discussion of the Biden Administration’s nursing home staffing ratio regulation and the litigation against it
- Updated discussion of bankruptcy of Continuing Care Retirement Communities (CCRCs)
- Chapter 22:
 - Discussed the new Older Americans Act regulations in § 22:39
 - Updated § 22:47 amount in controversy information for Medicare appeals
 - Discussed the impact of the pandemic on nursing home staffing and the decrease in resident care
 - Outlined the nursing home staffing regulations promulgated by the Biden administration
 - Highlighted the new state surveyor guidelines designed to prevent: third party liability for nursing home care, improper use of chemical restraints, and improper binding arbitration agreements
- Chapter 23:
 - Updated statistics on Medicaid nursing home market share in § 23:9
- Chapter 24:
 - Updated financial costs of medical care data, the increased cost of long-term care insurance, and IRS deductibility limits for long-term care insurance in § 24:1
 - Added new § 24:29 examining the new disability discrimination regulation of health provider’s impact on Medigap plan administration
 - Added new information to §§ 24:9, 24:11, 24:30, 24:32, and 24:34
- Chapter 25:
 - Added discussion of *Barrows v. Becerra*, 24 F.4th 116, 111 Fed. R. Serv. 3d 1020 (2d Cir. 2022), in § 25:101. A Medicare beneficiary admitted as an inpatient to a hospital has a property interest in Part A coverage, one that is stripped from her when her status is changed to “observation.”
- Chapter 26A:
 - Discussed in § 26A:90 that CMS requires all Medicare Advantage plans to include a limit on out-of-pocket beneficiary spending; the maximum out-of-pocket permitted is \$13,300 for in and out-of-network services, combined and \$8,850 for in-network services in 2024; the average limit in-network was \$4,882 and for local and regional PPOs, \$8,707
- Chapter 26B:
 - Updated § 26B:10 to include changes to the Low-Income Subsidy Program as it relates to non-dual eligible Medicare beneficiaries

- Updated cost and benefit parameters for standard Medicare Part D benefits
- Updated to include the elimination of the “donut hole” or coverage gap beginning in 2025 due to the Inflation Reduction Act of 2022
- Chapter 27:
 - Added in § 27:35 citation to *MAO-MSO Recovery II, LLC, Series PMPI v. Government Employees Insurance Company*, Medicare & Medicaid ¶308,121, 2024 WL 2924063 (D. Md. 2024), another in a series of cases in which the private right of action against a 3rd party payor (in this instance, an insurer) was assigned to an entity acting as a collector seeking double damages under the Medicare Act. The collection entity has standing to pursue Medicare reimbursement and collect double damages if it prevails.
- Chapter 28:
 - Added in § 28:34 citation to *Wood v. Secretary of Health and Human Services*, Medicare & Medicaid ¶307,931, 2024 WL 36587 (N.D. N.Y. 2024), clear and detailed review of the appeals process in the context of a claim for durable medical equipment when the claimant is on notice from the provider that the equipment isn’t covered by Medicare
- Chapter 31:
 - Added to § 31:11 citation to *A.M.C. v. Smith*, Medicare & Medicaid ¶308,218, 2024 WL 3956315 (M.D. Tenn. 2024), a federal district court decision generally finding that the Tennessee Medicaid agency’s use of defective algorithms in its new eligibility system violated the Medicaid Act. Eligible Tennesseans’ Medicaid benefits were erroneously dropped, the review and appeals processes were ineffective in meeting the state’s Due Process obligation, and the Court noted that, “when an enrollee is entitled to state-administered Medicaid, it should not require luck, perseverance, and zealous lawyering for him or her to receive that healthcare coverage.”
- Chapter 32:
 - Updated dementia and Alzheimer’s Association disease demographic information
 - Updated Appendix 32-1
- Chapter 33:
 - Statutory form amendments noted for Delaware, Massachusetts, Michigan, Nevada, Utah, Vermont and Wisconsin
- Chapter 34:
 - Updated state guardianship statute citations and URLs for Table 1 and added new case citations

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- Chapter 35:
 - Rewrote § 35:21 regarding retaliation in light of *Mulderow v. City of St. Louis, Missouri*, 601 U.S. 346, 144 S. Ct. 967, 218 L. Ed. 2d 322 (2024)
 - Rewrote § 35:179 in light of the Trump administration’s dismantling of the Consumer Finance Protection Bureau
 - Addition of new age discrimination case citations
- Chapter 36:
 - Added discussion of state lawsuits against Section 504 in *Texas v. Becerra*, 24-CV-00225 (N.D. Tex. filed on Sept. 26, 2024) to §§ 36:6 and 36:69
 - Rewrote §§ 36:30 and 36:39 to include new cases
 - Rewrote § 36:64 to include new regulations about non-discrimination in medical diagnostic equipment used by state and local programs
 - Rewrote § 36:88 to add the new non-discrimination regulations for health care providers and facilities