

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 18:88**

Mobility and access. **Access and Mobility** (this index)

Records, patients' rights, **23:16**

ACCESS AND MOBILITY

Generally, **4:44 to 4:46**

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, **4:44 to 4:46**

Patients' rights, **23:16, 23:19**

ACCESSIBLE WEBSITES

Attorneys, **2:6**

ACCOMMODATIONS

Attorneys, accommodating elderly clients, **2:2 to 2:9**

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

ACCUMULATION—Cont'd

retirement plans and IRAs,
19:107

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

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 incom-
petence, **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)

ADJUSTMENTS—Cont'd

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

Medicaid, **29:115 to 29:119**

Medicare, **25:84**

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 Rem-
edies** (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, fidu-
ciary principles, **34:43**

INDEX

ADMINISTRATORS AND ADMINISTRATION—Cont'd

Estates (this index)
Expenses, **10:63, 10:69, 12:25**
Pensions and Retirement (this index)
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 disallow-

ADOPTION AND ADOPTED CHILDREN—Cont'd

ance of benefits, judicial review, **18:228**
Wills, **10:58**

ADULT CHILDREN

Medicaid, adult child who provided care, asset transfer, **29:113**

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) offer, **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, **4:43**
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)

AGE—Cont'd

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**
Access to facilities, **35:220**
Affirmative action by recipients, **35:230**
Alternative funds disbursement, **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 agency-specific, **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**

INDEX

AGE DISCRIMINATION ACT

—Cont'd

- 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.**
- Actual or constructive notice, **35:94**
- Adjustment in lodestar, **35:146**
- Admission, requests for, **35:115**
- Adverse acts or matters, **35:21, 35:48, 35:58**
- Advertising, **35:24**
- Affidavits, **35:116**
- Ageist slurs or remarks, **35:41, 35:56**
- Appellate review, **35:129**
- Applications for employment
 - generally, **35:26**
 - reemployment, **35:26**
- Appointment to specific position, **35:137**
- Arbitration, **35:89**
- Assignments, **35:27**
- Attorneys' fees, **35:1, 35:138 to 35:142**
- Awards, calculation of, **35:140, 35:141**
- Back pay and fringe benefits, **35:28, 35:133 to 35:135, 35:138**
- Bona fide employee benefit plan, **35:82**
- Bona fide occupational qualification (BFOQ), **35:14, 35:63 to 35:65**
- Bona fide seniority system, **35:90**
- Burden of proof, **35:15 to 35:22**
- Business administration expert, **35:59**
- Business necessity, **35:81**
- Calculation of award, **35:140, 35:141**
- Challenges for cause, voir dire, **35:119**
- Choice of forum, **35:106 to 35:108**

AGE DISCRIMINATION IN EMPLOYMENT ACT—Cont'd

- Circumstantial evidence
 - adverse employment decision or practice, **35:48**
 - continued need of employer for position, **35:49**
 - deviation from standard operating procedure, **35:51**
 - dramatic change in evaluation, **35:55**
 - expert opinions, **35:59, 35:60**
 - inconsistent explanations for adverse employment decisions, **35:58**
 - lay opinions, **35:60**
 - pattern of treatment of elderly employees, **35:52**
 - pretext, **35:61**
 - qualifications, **35:47**
 - rebuttal of circumstantial evidence, **35:73 to 35:79**
 - savings from replacing elderly employees, **35:57**
 - statistical analysis, **35:53**
 - stray ageist remarks, **35:56**
 - substantive protection, **35:2**
 - treatment of similarly situated employees, **35:54**
 - younger applicant or employee favored, **35:50**
- Claim or issue preclusion, **35:88**
- Class actions, **35:92, 35:105**
- Clerk of court, **35:125**
- Closing and opening arguments, **35:120, 35:124**
- Collateral source offset, **35:134**
- Communications, filing of charge, **35:92**
- Compensation, **35:1, 35:23, 35:28, 35:130 to 35:135, 35:138**
- Compensatory damages, generally, **35:140**
- Connection between activity and treatment, **35:22**
- Constructive discharge, **35:34**
- Constructive or actual notice, **35:94**
- Contents of charge, **35:100**
- Continuing violations, **35:96**

**AGE DISCRIMINATION IN
EMPLOYMENT ACT—Cont'd**

Costs, fees and expenses, **35:67, 35:143 to 35:147**

Cost savings, reasonable factors other than age, **35:67**

Covered employment decisions or practices, **35:23 to 35:37**

Damages
generally, **35:1**
compensatory damages, generally, **35:140**
covered employment decisions or practices, **35:23**
equitable, **35:140**
liquidated damages, **35:1, 35:139**
mitigating damages, **35:59, 35:135**
motions for new trial, **35:128**
punitive damages, **35:140**

Date. Time and date, *infra*

Defenses, **35:62 to 35:90**

Demonstrative evidence, **35:121**

Demotions, **35:31**

Depositions, **35:114**

Deviation from standard operating procedure, **35:51**

Directed verdict, **35:123**

Direct evidence
age-based policy, **35:40**
ageist slurs by decisionmaker, **35:41**
existence of alternative business policy or practice with less disparate impact, **35:45**
hostile environment, **35:42**
identification of policy or practice, **35:44**
statistically significant disparate impact, **35:43**

Discharge or layoffs, **35:33 to 35:36, 35:84 to 35:87**

Discipline, **35:30**

Discovery
admission, requests for, **35:115**
depositions, **35:114**
interrogatories, **35:113**
pretext, **35:61**
production of documents, requests for, **35:112**

**AGE DISCRIMINATION IN
EMPLOYMENT ACT—Cont'd**

Disparate impact, **35:18, 35:18.50, 35:43 to 35:45**

Disparate treatment, **35:16 to 35:22, 35:43**

Doctrine of *res judicata*, **35:88**

Documentary evidence, **35:122**

Documents, requests for production of, **35:112**

Dramatic change in evaluation, **35:55**

Early retirement, **35:32**

Economic necessity, reasonable factors other than age, **35:70**

Emotional distress, **35:23**

Equal Employment Opportunity Commission, lawsuit filed by, **35:104**

Equitable damages, **35:140**

Estoppel. Waiver or estoppel, *infra*

Evaluations, **35:23, 35:55**

Evidence
burden of proof, **35:15 to 35:22**
circumstantial evidence, *supra*
demonstrative evidence, **35:121**
direct evidence, *supra*
documentary evidence, **35:122**
expert opinions, **35:59, 35:60**
presentation of testimony, **35:122**
prima facie cases, **35:61, 35:73**
statistical evidence, **35:75**

Exclusions, exemptions and exceptions
governmental employers, **35:11**
private employers, **35:8**

Expenses, costs, and fees, **35:67, 35:143 to 35:147**

Expert opinions, **35:59, 35:60**

Expert witness fees, **35:143**

Favorable treatment of elderly employees, **35:74**

Federal employers, coverage of, **35:9**

Federal Rules of Civil Procedure, **35:110**

Fees, costs, and expenses, **35:67, 35:143 to 35:147**

Filing
charges, **35:92 to 35:99**

INDEX

AGE DISCRIMINATION IN EMPLOYMENT ACT—Cont'd

Filing—Cont'd
class actions, **35:105**
continuing violations, **35:96**
discovery rule, **35:95**
estoppel for failure to post notice
of ADEA rights, **35:98**
lawsuits, **35:103 to 35:105**
limitations period, **35:93 to 35:99**
misrepresentations by EEOC or
deferral agency, **35:99**
rule 11 sanctions for frivolous fil-
ings, **35:110**
tolling limitations period, **35:97 to**
35:99
triggering event, **35:94**
Firefighters, mandatory retirement,
35:14
Forced resignation, **35:34**
Foreign countries and employers,
35:7
Fraud or misrepresentations, **35:97,**
35:99
Fringe benefits, **35:28, 35:130 to**
35:132, 35:137
Frivolous filings, **35:110**
Front pay, **35:1, 35:138**
Good cause, **35:83**
Good faith mistake, **35:77**
Governmental employers, coverage
of, **35:10, 35:11**
Headhunting expert, **35:59**
Hostile environment, **35:18, 35:42**
Identification or description
policy or practice, **35:44**
Impracticality of individualized
screening, **35:65**
Improper behavior, **35:79**
Incompetence, **35:78**
Inconsistent explanations for adverse
employment decisions, **35:58**
Individualized screening, **35:65**
Industrial psychologist expert, **35:59**
Injunctions
generally, **35:132**
preliminary injunctions, **35:131**
In limine motions, **35:117**

AGE DISCRIMINATION IN EMPLOYMENT ACT—Cont'd

Instructions to jury, **35:125**
Intent, **35:17**
Interrogatories, **35:111, 35:113,**
35:126
Investigation by enforcement agency,
35:101
Judgments, decrees and orders,
35:116, 35:118, 35:127
Judicial review, **35:129**
Jurisdiction, **35:108**
Jury and jury trial, **35:109, 35:118,**
35:125, 35:126
Labor organizations, **35:12**
Law enforcement officers, mandatory
retirement, **35:14**
Layoffs or discharge, **35:33 to 35:36,**
35:84 to 35:87
Lay opinions, **35:60**
Limitation of actions, **35:93 to 35:99,**
35:102
Liquidated damages, **35:1, 35:139**
Lodestar, **35:145, 35:146**
Mandatory age limits, **35:63**
Mandatory retirement, **35:14**
Mistake in good faith, **35:77**
Mitigating damages, **35:59, 35:135**
Mixed motive, **35:17**
Motions
directed verdict, **35:123**
in limine motions, **35:117**
judgment, motions for as matter of
law, **35:125**
new trial motions, **35:128**
summary judgment motions,
35:116
Negotiating release under Older
Workers Benefit Protection Act,
35:85
New trial motions, **35:128**
Notice
ADEA rights, estoppel for failure
to post notice of, **35:98**
constructive or actual notice, **35:94**
filing of charge, notice of, **35:92**
sample notice letter from
employer, **35:86**

**AGE DISCRIMINATION IN
EMPLOYMENT ACT—Cont'd**

Number of employees, coverage of private employers, **35:3**
 Older Workers Benefit Protection Act, release or waiver under, **35:84 to 35:87**
 Opening and closing arguments, **35:120, 35:124**
 Oral communications, filing of charge, **35:92**
 Overqualified applicants, **35:26, 35:68**
 Overview, **35:1 et seq.**
 Parent corporation, liability of, **35:5**
 Pattern of treatment of elderly employees, **35:52**
 Pendent jurisdiction over state claims, **35:108**
 Pensions and retirement, **35:14, 35:32**
 Peremptory challenges, **35:119**
 Political office exemption, **35:11**
 Posting notice of ADEA rights, **35:98**
 Postjudgment interest, **35:142**
 Prejudgment interest, **35:141**
 Preliminary injunctions, **35:131**
 Preparing for trial, **35:118**
 Presentation of testimony, **35:122**
 Pretrial orders and proceedings, **35:61**
 Prima facie cases, **35:61**
 Private employers, **35:3 to 35:8**
 Procedural requirements, **35:91 to 35:129**
 Production of documents, **35:112**
 Promotions, **35:29**
 Protected activity, **35:20**
 Protected age, **35:13**
 Psychologist expert, **35:59**
 Punitive damages, **35:140**
 Qualifications
 bona fide occupational qualification (BFOQ), **35:14, 35:63 to 35:65**
 circumstantial evidence, **35:47**
 overqualified applicants, **35:26, 35:68**

**AGE DISCRIMINATION IN
EMPLOYMENT ACT—Cont'd**

Reasonable factors other than age, **35:66 to 35:72**
 Reasonably necessary to normal operation of particular business, **35:64**
 Rebuttal of circumstantial evidence, **35:73 to 35:79**
 Recommendations or references, **35:37**
 Reduction or withholding of benefits, **35:32**
 Reductions in force, **35:35, 35:71**
 Reemployment application, **35:26**
 References or recommendations, **35:37**
 Referrals for employment, **35:25**
 Reinstatement, **35:136**
 Release or waiver under Older Workers Benefit Protection Act, **35:84 to 35:87**
 Remedies, **35:130 to 35:147**
 Reorganizations, **35:36, 35:49, 35:72**
 Replacing elderly employees, **35:57**
 Requests for production of documents, **35:112**
 Resignation, **35:34**
 Res judicata, **35:88**
 Retaliation, **35:19 to 35:22**
 Retirement and pensions, **35:14, 35:32**
 Right to sue letter, **35:100, 35:131**
 Rule 11 sanctions for frivolous filings, **35:110**
 Same decision defense, **35:80**
 Sample general release, **35:87**
 Sample notice letter from employer, **35:86**
 Savings from replacing elderly employees, **35:57**
 Seniority system, **35:35, 35:74, 35:90**
 Standard operating procedure, **35:51**
 State or state agency, lawsuit filed by, **35:103**
 Statistics, **35:43, 35:53, 35:75**
 Statute of limitations, **35:93 to 35:99, 35:102**
 Stray ageist remarks, **35:56**

INDEX

AGE DISCRIMINATION IN

EMPLOYMENT ACT—Cont'd

- Subjective judgment, **35:76**
- Substantive protection, **35:2 to 35:61**
- Successor corporations, liability of, **35:6**
- Summary judgment, motions for, **35:116**
- Tenure, **35:29**
- Termination, **35:87**
- Testimony, presentation of, **35:122**
- Time and date
 - prejudgment interest, **35:141**
 - preliminary injunctions, **35:131**
 - 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**

ALASKA—Cont'd

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, **29:61**

Veterans (this index)

ALTERNATIVES, OPTIONS OR VARIATIONS

Age Discrimination Act, alternative funds disbursement, **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)

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 which 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**

INDEX

AMBULANCE SERVICES

Medicare, **26:78, 27:12**

AMBULATORY SURGICAL SERVICES

Medicare, **26:89 to 26:92**

AMENDMENT OR MODIFICATION

Adjustments (this index)

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**

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)

ANNUITIES—Cont'd

- Lead and lead annuity trusts, **8:48, 8:171**
- Lifetime transfers planning, **9:50 to 9:54**
- Medicaid, **29:98**
- 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 Ill Clients** (this index)
- Veterans, benefits, **17:52 to 17:60, 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**

APPORIONMENT

- Medicare Catastrophic Coverage Act, asset transfers, **29:99**
- Medicare lump-sum compromise settlement, **27:47**
- Omnibus Budget Reconciliation Act, apportionment and cure of asset transfer penalty after OBRA 93, **29:99**

APPRAISALS

- Disposing of businesses, **13:28**

INDEX

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**

ARIZONA—Cont'd

- 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)
- 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, **2:21**
- 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**

ASSUMPTION—Cont'd

- 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 2:27**
- Abuse of elder as special problem, **2:8**
- Accessibility of office, **2:2 to 2:4**
- Accessible websites, **2:6**
- Accommodating elderly clients
 - accessibility, design and layout of office, **2:2 to 2:4**
 - accessible websites, **2:6**
 - 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, **2:13**
- Case summary, gathering and preserving client information, **2:14**
- Checklist, gathering and preserving client information, **2:14**
- Closing letters, gathering and preserving client information, **2:18**
- Community, cultivating, **2:25**
- Conflicts of Interest** (this index)
- Continuing education, **2:20 to 2:23**
- Costs. Fees, *infra*

INDEX

ATTORNEYS—Cont'd

- Design and layout of office, accommodating elderly clients, **2:2 to 2:4**
- Developing and maintaining elder law practice, **2:24 to 2:27**
- Disclaimer forms, gathering and preserving client information, **2:17**
- Dual representation letters, **2:16**
- Duties and responsibilities
 - generally, **3:7 to 3:20**
 - avoiding conflicts of interest, **3:16**
 - communication with client, **3:12**
 - confidentiality of information, **3:14**
 - diligence, **3:11**
 - fees, duty as to reasonableness, **3:13**
 - fiduciaries, representation, **3:10**
 - identity of client, importance of defining, **3:8**
 - reasonable fees, **3:13**
 - scope of representation, **3:9, 3:10**
- Education, **2:20 to 2:23**
- Elder law practice, practical guidelines, **2:1 to 2:27**
- Employment discrimination, attorneys' fees, **35:144 to 35:147**
- Ethical Issues** (this index)
- Existing clients, cultivating, **2:24**
- Eyesight impaired clients, **2:4**
- Fees
 - agreements, **2:15**
 - employment discrimination, **35:144 to 35:147**
 - ethical issues, **3:13**
 - grandparents' "rights," **37:32**
 - guardians and conservators, **34:48**
 - Medicaid, **31:37**
 - Medicare, **28:79**
 - Social Security Administration, OASDI or SSI claimants, **18:50 to 18:88**
 - Veterans' benefits, appeals, **17:60**
- Gathering and preserving client information, **2:10 to 2:19**
- Guardians and Conservators** (this index)

ATTORNEYS—Cont'd

- Hearing impaired clients, **2:4**
- Income. Fees, *supra*
- Issue of capacity as special problem, **2:7**
- Kinship caregivers, goals in seeking legal counsel, **37:3**
- Layout and design of office, accommodating elderly clients, **2:2 to 2:4**
- Maintaining and developing elder law practice, **2:24 to 2:27**
- Marketing, developing and maintaining elder law practice, **2:26**
- Mental Capacity or Condition** (this index)
- Networking, **2:24 to 2:27**
- Newsletters, **2:23**
- Older Americans Act, legal assistance, **4:8**
- Overview of elder law, **1:7 et seq.**
- Physically disabled client, **2:2 to 2:4**
- Powers of Attorney** (this index)
- Presumption of capacity, **2:7**
- Professional organizations, **2:21**
- Responsibilities. Duties and responsibilities, *supra*
- Retainer or fee agreement, **2:15**
- Sight impaired clients, **2:4**
- Social Security Administration** (this index)
- Specialized questionnaires, gathering and preserving client information, **2:12**
- Special problems of elderly clients
 - generally, **2:7 to 2:9**
 - abuse of elder, **2:8**
 - capacity or incapacity, **2:7**
 - undue influence, **2:8**
- Spousal rights, distributions from qualified retirement plans and IRAs, **19:212**
- Staffing considerations, accommodating elderly clients, **2:5**
- Succession planning, **2:27**
- Summary of case, gathering and preserving client information, **2:14**
- Terminally Ill Clients** (this index)

ATTORNEYS—Cont'd

- To do list, gathering and preserving client information, **2:14**
- Undue influence as special problem, **2:8**
- Visually impaired clients, **2:4**
- 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, generation-skipping 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**

AVAILABILITY—Cont'd

- Social Security Administration** (this index)
- Special Needs Trusts** (this index)
- SSI, actual availability of resources, **16:88**
- 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)

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**

BENEFITS AND BENEFICIARIES

—Cont'd

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)

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, generation-skipping 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, **29:72**
 SSI unearned income exclusion, burial resource interest, **16:71**
 Terminally ill clients, **11:10**
 Veterans, benefits, **17:51**
 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**

INDEX

CALCULATIONS AND COMPUTATIONS—Cont'd
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 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**

CANCELLATION OR TERMINATION—Cont'd
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.**
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, **2:14**

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

CCRC (CONTINUING CARE RETIREMENT COMMUNITY)

—Cont'd

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**

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 non-profit retirement home as unearned income, **16:52, 16:78**

INDEX

CHARITABLE MATTERS—Cont'd

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, **2:14**
- 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, 29:107, 29:111**
- Military retirement, **20:63**
- Penalty taxes on premature distributions from qualified retirement

CHILDREN—Cont'd

- 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**

CLINICAL CARE AND TESTS

- Medicaid, clinic services, **30:68**
- 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**

COLLECTION—Cont'd

- Veterans' benefits, overpayments, **17:62**

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, **32:7**

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**

INDEX

COMMUNITY AND

COMMUNITIES—Cont'd

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, **29:61**

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

COMPETENCY OR

INCOMPETENCY—Cont'd

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**

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**

CONFINEMENT TO HOME

—**Cont'd**

Medicare, **25:144**

CONFLICT

Guardianship proceedings, **34:13**

Interest. **Conflicts of Interest** (this index)

CONFLICTS OF INTEREST

Attorneys

generally, **2:16**

ethical issues, **3:15 to 3:18**

Estate planning, **10:9 to 10:11, 10:27**

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**

INDEX

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, **4:43**

Buyers clubs, **4:19**

Charitable solicitations, **4:18**

Credit card offers, **4:14**

Credit card protection plans, **4:15**

Credit issues, generally, **4:33 et seq.**

Daily living problems, generally,
4:13 to 4:43

Debt consolidation, **4:14**

Employment fraud, **4:30**

Equal Credit Opportunity Act, **4:34**

Fair Credit Billing Act, **4:37**

Fair Credit Reporting Act, **4:36**

CONSUMERS—Cont'd

Fair Debt Collection Practices Act,
4:38

Federal consumer protection laws,
generally, **4:34 to 4:39**

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

Health-related fraud schemes, **4:27**

Home repair, **4:31**

Identity theft, **4:25**

Internet fraud, **4:32**

Lotteries, **4:16**

Magazine sales, **4:17**

**Medicare Advantage (MA)
Program** (this index)

Miscellaneous federal consumer
protection laws, **4:39**

Mortgages, reverse mortgages, **4:24**

Nigerian money (advance fee) offer,
4:21

Online auctions, **4:32**

“Phishing,” “pharming,” and
“spoofing,” **4:26**

Pig butchering scams, **4:20**

Prize offers, **4:16**

Relief, obtaining, **4:42, 4:43**

Reverse mortgages, **4:24**

Senior scares, **4:31**

Social security scams, **4:29**

“Spoofing,” **4:26**

State consumer protection laws, gen-
erally, **4:40, 4:41**

Sweepstakes, **4:16**

Telephone “slamming,” **4:22**

Travel scams, **4:23**

Truth in Lending Act, **4:35**

Uniform Commercial Code warran-
ties, **4:40**

Vacation scams, **4:23**

Work-at-home offers, **4:31**

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**

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 continu-

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

ing 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, 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, **2:20 to 2:23**

Newsletters, listservs, and the Web, **2:23**

CONTRACTS OR AGREEMENTS

Attorneys' fees agreements, **2:15**

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)

INDEX

CONTRACTS OR AGREEMENTS

—Cont'd

Leases. **Rental Property and Rents**
(this index)

Marriage and Marital Matters (this
index)

Medicare, **25:25**

Mental capacity or condition,
contractual capacity, **32:13**

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

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, **29:51**

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, sup-
port 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 retire-
ment plans and IRAs, **19:9.90**

CORPORATIONS

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

**Closely Held Businesses, Corpora-
tions 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)

COSTS, FEES AND EXPENSES

—Cont'd

- 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**
- Income** (this index)
- Medicaid** (this index)
- Medical Matters** (this index)
- Medicare** (this index)
- Nigerian money (advance fee) offer, **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, **17:58**

COURTS

- Appeal and Review** (this index)
- Generation-skipping transfer tax, judicial reformation, **8:200**
- Medicare, court-ordered assignment of claims, **28:26**
- 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**

INDEX

CREDIT AND CREDITING

—Cont'd

Definitions

Equal Credit Opportunity Act,
35:174

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

Discrimination

employment. Employment
discrimination, *infra*

Equal Credit Opportunity Act.
**Equal Credit Opportunity
Act** (this index)

Disposing of businesses, **13:18**

Employment discrimination

generally, **35:173 to 35:203**
administrative enforcement,
35:179

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

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

Connecticut, **35:188**

defenses to liability, **35:183**

definitions

Equal Credit Opportunity Act,
35:174

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

Equal Credit Opportunity Act
exempted transactions, **35:186**

Maryland, state Equal Credit
Opportunity Act, **35:174**
multiple federal laws, violating,
35:185

prohibited acts under, **35:173,**
35:174

Fair Housing Act, transactions
violating, **35:185**

federal law prohibiting discrimina-
tory practice, generally,
35:173 to 35:187

Illinois, **35:189**

Iowa, **35:190, 35:191**

judicial enforcement, **35:180,**
35:181

Kentucky, **35:192**

CREDIT AND CREDITING

—Cont'd

Employment discrimination—Cont'd

Maine, **35:193**

Maryland, **35:194, 35:195**

Massachusetts, **35:196**

Michigan, **35:197**

Missouri, **35:198**

monitoring compliance, **35:176**

Montana, **35:199**

New York, **35:200**

Ohio, **35:201**

permissible acts, **35:175, 35:176**

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, **35:202**

state laws prohibiting discrimina-
tion, generally, **35:187 to**
35:203

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

Virginia, **35:203**

Equal Credit Opportunity Act (this
index)

Estates (this index)

Fair Housing Act, transactions violat-
ing, **35:185**

Federal law prohibiting discrimina-
tory practice, generally, **35:173**
to 35:187

Financial planning, **5:21**

Generation-Skipping Transfer Tax
(this index)

Gifts (this index)

Illinois, discriminatory practices
prohibited by state law, **35:189**

Income (this index)

Iowa, discriminatory practices
prohibited by state law, **35:190,**
35:191

CREDIT AND CREDITING

—Cont'd

- Judicial enforcement, discriminatory practices prohibited by federal law, **35:180, 35:181**
- Kentucky, discriminatory practices prohibited by state law, **35:192**
- Maine, discriminatory practices prohibited by state law, **35:193**
- 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**

CREDIT AND CREDITING

—Cont'd

- Shelter trusts—Cont'd
 - postmortem planning and administration, **12:8, 12:27**
 - terminally ill clients, **11:39 to 11:41**
 - Social Security Administration, erroneous refusal to credit self-employment income, **18:226**
 - 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, **17:63**
- 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**

INDEX

CUSTODIAL CARE

Medicare, **25:54, 27:78**

CUSTODY OF CHILDREN

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

“D4A” TRUST

Special needs trusts, exempt self-settled trusts, **16:150 to 16:152**

“D4” TRUSTS

Medicaid, asset transfer, **29:108**

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**

DEATH—Cont’d

Expenses, financial planning, **5:9**

Generation-skipping transfer tax, **8:166 to 8:168, 19:188**

Income (this index)

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, **29:85 et seq.**

Definition of transfer, **29:92**

Exempt transfers, **29:101 to 29:108**

Fair hearing requirement, **29:100**

Fair market value and uncompensated value, **29:91**

INDEX

DEFICIT REDUCTION ACT OF 2005 (DRA)—Cont'd

Homeplace, transfers of, **29:109**
Intent to receive adequate value, **29:102**
Look back period, **29:90**
Penalty period, **29:93**
Presumption of penalty, **29:100**
Purpose other than qualifying for Medicaid, **29:103**
Resource transfer penalties after the DRA, generally, **29:88**
Spouses, transfers between, **29:105**
Undue hardship, **29:104**

DEFINED BENEFIT OR CONTRIBUTION PLANS

Disposing of businesses, **13:70**
Distributions from qualified retirement plans and IRAs, **19:24 to 19:32, 19:49 to 19:52, 19:89, 19:192, 19:209**

DEFINITIONS

Abuse, **4A:2, 23:45, 23:46**
Actuarial equivalence, **26B:2**
Age Discrimination Act, **35:216**
Annual required out-of-pocket spending limit, **26B:2**
Appeal, **26B:2, 26B:21**
Appointed representative, **26B:21**
Auto-enrollment, **26B:2**
Benchmark plan, **26B:2**
Catastrophic coverage, **26B:2**
Child, **15:80**
Clawback, **26B:2**
Co-insurance, **26B:2**
Copay, **26B:2**
Cost sharing, **26B:2**
Coverage determination, **26B:2, 26B:21**
Covered drugs, **26B:2**
Credible coverage, **26B:2**
Credit and crediting
Equal Credit Opportunity Act, **35:174**
Iowa, discriminatory practices prohibited by state law, **35:191**
Deductible, **26B:2**

DEFINITIONS—Cont'd

Deemed eligibles, **26B:2**
Disability, **36:4, 36:5, 36:7, 36:8, 36:13, 36:14, 36:33**
Disposing of businesses, **13:1, 13:73**
Divorced spouse, **15:89**
Donut hole (coverage gap), **26B:2**
Dose restriction, **26B:2**
Drug categories or classes, **26B:2**
Dual-eligible, **26B:2**
Elderly homeowner, **7:30**
Enhances alternative coverage, **26B:2**
Evidence, **15:133**
Exceptions process, **26B:2**
Exceptions request, **26B:21**
Exploitation, institutionalized adults, **23:45, 23:48**
Facilitated enrollment, **26B:2**
Federal estate tax, **8:72**
Financial planning, **5:17**
Formulary, **26B:2**
Full and equal enjoyment, **36:75**
Generation-skipping transfer tax, **8:140 to 8:151**
Generic drug, **26B:2**
Goods and services, **36:76**
Guardians and conservators, **34:1**
Handicap, **36:91**
Home equity conversion mortgage, **7:30**
Homeowner, **7:32**
Incapacity, **32:8 to 32:15**
Independent review entity (IRE), **26B:21**
Initial coverage limit, **26B:2**
Initial enrollment period, **26B:2**
Kinship caregiving, **37:2**
Late enrollment penalty, **26B:2**
Life insurance, **14:40 to 14:42**
Low-income subsidy (LIS), **26B:2**
Medicaid nursing facilities, **21:29**
Medicare advantage prescription drug plan (MA-PDP), **26B:2**
Medicare skilled nursing facilities, **21:28**
Medicare supplement (Medigap), **26B:2**
Mental incapacity, **32:8 to 32:15**

DEFINITIONS—Cont'd

Neglect, **4A:2, 23:45, 23:47**
 Negotiated discount prices, **26B:2**
 Network pharmacy, **26B:2**
 Non-preferred drug, **26B:2**
 Out-of-network pharmacy, **26B:2**
 Out-of-pocket payments, **26B:2**
 Part D eligible individual, plan, and regulations, **26B:2**
 Period of disability, **15:54**
 Preferred drug, **26B:2**
 Premium, **26B:2**
 Prescription benefit managers (PBS), **26B:2**
 Prior authorization, **26B:2**
 Public entity, **36:60**
 Qualified domestic relations orders, **19:201**
 Qualified domestic relations orders, **19:201**
 Qualified individual with disability, **36:37**
 Qualified joint interests, **7:9**
 Quarter of coverage, **15:41**
 Reconsideration, **26B:21**
 Regarded as having disability, **36:47**
 Revocable trusts, **10:80**
 Social Security
 child, **15:80**
 divorced spouse, **15:89**
 evidence, **15:133**
 period of disability, **15:54**
 quarter of coverage, **15:41**
 spouse, **15:73**
 Special valuation rules for transfer taxes, **8:233, 8:241, 8:252, 8:256, 8:272**
 Sponsor, **26B:2**
 Spouse, **15:73**
 Standard coverage, **26B:2**
 State Pharmaceutical Assistance Program (SAP), **26B:2**
 Step therapy, **26B:2**
 Supplemental benefits, **26B:2**
 Supplemental drug benefits, **26B:2**
 Therapeutic equivalency, **26B:2**
 Tiered cost-sharing or formulary, **26B:2**

DEFINITIONS—Cont'd

True out-of-pocket spending, **26B:2**
 Trust, **16:144**
 Wills, **10:30 to 10:45, 10:72**

DELAWARE

Elder victimization, abuse, and neglect, **4A:36**
 Health care advance directive, form, **33:35**

DELAY

Deferral, Delay or Postponement
 (this index)

DELEGATION OF POWER

Kinship caregivers, delegation of power by parent or guardian, **37:6**

DELUXE PRIVATE ACCOMMODATIONS

Medicare, **25:64, 25:125**

DEMENTIA

As to mental capacity, generally.
Mental Capacity or Condition
 (this index)

DEMOGRAPHICS

Elder population, **1:2 to 1:6**
 Residents in nursing homes, **21:2**

DEMONSTRATIVE EVIDENCE

Age Discrimination in Employment Act, **35:121**

DEMOTIONS

Age Discrimination in Employment Act, **35:31**

DENIAL

Approval or Acceptance (this index)

DENTISTS AND DENTAL SERVICES

Medicaid, **30:52, 30:88, 30:109**
 Medicare, exclusion of expenses, **27:79**
 Veterans, dental benefits, **17:39, 17:41**

INDEX

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, **36:3**

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**

INDEX

DISABILITY DISCRIMINATION

—Cont'd

- Employment—Cont'd
 - enforcement
 - available remedies, **36:58**
 - exhaustion of administrative remedies, **36:56**
 - limitation of actions, **36:57**
 - essential functions of job
 - generally, **36:41**
 - determination, **36:42**
 - different job creation as accommodation, **36:43**
 - exhaustion of administrative remedies, enforcement, **36:56**
 - hardship, reasonable accommodation as creating, **36:52**
 - limitation of actions, **36:57**
 - medical examinations, **36:46**
 - pre-employment screening
 - generally, **36:44**
 - inquiries about disabilities, **36:45**
 - medical examinations, **36:46**
 - prohibition, generally, **36:32**
 - public entities, discrimination by, **36:66**
 - qualified individual with disability
 - generally, **36:36**
 - defined, **36:37**
 - former employees, **36:39**
 - potential grounds for determination, **36:38**
 - Social Security disability, effect of filing application for on status, **36:40**
 - reasonable accommodations
 - generally, **36:49**
 - seniority systems, conflicts with, **36:51**
 - undue hardship, reasonable accommodations constituting, **36:52**
 - regarded as having disability
 - definition, **36:47**
 - elements of proof, **36:48**
 - remedies, **36:56, 36:58**

DISABILITY DISCRIMINATION

—Cont'd

- Employment—Cont'd
 - seniority system, reasonable accommodation as conflicting with, **36:51**
- Equal protection issues, **36:20**
- Essential functions of job. Employment, *supra*
- Exhaustion of administrative remedies, employment, **36:56**
- Fair Housing Act
 - generally, **36:90**
 - disparate impact and discriminatory effects, **36:93**
 - enforcement, **36:95**
 - exemptions and exceptions, **36:94**
 - handicap, defined, **36:91**
 - prohibited discriminatory acts, **36:92**
- Hardship or undue burden, accommodation as creating, **36:52, 36:85**
- Health and safety of others, modification of public accommodations as posing threat to, **36:86**
- Health care organizations, access to public accommodations, **36:88**
- Hospitals, access to public accommodations, **36:88**
- Insurance offices, access to public accommodations, **36:87**
- Limitation of actions, employment, **36:57**
- Limitations on who is disabled
 - generally, **36:23**
 - major life activity, **36:27**
 - mental impairment, **36:25**
 - mitigating measures, **36:28**
 - physical impairment, **36:24**
 - record of impairment, **36:29**
 - regarded as having disability, **36:30**
 - substantial limitation, **36:26**
- Major life activity, generally, **36:27**
- Mandatory compliance with ADA Title III, **36:78**
- Medical examinations prior to employment, **36:46**

DISABILITY DISCRIMINATION

—Cont'd

- Medical offices, access to public accommodations, **36:88**
- Mental impairment, generally, **36:25**
- Mitigating measures, effect on determination of disability, **36:28**
- Modification. Public programs and services, access, *infra*
- Nursing homes, access to public accommodations, **36:89**
- Physical impairment, **36:24**
- Pre-employment screening. Employment, *supra*
- Prevalence, **36:2**
- Private clubs exempt from compliance with access to public accommodations regulations, **36:79**
- Public programs and services, access generally, **36:59 to 36:89**
 - ADA provisions, see more specific lines in this group
 - architectural barriers, **36:81**
 - communicatory exclusion of people with disabilities, **36:65**
 - elements of Title III ADA claim, **36:74**
 - employment discrimination, **36:66**
 - enforcement of Title II of ADA, **36:71, 36:72**
 - full and equal enjoyment, defined, **36:75**
 - goods and services, defined, **36:76**
 - guidelines, Americans with Disabilities Act Accessibility Guidelines (ADAAG), **36:82**
 - harmonization of ADA Title II Rehabilitation Act, **36:62**
 - health care organizations, **36:88**
 - hospitals, **36:88**
 - insurance offices, **36:87**
 - integration, **36:69**
 - mandatory compliance with ADA Title III, **36:78**
 - medical offices, **36:88**
 - modification of accommodations to fit needs
 - fundamental alteration not required, **36:84**

DISABILITY DISCRIMINATION

—Cont'd

- Public programs and services, access
 - Cont'd
 - modification of accommodations to fit needs—Cont'd
 - reasonable modifications, **36:83**
 - threat to health or safety of others, modification as posing, **36:86**
 - undue burden, modification amounting to, **36:85**
 - modification of policies, practices and procedures
 - generally, **36:68**
 - auxiliary aids and services, **36:70**
 - integration, **36:69**
 - nursing homes, **36:89**
 - particular actions by entity, **36:63 to 36:67**
 - physical exclusion of people with disabilities, **36:64**
 - private clubs, exemption, **36:79**
 - public accommodations
 - elements of Title III ADA claim, **36:74**
 - full and equal enjoyment, defined, **36:75**
 - goods and services, defined, **36:76**
 - public entity, defined, **36:60**
 - qualified individual with disability, defined, **36:61**
 - religious entities, exemption, **36:79**
 - remedies, **36:72**
 - types of prohibited discrimination, **36:80**
 - types of public accommodations, **36:77**
- Qualified individual with disability
 - defined, **36:37, 36:61**
 - employment, *supra*
- Reasonable accommodations.
 - Employment, *supra*
- Record of impairment, **36:29**
- Regarded as having disability
 - generally, **36:30**
 - employment, *supra*

INDEX

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, **2:17**
- 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**

INDEX

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, **13:41**
- Current significance of buy-sell agreements, **13:2**
- Deceased owners, **13:4, 13:42, 13:43, 13:62, 13:63**
- Deductions and deductibility
 - interest, **13:22**

DISPOSING OF BUSINESSES

—Cont'd

- Deductions and deductibility
 - Cont'd
 - Qualified Family Owned Business
 - Interest deduction, **13:72**
- Deferral
 - estate tax payment and special valuation, alternatives to buy-sell 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**
- Fixed price method, purchase price term of agreement, **13:26**
- Form or sample for buy-sell agreement, **13:10, 13:61**
- Funding of buy-sell agreement, **13:12 to 13:16, 13:34 to 13:36**
- Gains or losses, **13:19, 13:80 to 13:83**

DISPOSING OF BUSINESSES

—Cont'd

- 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 buy-sell agreements, **13:68**
- Redemption agreements, stock, **13:40, 13:58**
- Remaining owners' objectives, buy-sell 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

—Cont'd

- Taxes and taxation—Cont'd
 - estate taxes, **13:33, 13:37 to 13:39, 13:46, 13:72**
 - gift tax, valuation of closely-held businesses, **13:46**
 - valuation, **13:37 to 13:39**
- Transfer for value problems, life insurance funded buy-sell agreements, **13:14**
- Triggering events, terms of agreement, **13:24**
- Types of buy-sell agreements, **13:8**
- Valuation
 - closely-held businesses, **13:46 to 13:51**
 - deferral of estate tax payment and special valuation, alternatives to buy-sell agreements, **13:72**
 - divorce, **13:66**
 - S corporations, **13:60**
 - tax considerations, **13:37 to 13:39**
- Voting rights, employee stock option plans, **13:85**

DISPOSITION

- Social Security Administration** (this index)

DISQUALIFICATION

- Qualification or Disqualification** (this index)

DISTRIBUTION OR DISTRIBUTIONS

- Disposing of Businesses** (this index)
- Generation-Skipping Transfer Tax** (this index)
- Guardians and conservators, distributions from estate, **34:44**
- IRAs, **19:1 et seq.**
- Medicaid, distribution of money recovered from third party, **31:49**
- Postmortem planning and administration, **12:37, 12:38, 12:47, 12:48**
- Premature distributions, qualified retirement plans and IRAs, **19:60 to 19:79, 19:135, 19:151, 19:215**

DISTRIBUTION OR

DISTRIBUTIONS—Cont'd

- Qualified retirement plans, **19:1 et seq.**
- Retirement plans and accounts, **19:1 et seq.**
- Roth IRAs, **19:31, 19:118, 19:162, 19:236**
- Special needs trusts, distribution provisions, **16:108 to 16:113**
- Special valuation rules for transfer taxes, **8:215, 8:221, 8:222, 8:227**
- Trusts and trustees, **19:96 to 19:102**

DISTRICT OF COLUMBIA

- Advance directive form, **33:36**
- Durable power of attorney for health care form, **33:36**
- Education, discrimination, **35:205**
- Elder victimization, abuse, and neglect, **4A:37**

DIVERSIFICATION

- Disposing of businesses, **13:87**

DIVIDENDS

- Disposing of businesses, **13:76**
- 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**

DIVORCE

- Alimony** (this index)
- Disposing of businesses, **13:64 to 13:66**
- Railroad Retirement Benefits** (this index)
- Social Security** (this index)
- Terminally ill clients, **11:19**

DNR

- Do Not Resuscitate Orders** (this index)

DOCTORS

- Physicians** (this index)

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, **4:44 to 4:46**

DRUGS

- Abuse, neglect, and victimization of elders, **4A:8**
- Daily living problems, pharmaceutical assistance, **4:48**
- 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

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 18:88**

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, **2:8**

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, gener-
 ally, **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 victima-
 zation, abuse, and neglect, **4A:29**
et seq.
 Guardians and conservators, emer-
 gency 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**

INDEX

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 employer-sponsored Medicare supplements, **24:41**

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

Pensions and Retirement (this index)

Reemployment (this index)

Respondeat 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, Job Creation Act of 2010, the American Taxpayer Relief Act of 2012, and the Tax Cuts and Jobs Act of 2017 and the One Big Beautiful Bill Act (OBBBA) of 2025, **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**

EMPLOYMENT

DISCRIMINATION—Cont'd

- At-will employment relationships, **35:162 to 35:172**
- Back pay, **35:133**
- 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)

EMPLOYMENT

DISCRIMINATION—Cont'd

- State antidiscrimination statutes, **35:158 to 35:161**
- Statute of frauds, **35:165**
- Substantive due process, **35:150**
- 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 FRAUD

- Consumers, **4:30**

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**

INDEX

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 18:88**

EQUAL CREDIT OPPORTUNITY ACT

Consumer issues, **4:34**
Exempted transactions, **35:186**
Maryland, state Equal Credit Opportunity Act, **35:174**
Multiple federal laws, violating, **35:185**
Prohibited acts under, **35:173, 35:174**

EQUAL PROTECTION

Disability discrimination, **36:20**
Employment discrimination, **35:148**
Real property planning, tax relief for elderly individuals, **7:39**

EQUIPMENT AND SUPPLIES

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)

EQUITABLE DAMAGES

Age Discrimination in Employment Act, **35:140**

EQUITY

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

ERISA

Employee Retirement Income Security Act (this index)

ERRORS

Mistakes or Errors (this index)

ESOP

Employee Stock Ownership Plans (this index)

ESTABLISHING OR ESTABLISHMENT

Practice in elder law, **2:1 et seq.**
Special Needs Trusts (this index)

ESTATES

Generally, **8:56 to 8:125**
Administration
generally, **10:4**
Executors (this index)
postmortem planning and administration, **12:40 to 12:50**
Alternate valuation date, gross estate, **8:62**
Annual payment of income, general power of appointment trust, **8:79**
Annuities, **8:112, 19:177, 19:181**
Appointment
fiduciaries, **10:21**
planning, **10:21**
powers, **8:77 to 8:81, 8:86, 8:116 to 8:119**
Charitable matters, **8:89, 8:96, 8:97**
Closely-held business, **8:63, 8:125**
Confidential information, conflicts of interest involving spouses, **10:10, 10:11**
Conflicts of interest, **10:9 to 10:11, 10:27**
Costs, fees and expenses
planner of estate, **10:8**
revocable trusts, **10:86**
Cover letters, **10:19, 10:26, 10:29**
Credits
estate tax paid on prior transfers, **8:101**
foreign death taxes, **8:102**
gift taxes, **8:100**
pre-1977 gifts, **8:100**
prior transfers, tax, **8:101**
state death taxes, **8:99**
unified credit, **8:98**
Date. Time or date, *infra*
Death taxes paid, credit, **8:96, 8:102**
Deductions
charitable deduction, **8:96, 8:97**
marital deduction, *infra*
nondeductibles, **8:75**

ESTATES—Cont'd

- Deferral of tax for interests in closely-held businesses, **8:125**
- Definitions, **8:72**
- Disabled individuals, **10:114 to 10:117**
- Disclaimers, **8:59, 8:60, 8:70**
- Disposing of businesses, **13:33, 13:37 to 13:39, 13:46, 13:72**
- Distributions from qualified retirement plans and IRAs, taxation, **19:169 to 19:184, 19:222, 19:243**
- Due date, estate tax return, **8:123**
- Economic Growth and Tax Relief Reconciliation Act of 2001, **8:56**
- Enjoyment of income, retention of right, **8:108, 8:109**
- Estate by entirety, retained interests and powers, **8:113 to 8:115**
- Excise tax on transfer of taxable estate, **8:56**
- Exclusions and exceptions
 - distributions from qualified retirement plans and IRAs, **19:170 to 19:172**
 - gross estate, property or property interests excepted, **8:58**
 - marital deduction, **8:65, 8:77 to 8:89**
 - terminable interest rule, **8:77 to 8:89**
- Executors** (this index)
- Expenses. Costs, fees and expenses, *supra*
- Farm or closely-held business, special valuation of gross estate, **8:63**
- Federal estate tax, generally, **8:56 to 8:125**
- Fees. Costs, fees and expenses, *supra*
- Fiduciaries, determination and appointment, **10:21**
- Filing tax returns, **8:122, 8:123**
- Financial planning, **5:15, 5:39**
- Foreign death taxes, credit for, **8:102**
- Forms and letters, **10:19 to 10:29, 10:78**

ESTATES—Cont'd

- Gathering of facts, **10:12, 10:18 to 10:29**
- General rule of valuation of gross estate, **8:61**
- Generation-Skipping Transfer Tax** (this index)
- Goals of estate planning, **10:1**
- Gratuitous transfers, **8:100, 8:105, 8:106, 8:114**
- Gross estate, **8:56 to 8:60**
- Gross-up for gift taxes, transfers within three years of death, **8:105, 8:106**
- Guardians and conservators, estate distributions, **34:44**
- Implementing plan, **10:14**
- Incapacity, planning, **10:6**
- Incidents of ownership, life insurance, **8:121**
- Income, retention of right, **8:108, 8:109**
- Interview as means of gathering facts, **10:18, 10:19**
- Joint matters
 - powers of appointment of assets, **8:118**
 - tenants with right of survivorship, retained interests and powers, **8:113 to 8:115**
- Lapse of power of appointment, **8:119**
- Large estates, generation-skipping transfer tax, **8:192, 8:193**
- Letters and forms, **10:19 to 10:29, 10:78**
- Life Estates** (this index)
- Life Insurance** (this index)
- Lifetime transfers planning, **9:12 to 9:15, 9:24, 10:2**
- Living Wills** (this index)
- Marital deduction
 - generally, **8:64 to 8:70**
 - absence of qualified domestic trust, noncitizen spouse, **8:90**
 - ascertaining passing requirement at time of death, **8:68**
 - citizenship acquired by noncitizen spouse, **8:94**

INDEX

ESTATES—Cont'd

- Marital deduction—Cont'd
 - distributions from qualified retirement plans and IRAs, **19:175 to 19:184**
 - exceptions and exclusions, **8:65, 8:77 to 8:89**
 - marriage requirement, **8:66**
 - noncitizen spouse, **8:90 to 8:95**
 - nonqualifying items, **8:65**
 - passing requirement, **8:67 to 8:70**
 - qualified disclaimer, **8:70**
 - qualified domestic trust, noncitizen spouse, **8:90 et seq.**
 - requirements, generally, **8:64, 8:67 to 8:70**
 - residence of surviving spouse outside United States, **8:95**
 - terminable interest rule, **8:71 to 8:89**
 - time or date, **8:66, 8:68**
 - will contest, **8:69**
- Marriage requirement for marital deduction, **8:66**
- Maturation of plan, **10:16**
- Medicaid, adjustments and estate recoveries, **29:115 to 29:119**
- Noncitizen spouses, **8:90 to 8:95, 19:184**
- Nondeductible terminable interests, **8:75**
- Nonqualifying items, marital deduction, **8:65**
- No-takers provision, **10:23**
- Overview of elder law, **1:12**
- Overview of estate planning, **10:1 et seq.**
- Passing requirement for marital deduction, **8:67 to 8:70**
- Periodic review of estate plan, **10:15**
- Planning, see lines throughout this topic
- Postmortem Planning and Administration** (this index)
- Postponement of estate tax payment until reversionary or remainder interest vests, **8:124**
- Powers of appointment, **8:77 to 8:81, 8:86, 8:116 to 8:119**

ESTATES—Cont'd

- Prior transfers, credit for tax paid on, **8:101**
- Proceeds of life insurance, receipt by executor, **8:120**
- Property or property interests included in federal gross estate, **8:57 to 8:60**
- Qualified conservation easements, charitable deduction, **8:97**
- Qualified matters
 - disclaimer, **8:59, 8:60, 8:70**
 - domestic trust (QDT), marital deduction for noncitizen spouse, **8:90 et seq.**
 - terminable interest property, **8:84 to 8:88, 19:178**
- Questionnaire as means of gathering facts, **10:18, 10:19, 10:26, 10:28**
- Recommendation of estate plan, **10:13**
- Recovery, medicaid, **29:4**
- Reductions. Deductions, *supra*
- Renunciation right of spouse, qualified terminable interest property (QTIP) trust, **8:88**
- Requirements for marital deduction, **8:64, 8:67 to 8:70**
- Retained interests and powers, **8:108 to 8:115**
- Returns. Taxes and taxation, *infra*
- Reversionary or remainder interest, **8:110, 8:124**
- Reviewing and revising estate plan, **10:15**
- Revocable transfers, retained interests and powers, **8:111**
- Role of estate planner, **10:7**
- Small estates, generation-skipping transfer tax, **8:190**
- Special matters, **8:63, 8:107, 9:24**
- Spouses, see lines throughout this topic
- State death taxes, credit for, **8:98**
- Steps in estate planning process, generally, **10:12 to 10:16**
- Stock shares in controlled corporation, retention of voting rights, **8:109**

ESTATES—Cont'd

- Subject matter of estate planning, **10:5**
- Survivors, **8:76, 8:112 to 8:115**
- Taxes and taxation
 - annuities, **8:112, 19:177, 19:181**
 - deferral of tax for interests in closely-held businesses, returns, **8:125**
 - disposing of businesses, **13:33, 13:37 to 13:39, 13:46, 13:72**
 - distributions from qualified retirement plans and IRAs, **19:169 to 19:184**
 - due dates, returns, **8:123**
 - federal estate tax, **8:56 to 8:125**
 - filing, returns, **8:122, 8:123**
 - inclusion period, generation-skipping transfer tax, **8:172 to 8:174**
 - life insurance, **14:49 to 14:55, 14:104, 14:105, 14:115**
 - lifetime transfers planning, **9:12 to 9:15, 9:24**
 - postponement of payment until interest vests, returns, **8:124**
 - returns
 - deferral of tax for interests in closely-held businesses, **8:125**
 - due dates, **8:123**
 - filing, **8:122, 8:123**
 - postponement of payment until interest vests, **8:124**
 - special needs trusts, designing supplemental trusts, **16:137**
- Tenants by entirety, retained interests and powers, **8:113 to 8:115**
- Terminable interest rule, **8:71 to 8:89**
- Terminally ill clients, **11:32, 11:36, 11:37**
- Testamentary capacity and undue influence, determining, **10:6**
- Time or date
 - marital deduction, **8:66, 8:68**
 - tax return due date, **8:123**
 - transfers, *infra*
 - transfers within three years of death, **8:103 to 8:107**

ESTATES—Cont'd

- Time or date—Cont'd
 - valuation of gross estate, **8:61 to 8:63**
- Transfers
 - lifetime, **10:2**
 - transfer taxes, estate planning goals, **8:310 to 8:316**
 - within three years of death, **8:103 to 8:107**
- Transition rules, estate tax, distributions from qualified retirement plans and IRAs, **19:170 to 19:173**
- Trusts and Trustees** (this index)
- Unified transfer tax system, **8:9 et seq.**
- Unlimited charitable deduction, **8:96, 8:97**
- Valuation of gross estate, **8:61 to 8:63**
- Vesting of reversionary or remainder interest in property, **8:124**
- Voting rights of stock in controlled corporation, retention of rights, **8:109**

ESTIMATED TAX PAYMENTS

- Real property planning, **7:23**

ESTOPPEL AND WAIVER

- Waiver and Estoppel** (this index)

ETHICAL ISSUES

- Generally, **3:1 to 3:24**
- Alternatives and variations to intermediation model, **3:21**
- Applicable codes of professional conduct and responsibility, **3:7 et seq.**
- Avoiding conflicts of interest, **3:16**
- Capacity. **Mental Capacity or Condition** (this index)
- Codes of professional conduct and responsibility, **3:7 et seq.**
- Communication, duties owing to clients, **3:12**
- Competency. **Mental Capacity or Condition** (this index)
- Conclusions, **3:24**
- Confidentiality of information, **3:14**

INDEX

ETHICAL ISSUES—Cont'd

- Conflicts of interest, **3:15 to 3:18**
- Declining or questionable capacity of client, **3:6, 3:19**
- 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 (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**

EVALUATION OR EVALUATIONS—Cont'd

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

EXCLUSIONS, EXEMPTIONS AND EXCEPTIONS—Cont'd

- principal residence, **7:19 to 7:22**
- Social Security Administration** (this index)
- Special needs trusts, exempt self-settled 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)

INDEX

EXPEDITED MATTERS—Cont'd

Social Security Administration,
expedited appeals process,
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)

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, sup-
port 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, **4:37**

FAIR CREDIT REPORTING ACT

Consumer issues, **4:36**

FAIR DEBT COLLECTION PRACTICES ACT

Consumer issues, **4:38**

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,
29:42

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' RETIREMENT SYSTEM

—Cont'd

- Reductions and deductions, basic annuity, **20:25, 20:32**
- Relationship to workers' compensation benefits, **20:20**
- Removal, eligibility for basic annuity, **20:30**
- Restoration of earning capacity, disability annuity, **20:38**
- Review and appeal, **20:50**
- Separation
 - involuntary separation, eligibility for basic annuity, **20:30**
 - mandatory separation, basic annuity, **20:26**
- Service creditable, basic annuity, **20:27**
- Spouses
 - protection for spouses, thrift savings plan, **20:34**
 - survivor annuity, **20:35, 20:36**
- Supplement to annuity, **20:22**
- Survivor annuity, **20:35, 20:36**
- Thrift savings plan, **20:33, 20:34**
- Wife and husband. Spouses, supra
- Workers' compensation benefits, relationship to, **20:20**

FEDERAL MATTERS

- Consumer protection laws, generally, **4:34 to 4:39**
- Continuing care facilities, continuing care retirement communities, and life care facilities, federal involvement, **21:51**
- Department of Veterans Affairs.
Veterans (this index)
- Employers, Age Discrimination in Employment Act coverage, **35:9**
- Estates** (this index)
- Gifts** (this index)
- Health center, federally qualified.
Medicare (this index)
- Income** (this index)
- Medicaid** (this index)
- Medicare** (this index)
- Nursing Homes/Facilities** (this index)

FEDERAL MATTERS—Cont'd

- Patients' rights, generally, **23:2 to 23:37**
- Pensions and retirement, benefits and systems, **20:1 to 20:121**
- Real property planning, federal tax rates, **7:5**
- Social Security Administration** (this index)
- Tort Claims Act, Medicare, **27:20**
- United States** (this index)
- Wills, inheritance taxes, **10:63**

FEDERAL TORT CLAIMS ACT

- Medicare, **27:20**

FEES

- Costs, Fees and Expenses** (this index)

FEET

- Medicare, **26:88, 27:83, 27:84**

FELLOWSHIPS

- SSI, unearned income exclusion, **16:66**

FIDUCIARIES

- Estates, **10:21**
- Executors** (this index)
- Guardians and conservators, fiduciary principles and issues, **34:43, 34:44**
- Life insurance, **14:60**
- Terminally ill clients, **11:14, 11:15**
- Trusts and Trustees** (this index)
- United States civil service retirement system, payment of annuity to fiduciary, **20:15**
- Wills** (this index)

FILING

- Age Discrimination Act, filing complaints, **35:224**
- Age Discrimination in Employment Act** (this index)
- Estate taxes, **8:122, 8:123**
- Generation-Skipping Transfer Tax** (this index)
- Gift taxes, **8:53, 8:54**
- Guardianship petition, **34:15**
- 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**

INDEX

FINANCIAL PLANNING—Cont'd

- Gender, characteristics of elderly clients, **5:6**
- Goal setting, **5:18**
- Growth vs income, capital accumulation, **5:33**
- Health care expenses, **5:8, 5:9**
- Home care, hospices, and similar care alternatives, **22:3 to 22:18, 22:32 to 22:42, 22:48**
- Illness expenses, **5:8**
- Income requirements, **5:1 et seq.**
- Inflation, **5:26 to 5:28, 5:53, 5:54**
- Insurance, **5:22, 5:41**
- Investments, capital accumulation, **5:30 et seq.**
- Knowing your client, **5:3 to 5:10**
- Legal and financial advice as one service, **5:2**
- Liquidity, capital accumulation, **5:34**
- Lists, assets and debts, **5:43, 5:45**
- Long-retired cohort, **5:14, 5:15**
- Net worth determination, **5:20, 5:44**
- Overview of elder law, **1:9**
- Personal objectives, capital accumulation, **5:37**
- Preretirement cohort, **5:12**
- Priority establishment with financial pyramid, capital accumulation, **5:38**
- Process of planning, **5:16 to 5:39**
- Profiles, **5:10, 5:49 to 5:51**
- Purchasing power, inflation, **5:27**
- Realistic goals, **5:18**
- Real property, financial planning with respect to. **Real Property** (this index)
- Recently-retired cohort, **5:13**
- Recordkeeping, **5:19, 5:42**
- Reducing or restructuring debt, **5:21**
- Safeguarding assets, **5:42**
- Sources of wealth, **5:7**
- Summary sheet, form, **5:48**
- Supplemental retirement income needs, **5:52**
- Tax matters, **5:35, 5:39**
- Three-fourths method, figuring retirement income needs, **5:47**
- Worksheets, **5:37, 5:51**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- Guardians and conservators, **34:30, 34:31**
- Medicaid, **31:29**

FINES, PENALTIES AND FORFEITURES

- Distributions from qualified retirement plans and IRAs, **19:58 to 19:107, 19:151, 19:215, 19:216**
- Income taxation, distributions from qualified retirement plans and IRAs, **19:151**
- Medicaid** (this index)
- Medicare Catastrophic Coverage Act** (this index)
- Medicare Part D, delayed enrollment in prescription drug plan, **26B:2, 26B:13**
- Nonforfeiture benefits, long-term care insurance, **24:17**
- Omnibus Budget Reconciliation Act** (this index)
- Real property planning, penalty for underpayment of estimated taxes, **7:23**
- Social Security Administration, attorney's fees under Social Security Act, **18:66**
- Special needs trusts, SSI rules relating to self-settled trusts, **16:160**
- Taxes, qualified retirement plans and IRAs, **19:58 to 19:105**

FIREFIGHTERS

- Age Discrimination in Employment Act, mandatory retirement, **35:14**

FISCAL YEAR

- Postmortem planning and administration, **12:21, 12:22**

FIVE-YEAR RULES

- Distributions from qualified retirement plans and IRAs, **19:129**

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, **2:17**
 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, **17:54**
 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

INDEX

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**

Employment fraud, **4:30**

Fraud targeting veterans, **4:28**

Internet fraud, **4:26, 4:32**

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**

FUNDS AND FUNDING—Cont'd

Patients' rights, **23:36**

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, and life care facilities, **21:44**

GENERAL ENROLLMENT PERIOD

Medicare, **25:33**

GENERAL HEALTH OF RESIDENT

Factors which limit choice general health and needs of the resident, **21:5**

Long-term and residential care facilities, Factors which 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**

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

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*

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**

INDEX

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

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**
 - judicial reformation, post mortem planning, **8:200**
 - large estates, **8:192, 8:193**
 - medium estates, **8:191**
 - outright bequests, **8:190**
 - planning, **8:190 to 8:201, 8:312, 12:10**
 - post mortem planning, **8:199 to 8:201, 12:10**
 - powers of appointment, post mortem planning, **8:207**
 - qualified disclaimer, post mortem planning, **8:199**
 - separate trusts, **8:195, 8:196**
 - small estates, **8:190**
 - tax inclusion period, inter vivos transfer, **8:172 to 8:174**
 - terminations, taxable, **12:10**
- ##### Exclusions, exemptions, and credits
- generally, **8:154 to 8:158, 8:167**
 - annual exclusion, **8:152**
 - automatic allocation of exemption, **8:155, 8:157, 8:163**
 - death, automatic allocation of exemption, **8:157**
 - direct skip, **8:129**
 - distributions from qualified retirement plans and IRAs, **19:185 to 19:188**
 - educational expenses, **8:153**
 - grandchild (Gallo) exemptions, **8:159**
 - lifetime transfer, automatic allocation of exemption, **8:155**
 - medical expenses, **8:153**
 - predeceased parent rule, **8:160**
 - prior transfer of property, **8:153**
 - shelter trust, planning in relation to tax, **8:191**

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

- ##### Exclusions, exemptions, and credits
- Cont'd
 - special valuation rule, allocations of exemptions at death, **8:167**
 - state taxes, filing of return and payment of tax, **8:187**
 - substantial compliance, **8:158**
 - taxation, special valuation rule, **8:167**
 - Tax Reform Act of 1976, **8:129**
- ##### Executor defined, **8:149**
- ##### Filing of return and payment of tax
- credit for state taxes, **8:187**
 - direct skips at death, liability for tax, **8:182**
 - effective dates, transition rules, **8:188, 8:189**
 - form of return, **8:180**
 - liability for tax, **8:181**
 - liens, **8:186**
 - limitation on trustee's liability for tax, **8:183**
 - minors, **8:184**
 - time and place for filing, **8:185**
 - transition rules, **8:189**
 - Treasury Department requirements, **8:179**
- ##### Gallo exemptions, **8:159, 8:199**
- ##### Gifts, valuation rules, **8:165**
- ##### GST trust, generally, **8:151**
- ##### Half-blood relationship, assignment of generation, **8:143**
- ##### Historical perspective, **8:126 to 8:132**
- ##### Inclusion ratio, **8:172, 8:175, 8:177, 8:196**
- ##### Interest in property in trust, defined, **8:147, 8:148**
- ##### Inter vivos transfers, **8:172 to 8:174, 8:185**
- ##### Judicial reformation, post mortem estate planning in relation to tax, **8:200**
- ##### Large estates, planning in relation to tax, **8:192, 8:193**
- ##### Liability for tax, **8:181 to 8:183**

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

- Liens, filing of return and payment of tax, **8:186**
- Life insurance, **14:106 to 14:112**
- Lifetime transfers planning, **8:155, 19:187**
- Limitation on trustee's liability for tax, **8:183**
- 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**

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

- Qualified matters—Cont'd
 - 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*
- 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**

INDEX

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

- Time or date—Cont'd
 - 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**
- Transferor defined, **8:146**
- Transition rules, **8:189**
- Treasury Department requirements, filing of return and payment of tax, **8:179**
- Trusts and trust arrangements
 - charitable lead annuity trusts, tax computation, **8:171**
 - credit shelter trust, medium estate planning in relation to tax, **8:191**
 - direct skip transfer to, entity look-through rules, **8:136**
 - grandchild (Gallo) exemption, **8:159, 8:199**
 - GST trust, generally, **8:151**
 - interest in property in trust, defined, **8:147, 8:148**
 - judicial reformation, division of trust, **8:175**
 - limitation on trustee's liability for tax, **8:183**
 - multiple transfers to trust, tax computation, **8:169, 8:170**
 - qualified terminable interest property (QTIP) trusts, **8:146, 8:168, 8:194, 8:195, 12:10**
 - separate trusts, **8:176, 8:195, 8:196**
 - skip person defined, **8:140, 8:141**
 - substantial compliance, **8:158**
 - tax computations, multiple transfers to trust, **8:169, 8:170**
 - trust and trustee defined, **8:150**
- Types of generation-skipping transfers, **8:133 to 8:139**
- Unified credit against estate tax, large estate planning in relation to tax, **8:193**

GENERATION-SKIPPING

TRANSFER TAX—Cont'd

- Unified transfer tax system, **8:4, 8:5, 8:10, 8:11, 8:13, 8:15, 8:24**
- Unrelated individual, generation assignment based on date of birth, **8:144**
- Valuation
 - allocation at death date, special rule, **8:167**
 - basis adjustment, **8:175**
 - date, **8:164 to 8:168**
 - gifts, **8:165**
 - inter vivos transfers, **8:173**
 - reverse QTIP election, **8:168**
 - transfers at death, **8:166 to 8:168**

GEORGIA

- Advance directive for health care, **33:38**
- Do not resuscitate order, **33:104**
- Elder victimization, abuse, and neglect, **4A:39**

GERIATRIC CARE MANAGEMENT

- Generally, **22:16**

GIFTS

- For correlative topic, see **Donations** (this index)
- Generally, **8:25 to 8:55**
- Anatomical Gifts** (this index)
- Annual exclusion
 - generally, **8:30**
 - present interest rule, **8:31 to 8:33**
 - right of withdrawal, exception to present interest rule, **8:32**
 - trusts benefiting minors, exception to present interest rule, **8:33**
 - unified transfer tax system, **8:7, 8:11**
- Assumption of tax liability by donee, **8:29**
- Charitable deduction, lead trust and remainder trusts, **8:45 to 8:50**
- Charitable Matters** (this index)
- Child benefiting from trust, exception to present interest rule, **8:33**

GIFTS—Cont'd

- Completed gifts, transfers subject to tax, **8:27**
- Credit. Exclusions and credit, *infra*
- Crummey power, exception to present interest rule, **8:32**
- Deductions
 - charitable, **8:46 to 8:50**
 - marital deduction, *infra*
- Disposing of businesses, **13:46**
- Distributions from qualified retirement plans and IRAs, taxation, **19:163 to 19:168**
- Education expenses, exclusions and credit, **8:34**
- Exclusions and credit
 - annual exclusion, *supra*
 - education expenses, **8:34**
 - medical care expenses, **8:34**
 - terminable interest rule, **8:41 to 8:45**
 - unified credit, **8:36, 8:52**
 - waiver of survivor annuity, **8:35**
- Extensions for filing gift tax returns, **8:54**
- Federal gift tax, generally, **8:25 to 8:55**
- Filing requirements, gift tax returns, **8:53, 8:54**
- Generation-skipping transfer tax, **8:165**
- Gift splitting, **8:47, 8:51, 8:52, 11:42**
- Gratuitous transfers, estates, **8:100, 8:105, 8:106, 8:114**
- Income tax planning, gift of residence, **6:53**
- Joint matters, **8:41, 8:44, 19:166 to 19:168**
- Lead trust, charitable matters, **8:48**
- Life estate with general power of appointment, exception to terminable interest rule, **8:42**
- Life insurance, **14:49 to 14:55, 14:93 to 14:100**
- Lifetime Transfers Planning** (this index)
- Marital deduction
 - generally, **8:37**

GIFTS—Cont'd

- Marital deduction—Cont'd
 - charitable remainder trust exception, **8:45**
 - exceptions to terminable interest rule, **8:41 to 8:45**
 - joint and survivor annuity, **8:44**
 - joint interest with right of survivorship exception, **8:41**
 - life estate with general power of appointment exception, **8:42**
 - nondeductible terminable interest, **8:38 to 8:40**
 - nonspouse, interest passing to, disqualification of gift, **8:39**
 - qualified terminable interest property exception, **8:43, 8:44**
 - retention of interest, disqualification of gift, **8:38**
 - retention of power by donee spouse, **8:40**
 - terminable interest rule, **8:38 to 8:45**
- Medical care expenses, exclusions and credit, **8:34**
- Mental capacity or condition, donative capacity, **32:12**
- Minor benefiting from trust, exception to present interest rule, **8:33**
- Nondeductible terminable interest, marital deduction, **8:38 to 8:40**
- Nonspouse, interest passing to, disqualification for marital deduction, **8:39**
- Payment of tax due with tax return, **8:55**
- Pooled income fund, charitable deduction, **8:50**
- Present interest rule, annual exclusion, **8:31 to 8:33**
- Qualified matters
 - disclaimer, **8:25**
 - terminable interest property, **8:43, 8:44, 19:167, 19:168**
- Real Property** (this index)
- Reductions. Deductions, *supra*
- Remainder trusts, charitable, **8:45, 8:49**

INDEX

GIFTS—Cont'd

- Retention of interest or power, **8:38, 8:40**
- Returns. Taxes and taxation, *infra*
- Special Needs Trusts** (this index)
- Special valuation rules for transfer taxes, **8:210**
- Split gifts
 - generally, **8:47, 8:51, 8:52**
 - federal gift tax, **8:47**
 - lifetime transfers planning, **9:11**
 - terminally ill clients, **11:42**
- Spouses, see lines throughout this topic
- SSI, unearned income, **16:55, 16:76**
- Survivors, annuities, **8:35, 19:165 to 19:168**
- Taxes and taxation
 - generally, **8:25**
 - assumption of tax liability by donee, **8:29**
 - completed gifts, **8:27**
 - disposing of businesses, **13:46**
 - distributions from qualified retirement plans and IRAs, **19:163 to 19:168**
 - extensions for filing, returns, **8:54**
 - federal gift tax, **8:25 to 8:55**
 - filing requirements, returns, **8:53, 8:54**
 - life insurance, **14:49 to 14:55, 14:93 to 14:100**
 - payment of tax, returns, **8:55**
 - qualified disclaimer, **8:25**
 - returns
 - extensions for filing, **8:54**
 - filing requirements, **8:53, 8:54**
 - payment of tax, **8:55**
 - special needs trusts, designing supplemental trusts, **16:134 to 16:136**
 - transfer taxes, **8:26, 8:28, 8:311**
 - valuation rules, **8:165**
 - waiver, **8:35, 19:165**
- Terminable interest rule, marital deduction, **8:38 to 8:45**
- Terminally ill clients, **11:42 to 11:49**
- Transfer taxes, **8:26, 8:28, 8:311**

GIFTS—Cont'd

- Trusts
 - charitable trusts, **8:45, 8:48, 8:49**
 - present interest rule, gift to trust, **8:31 to 8:33**
 - terminable interest rule, charitable remainder trust exception, **8:45**
- Unified credit, **8:36, 8:52**
- Unified transfer tax system, **8:7 et seq.**
- Waiver, gift tax, **8:35, 19:165**
- Withdrawal right of beneficiary, exception to present interest rule, **8:32**

GIVING UP RIGHT TO RETURN TO WORK

- Railroad retirement benefits, eligibility, **20:79**

GOOD CAUSE

- Age Discrimination in Employment Act, **35:83**
- Railroad retirement benefits, delay, **20:107**
- Social Security Administration, missing deadline for requesting administrative review, **18:99**

GOOD CONSCIENCE

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

GOOD FAITH

- Age Discrimination in Employment Act, mistake in good faith, **35:77**
- Employment discrimination, implied covenant of good faith, **35:167**

GOODS OR SERVICES

- Disability discrimination, access to public accommodations, **36:76**

GOVERNMENT

- Employment
 - Age Discrimination in Employment Act, coverage of governmental employers, **35:10, 35:11**

GOVERNMENT—Cont'd

- Employment—Cont'd
 - Medicare, **25:23 to 25:27**
- Federal Matters** (this index)
- Medicare** (this index)
- State or States** (this index)

GRACE PERIOD

- Medicare, **26:51 to 26:53**

GRANDFATHERED GROUPS

- Medicaid, **29:17**

GRANDPARENTS AND GRANDCHILDREN

- Generally, **37:1 to 37:34**
- Adoption
 - grandparents. “Rights” of grandparents, *infra*
 - kinship caregivers, **37:15 to 37:17**
 - notice, **37:24**
 - visitation, **37:33**
- Attorneys’ fees and costs, grandparents’ “rights,” **37:32**
- Best interests of child
 - adoption, **37:33**
 - kinship caregivers, **37:12**
 - visitation, **37:26, 37:29**
- Child protection proceedings and kinship caregivers, **37:18 to 37:23**
- Consent laws, educational and legal, **37:5**
- Constitutional issues, **37:25, 37:26, 37:30**
- Custody orders, consequences of, **37:13**
- Definition, kinship caregiving, **37:2**
- Delegation of powers by parent or guardian, **37:6**
- Educational consent laws, **37:5**
- Foster care, **37:21**
- Fostering Connections to Success and Increasing Adoptions Act of 2008, **37:23.50**
- Goals of a kinship caregiver seeking legal counsel, **37:3**
- “Harm” test, standards for awarding visitation, **37:30**
- Income tax planning, **6:48**

GRANDPARENTS AND GRANDCHILDREN—Cont'd

- Initiating a third-party custody or guardianship proceeding, **37:11**
- Intervention to oppose adoption, **37:34**
- Jurisdiction, “rights” of grandparents, **37:27**
- Kinship caregivers
 - adoption, **37:15 to 37:17**
 - best interest of child, **37:12, 37:25**
 - child protection proceedings and kinship caregivers, **37:18 to 37:23**
 - consent laws, educational and legal, **37:5**
 - custody orders, consequences of, **37:13**
 - definition, **37:2**
 - delegation of powers by parent or guardian, **37:6**
 - educational consent laws, **37:5**
 - foster care, **37:21**
 - Fostering Connections to Success and Increasing Adoptions Act of 2008, **37:23.50**
 - goals of a kinship caregiver seeking legal counsel, **37:3**
 - initiating a third-party custody or guardianship proceeding, **37:11**
 - medical consent laws, **37:5**
 - parental preference doctrine, **37:12**
 - public benefits and assistance for kinship caregivers, **37:23**
 - standby guardian, designation of, **37:7 to 37:9**
 - statistics, **37:1**
 - temporary guardian, designation of, **37:7 to 37:9**
 - third-party custody and guardianship, generally, **37:10 to 37:14**
- Lifetime transfers planning, **9:30, 9:31**
- Medical consent laws, **37:5**
- Parental preference doctrine, **37:12**
- Presumptions and burden of proof, grandparents’ rights, **37:26, 37:29, 37:31**

INDEX

GRANDPARENTS AND

GRANDCHILDREN—Cont'd

- Public benefits and assistance for kinship caregivers, **37:23**
- “Rights” of grandparents
 - generally, **37:24 to 37:34**
 - adoption
 - notice, **37:24, 37:34**
 - visitation after adoption, **37:33**
 - attorneys’ fees and costs, **37:32**
 - best interests of child, **37:26, 37:29, 37:33**
 - “harm” test, standards for awarding visitation, **37:30**
 - intervention to oppose adoption, **37:34**
 - jurisdiction, **37:27**
 - presumptions and burden of proof, **37:26, 37:29, 37:31**
 - standing, **37:28, 37:34**
 - termination of parental rights, **37:24, 37:33, 37:34**
 - Troxel v Granville, **37:26 et seq.**
 - visitation, generally, **37:24 et seq.**
- Standby guardian, designation of, **37:7 to 37:9**
- Standing, **37:28, 37:34**
- Statistics, **37:1**
- Temporary guardian, designation of, **37:7 to 37:9**
- Termination of parental rights, **37:24, 37:33, 37:34**
- Third-party
 - custody and guardianship, generally, **37:10 to 37:14**
 - visitation. “Rights” of grandparents, *infra*
- Visitation. “Rights” of grandparents, *supra*
- Wills (this index)

GRANTOR TRUSTS

- Special needs trusts, income taxes and designing supplemental trusts, **16:129, 16:130**

GRANTS

- Income tax planning, **6:56**

GRANTS—Cont'd

- Nursing home facilities, availability of grants to build and improve, **21:12**
- Special valuation rules for transfer taxes, **8:204**
- SSI, unearned income exclusion, **16:66**

GRATUITOUS TRANSFERS

- Estates, **8:100, 8:105, 8:106, 8:114**

GRIEVANCES, PATIENTS’ RIGHTS

- Generally, **23:18**
- Medicaid managed care organization, fair hearings for applicants and recipients, **31:19.50**
- Medicare Advantage (MA) Program (this index)
- Medicare Parts A and B, **28:64**

GROSS ESTATE

- Generally, **8:56 to 8:60**

GROSS INCOME

- Generally, **6:2, 6:5, 6:59, 6:60**
- Life insurance exclusion from gross income, **14:28 to 14:36**

GROUP HEALTH PLANS

- Medicaid, cost sharing, **29:28**

GROUP INSURANCE

- Generally, **14:24, 24:20**

GUAM

- Elder victimization, abuse, and neglect, **4A:40**

GUARDIANS AND CONSERVATORS

- Generally, **34:1 to 34:49**
- Abuse, neglect, and victimization of elders, **4A:15**
- Accounting, **34:45**
- Actions and proceedings
 - generally, **34:7, 34:12, 34:13, 34:15 to 34:33**
 - appeals, **34:33, 34:40**
- Uniform Guardianship and Protective Proceedings Act, **34:4**

GUARDIANS AND

CONSERVATORS—Cont'd

- Adjudication of capacity or incompetence, order, **34:29**
- Ad litem guardian, appointment, **34:21**
- Advantages and disadvantages of guardianship, **34:9, 34:10**
- Advocacy, guardianship proceedings, **34:13, 34:25**
- Alternatives to guardianship, **34:8**
- Appeals, **34:33, 34:40**
- Applications and petitions, **34:15, 34:38**
- Appointment
 - attorney, guardian ad litem or visitor, **34:21**
 - form and content of order appointing guardian, **34:37**
 - guardian or conservator, **34:34**
- Attorneys
 - appointment of attorney, **34:21**
 - fees, **34:48**
- Authority. Power or authority, *infra*
- Bifurcated character of guardianship proceedings, **34:12**
- Bonds, **34:38**
- Capacity, order adjudicating, **34:29**
- Certification, **34:39**
- Compensation of guardians and conservators, **34:48**
- Conclusions of law, **34:31**
- Conduct of trial, **34:28**
- Conflict, nature of guardianship proceedings, **34:13**
- Content and form of order appointing guardian, **34:37**
- Counsel. Attorneys, *supra*
- Determinations, **34:23, 34:24, 34:33**
- Disadvantages and advantages of guardianship, **34:9, 34:10**
- Discovery, prehearing, **34:19**
- Distributions from estate, fiduciary issues, **34:44**
- Duration of guardianship or conservatorship, **34:46**
- Duties of guardians and conservators, **34:41, 34:42**
- Emergency intervention, **34:17**

GUARDIANS AND

CONSERVATORS—Cont'd

- Estate distributions, fiduciary issues, **34:44**
- Ethical considerations in guardianship proceedings, **34:7**
- Evaluation of competence, independent and multidisciplinary, **34:22**
- Fees, attorneys, **34:48**
- Fiduciary principles and issues, **34:43, 34:44**
- Filing of petition for guardianship, **34:15**
- Findings of fact, **34:30**
- Form and content of order appointing guardian, **34:37**
- Grounds for termination of guardianship or conservatorship, **34:46**
- Hearings, **34:23, 34:26**
- Independent evaluation of competence, **34:22**
- Interested persons and parties, **34:26**
- Interim intervention, **34:17**
- Interstate issues in guardianship, **34:49**
- Intervention, interim, temporary and emergency, **34:17**
- Jurisdiction, **34:16**
- Jury trial, **34:27**
- Kinship guardianship assistance payments, **37:23.50**
- Lawyers. Attorneys, *supra*
- Letters, application for, **34:38**
- Limitations on powers of guardian, **34:32**
- Monitoring, **34:45**
- Motions, prehearing, **34:19**
- Multidisciplinary evaluation of competence, **34:22**
- Nature of guardianship proceedings, **34:13**
- Notice, **34:18, 34:34**
- Oath, **34:38**
- Orders
 - adjudicating capacity or incompetence, **34:29**
 - appeal from order determining competency, **34:33**

INDEX

GUARDIANS AND CONSERVATORS—Cont'd
Orders—Cont'd
 form and content of order appointing guardian, **34:37**
Paternal supervision of court, **34:25**
Permanent matters. Temporary matters, *infra*
Petitions and applications, **34:15, 34:38**
Power or authority
 guardians and conservators, generally, **34:41, 34:42**
 limitations on powers of guardian, **34:32**
 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, **17:61, 34:5**

GUARDIANS AND CONSERVATORS—Cont'd
United States civil service retirement system, payment of annuity to guardian, **20:15**
Venue, **34:16**
Visitor, appointment, **34:21**
Voluntary guardianship, **34:14**
Wills, **10:68**

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, **29:119**
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

HEALTH AND HEALTH MATTERS

—Cont'd

- 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**
- HMOs. **Medicare** (this index)
- Insurance. **Health Insurance** (this index)
- Medicaid** (this index)
- Medicare** (this index)
- Mental capacity or condition, health care decision making, **32:14**
- 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 Health 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 Declaration Forms; Living Wills** (this index)

HEALTH CARE DIRECTIVES

—Cont'd

- 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**
- 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**

INDEX

HEALTH CARE DIRECTIVES

—Cont'd

- 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**
- 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**
 - 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**

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, **29:84**

Health care directives, **33:20**

Medicaid, welfare, elderly client, **29:84**

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)

HEARINGS—Cont'd

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, **4:31**

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)

INDEX

HOME, HOUSE, HOUSING AND HOUSEHOLDS—Cont'd

Modifications, deductibility of medical expenses, **6:70**

Moving (this index)

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, **16:103**

Supplemental Security Income (SSI) (this index)

HOME CARE, HOSPICES, AND SIMILAR CARE ALTERNATIVES

Abuse/neglect protections under Medicaid, **22:36**

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**

HOME CARE, HOSPICES, AND SIMILAR CARE

ALTERNATIVES—Cont'd

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 health aide services, **22:22**

Homemaker services, **22:5, 25:190**

Individual rights under Medicare-certified 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**

**HOME CARE, HOSPICES, AND
SIMILAR CARE**

ALTERNATIVES—Cont'd

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**

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 Fam-
ilies (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**

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**

INDEX

IDAHO—Cont'd

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**

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**

ILLINOIS—Cont'd

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, 17:49**

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

Generation-skipping transfer tax, **8:172, 8:175, 8:177, 8:196**

INCOME

Generally, **6:1 to 6:14**

Additional information concerning tax planning, **6:76**

Adjustments

cost-of-living, **6:15, 6:18, 6:19, 6:49**

gross income, **6:5**

Age

credit for children, **6:46**

credit for elderly or disabled individuals, **6:33 to 6:39**

filing requirements, **6:29, 6:30**

imputed interest income, loan to continuing care facility, **6:74**

medical insurance premiums for coverage after age 64, **6:67**

65 or older, **6:29 to 6:39, 6:67, 6:74**

standard deduction, **6:19, 6:20**

Age Discrimination in Employment Act, **35:1, 35:23, 35:28, 35:130 to 35:135, 35:138**

Agreements. Contracts or agreements, *infra*

Alternatives

distributions from qualified retirement plans and IRAs, **19:126, 19:139, 19:160**

minimum tax, **6:12**

payee, distributions, **19:160**

taxation, **6:12, 19:126, 19:139, 19:160**

Amount. Number or amount, *infra*

INCOME—Cont'd

Annuities, distributions from qualified retirement plans and IRAs, **19:124, 19:125, 19:181**

Attorneys (this index)

Averaging, distributions from qualified retirement plans and IRAs, **19:126, 19:130 to 19:135, 19:152**

Balance, distributions from qualified retirement plans and IRAs, **19:127, 19:128**

Basis, **6:3, 6:4, 19:111 to 19:113**

Blindness, **6:19**

Capital gains, **6:4, 6:8, 19:130 to 19:135**

Child tax credit, **6:46**

Compensation (this index)

Conduit IRA, distributions from qualified retirement plans and IRAs, **19:161**

Continuing care facility, imputed interest income, **6:74, 6:75**

Contracts or agreements
continuing care facility contracts, **6:74, 6:75**

multiple support agreement, effect on filing status, **6:16, 6:26**

Conversion of personal residence to rental property, **6:51**

Corporate directors, **6:64**

Cost-of-living adjustments, **6:15, 6:18, 6:19, 6:49**

Costs, fees and expenses
medical expenses, *infra*
moving expenses, **6:72, 6:73**

Credits

amount of credit, **6:34 to 6:37**

base amount, **6:34, 6:36, 6:37**

child tax credit, **6:46**

dependents, **6:40 to 6:46**

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

earned income, **6:32, 6:47 to 6:49**

elderly or disabled individuals, **6:33 to 6:39**

filing status, **6:34 to 6:38**

income limits, **6:38**

INDEX

INCOME—Cont'd

- Credits—Cont'd
 - reduction in base amount, **6:36, 6:37**
 - separated spouse, special rule, **6:39**
- Death
 - distributions from qualified retirement plans and IRAs, **19:143 to 19:148, 19:245, 19:247**
 - income in respect of decedent, **11:52 to 11:55**
 - planning and taxation, **6:24, 19:143 to 19:148**
 - spouse, survivor filing return, **6:24, 6:30**
- Decision to dispose of personal residence, **6:50**
- Decreases. Increases or decreases, *infra*
- Deductions and reductions
 - distributions from qualified retirement plans and IRAs, **19:145, 19:147**
 - itemized deductions, **6:1, 6:6, 6:10**
 - marital deduction formula,
 - distributions from qualified retirement plans and IRAs, **19:147**
 - medical expenses, **6:65 to 6:71**
 - moving expenses, **6:72, 6:73**
 - standard deduction, *infra*
- Deferral, distributions from qualified retirement plans and IRAs, **19:139, 19:150**
- Dependents
 - additional personal exemptions, **6:16**
 - care center, **6:40 to 6:45**
 - filing requirements, **6:31**
 - married couple, **6:43**
 - standard deduction, **6:21**
- Director of corporation, **6:64**
- Disabilities
 - blindness, **6:19**
 - credit for elderly or disabled individuals, **6:33 to 6:39**
- Disposing of businesses, **13:69**
- Disposition of personal residence, **6:50 to 6:56**

INCOME—Cont'd

- Distributions from qualified retirement plans and IRAs, **19:11 et seq.**
- Earned income
 - credit, **6:47 to 6:49**
 - Supplemental Security Income (SSI)** (this index)
 - Employee Retirement Income Security Act** (this index)
- Employment discrimination, **35:1, 35:23, 35:28, 35:130 to 35:135, 35:138**
- Employment-related expenses for household services, dependent care credit, **6:40, 6:44**
- Equipment, deductibility of medical expenses, **6:70**
- Expenses. Costs, fees and expenses, *supra*
- Facility requirements, dependent care credit, **6:45**
- Favorable averaging, distributions from qualified retirement plans and IRAs, **19:152**
- Fees. Costs, fees and expenses, *supra*
- Filing
 - generally, **6:22, 6:28**
 - cost of maintaining household, status, **6:27**
 - credit for elderly or disabled individuals, status, **6:34 to 6:38**
 - dependent, **6:31**
 - head of household, **6:25 to 6:27**
 - joint return, **6:23, 6:24**
 - married couple, **6:23, 6:24, 6:30**
 - multiple support agreement, **6:16, 6:26**
 - single taxpayer, **6:29**
 - Social Security benefits, base amount, **6:58**
 - surviving spouse, **6:24, 6:30**
- Financial planning, **5:1 et seq.**
- Fines and penalties, distributions from qualified retirement plans and IRAs, **19:151**
- Five-year rules, distributions from qualified retirement plans and IRAs, **19:129**

INCOME—Cont'd

- Gains or losses
 - capital gains, **6:8, 19:130 to 19:135**
 - determination, **6:3, 6:4**
 - planning, **6:3, 6:4, 6:8**
 - recognition, distributions from qualified retirement plans and IRAs, **19:141**
- Gift of residence, disposition of personal residence, **6:53**
- Grantor retained income trust, disposition of personal residence, **6:56**
- Gross Income** (this index)
- Head of household filing status, **6:25 to 6:27**
- Home, house and households
 - aged or infirm, deductibility of medical expenses, **6:69**
 - modifications of home, deductibility of medical expenses, **6:70**
 - personal residence, disposition, **6:50 to 6:56**
 - planning, **6:25 to 6:27, 6:69, 6:70**
- Husband and wife. Spouses, *infra*
- Imputed interest income, **6:74, 6:75**
- Increases or decreases
 - deductions and reductions, *supra* standard deduction, **6:19**
 - vesting after separation, distributions from qualified retirement plans and IRAs, **19:128**
- Individual shared responsibility payment (Obamacare), **6:14**
- Institution other than hospital, deductibility of cost of care, **6:69**
- Insurance
 - Health Insurance** (this index)
 - life insurance, *infra*
 - long-term care premiums, **6:68**
 - medical insurance premiums for coverage after age 64, **6:67**
 - proceeds, distributions from qualified retirement plans and IRAs, **19:117, 19:148**
 - IRS publications, **6:76**

INCOME—Cont'd

- Itemized deductions, **6:1, 6:6, 6:10**
- Joint return, filing status, **6:23, 6:24**
- Landlord and tenant, conversion of personal residence to rental property, **6:51**
- Liability for taxes, **6:11**
- Life estate and tenant, disposition of personal residence, **6:52**
- Life insurance
 - generally, **14:28 to 14:48, 14:101 to 14:103**
 - proceeds, distributions from qualified retirement plans and IRAs, **19:148**
- Lifetime Transfers Planning** (this index)
- Limitations
 - credit for elderly or disabled individuals, **6:38**
 - dependent care credit, **6:42**
- Loan to continuing care facility, imputed interest income, **6:74**
- Lodging expenses, deductibility as medical expense, **6:71**
- Long-term capital gain tax rate, **6:8**
- Long-term care insurance, deduction of premiums, **24:22**
- Long-term care insurance premiums, **6:68**
- Losses. Gains or losses, *supra*
- Lump-sum treatment, distributions from qualified retirement plans and IRAs, **19:32, 19:119 to 19:129, 19:179, 19:246**
- Marital deduction formula, distributions from qualified retirement plans and IRAs, **19:147**
- Marriage penalty, **6:23**
- Medicaid** (this index)
- Medical expenses
 - deductions, **6:65 to 6:71**
 - defined, **6:66**
 - equipment and home modifications, **6:70**
 - insurance premiums for coverage after age 64, **6:67**
 - lodging expenses, **6:71**
 - long-term care premiums, **6:68**

INDEX

INCOME—Cont'd

- Medical expenses—Cont'd
 - nursing home costs, **6:69**
- Medicare Catastrophic Coverage Act** (this index)
- Medicare payroll tax, additional, **6:13**
- Moving
 - expenses, **6:72, 6:73**
 - smaller home, disposition of personal residence, **6:54**
- Multiple support agreement, effect on filing status, **6:16, 6:26**
- 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**

INCOME—Cont'd

- Planning—Cont'd
 - 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**
- 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**

INCOME—Cont'd

- 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**
- Social Security** (this index)
- Special averaging and capital gain treatment, distributions from qualified retirement plans and IRAs, **19:130 to 19:135**
- Special Needs Trusts** (this index)
- Spouses
 - dependent care credit, **6:43**
 - filing, **6:23, 6:24, 6:30**
 - rollovers, distributions from qualified retirement plans and IRAs, **19:159**
 - separated spouse, credit for elderly or disabled individuals, **6:39**
 - surviving spouse, filing return, **6:24, 6:30**
- Standard deduction
 - generally, **6:17**
 - age, **6:18, 6:19**
 - amount, **6:18**
 - blindness, **6:19**
 - dependents, **6:21**
 - determination of age, **6:20**
 - introduction to federal system, **6:1, 6:6**
- Step-up in basis, distributions from qualified retirement plans and IRAs, **19:144**
- Supplemental Security Income (SSI)** (this index)
- Support, agreement, **6:16, 6:26**
- Surviving spouse, filing return, **6:24, 6:30**
- Taxes and taxation
 - generally, **6:11**
 - alternatives, **6:12, 19:126, 19:139, 19:160**

INCOME—Cont'd

- Taxes and taxation—Cont'd
 - annuity contracts, **19:124, 19:125**
 - averaging, **19:126, 19:130 to 19:135, 19:152**
 - balance, **19:127, 19:128**
 - basis, **6:3, 6:4, 19:111 to 19:113**
 - calculation of tax, distributions from qualified retirement plans and IRAs, **19:125, 19:131**
 - capital gain treatment, distributions, **19:130 to 19:135**
 - conduit IRA, **19:161**
 - death and decedents, **19:143 to 19:148, 19:245, 19:247**
 - deferral, **19:139, 19:150**
 - distributions from qualified retirement plans and IRAs, **19:85, 19:85.50, 19:108 to 19:162**
 - favorable averaging, **19:152**
 - five-year rules, **19:129**
 - increased vesting after separation, **19:128**
 - insurance proceeds, **19:117, 19:148**
 - life insurance, **14:28 to 14:48, 14:101 to 14:103, 19:148**
 - loans on qualified retirement plans, **19:109, 19:110**
 - lump-sum treatment, distributions, **19:119 to 19:129, 19:179**
 - marital deduction formula, **19:147**
 - minimum distributions from qualified retirement plans and IRAs, **19:85, 19:85.50**
 - net unrealized appreciation, **19:138**
 - ordinary income, distributions from qualified retirement plans and IRAs, **19:108 to 19:110**
 - partial rollovers, qualified retirement plans and IRAs, **19:157, 19:158**
 - pecuniary bequest, **19:146, 19:147**
 - penalties, **19:151**
 - planning, **6:1 to 6:76, 19:217**
 - postmortem planning and administration, **12:38**

INDEX

INCOME—Cont'd

- Taxes and taxation—Cont'd
 - premature distributions, **19:135, 19:151**
 - qualification for lump-sum treatment, **19:119 to 19:129**
 - rates, **6:7, 6:8**
 - recovery of basis, **19:111 to 19:113**
 - rollovers, **19:142, 19:149 to 19:162**
 - securities of employer, **19:136 to 19:142**
 - 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**

INCOME—Cont'd

- 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)
- 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, **29:65**

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)
 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**

INDEX

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 QUESTIONS

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 conservators, **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, 4:32**

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**

INDEX

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, **29:96**

Powers of appointment of assets, **8:118**

JOINT MATTERS—Cont'd

- 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**

JURY AND JURY TRIAL—Cont'd
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**

INDEX

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 generation-skipping 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, **2:18**

Cover Letters (this index)

Dual representation letters, **2:16**

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, **4:46**

LIENS OR ENCUMBRANCES

Generation-skipping transfer tax, **8:186**

Medicaid, **29:114, 29:119, 31:54**

LIFE

Life or Lifetime (this index)

LIFE ESTATES

Federal gift tax, **8:42**

LIFE ESTATES—Cont'd

- 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**
- 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**

LIFE INSURANCE—Cont'd

- Contingent marital deduction trust, transfers within three years of death, **14:65**
- Controlled corporations, includability of proceeds in gross estate, **14:59**
- Corporations, **14:34, 14:59**
- 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**

INDEX

LIFE INSURANCE—Cont'd

- Exclusions and exceptions—Cont'd
 - 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**
 - permanent life insurance policies, valuation, **14:52**
- Fiduciary holding of incidents of ownership, includability of proceeds in gross estate, **14:60**
- Forms, irrevocable life insurance trusts, **14:117 to 14:122**
- Generation-skipping transfer taxes, irrevocable life insurance trusts, **14:106 to 14:112**
- Gift taxes, **14:49 to 14:55, 14:93 to 14:100**
- Grantor's life, irrevocable life insurance trusts designed to hold policies on, **14:118**
- Group term insurance, employer-provided insurance, **14:24**
- Guideline premium and cash value corridor test, **14:42**
- Hanging power, irrevocable life insurance trusts, **14:95 to 14:100**
- Incidents of ownership, includability of proceeds in gross estate, **14:57 to 14:60**
- Inclusion of premiums in employee's income, **14:46**
- Income** (this index)
- Increase in cash values, income taxation, **14:37**
- Information needed for planning, **14:26, 14:27**
- Insurer selection, **14:4**
- Interest on policy loans, income taxation, **14:47, 14:48**
- Interpolated terminal reserve, valuation of permanent life insurance policies, **14:51**
- Irrevocable life insurance trusts, **14:66 to 14:118**
- Larger estates, irrevocable life insurance trusts, **14:69**
- Lifetime transfers planning, **9:25**

LIFE INSURANCE—Cont'd

- Limitations
 - deductibility of interest on policy loans, income taxation, **14:48**
 - withdrawal rights, irrevocable life insurance trusts, **14:80, 14:81, 14:88, 14:89**
- Liquidity, **14:5, 14:6**
- Loans on policies
 - income taxation, **14:47, 14:48**
 - valuation for gift and estate tax purposes, **14:55**
- Long-term care provided through, **24:19**
- Modified endowment contracts, cash values, **14:39**
- Naked powers, withdrawal rights in irrevocable life insurance trusts, **14:91**
- Nondeductible premium payments, income taxation, **14:44**
- Nontaxable transactions, exclusion from gross income and exceptions, **14:30**
- Notice, **14:86, 14:87**
- Options, terminology, **14:13**
- Outright asset transfers, irrevocable life insurance trusts, **14:76**
- Owner, terminology, **14:10**
- Permanent life insurance policies, valuation, **14:50 to 14:52**
- Planning, generally, **14:1 et seq.**
- Premiums
 - deductible premium payments, income taxation, **14:45**
 - gifts, **14:49**
 - guideline premium and cash value corridor test, **14:42**
 - inclusion in employee's income, **14:46**
 - nondeductible premium payments, income taxation, **14:44**
 - single premium policy, irrevocable life insurance trusts, **14:72**
 - term life insurance, **14:15**
 - withdrawal rights in irrevocable life insurance trusts, **14:83**
- Present interests, withdrawal rights in irrevocable life insurance trusts, **14:91**

LIFE INSURANCE—Cont'd

- Proceeds of policy
 - distributions from qualified retirement plans and IRAs, **19:148**
 - estate tax payment, **14:115**
 - gift, **14:49**
 - 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**

LIFE INSURANCE—Cont'd

- Taxes and taxation, generally, **14:28 et seq.**
- Technical and Miscellaneous Revenue Act of 1988, irrevocable life insurance trusts, **14:107, 14:108**
- 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 exceptions, **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 exceptions, **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**

INDEX

LIFE INSURANCE—Cont'd

Withdrawals—Cont'd
irrevocable life insurance trusts,
14:79 to 14:93

LIFE OR LIFETIME

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

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

Distributions from qualified retirement plans and IRAs, life expectancies, **19:87**

Estates. **Life Estates** (this index)

Insurance. **Life Insurance** (this index)

Life sustaining treatment, physician's order for, **33:14**

Medicare, lifetime reserve days, **25:80 to 25:82**

Qualified retirement plans and IRAs, distributions, **19:83 to 19:90**

Transfers planning. **Lifetime Transfers Planning** (this index)

LIFE-SUSTAINING TREATMENT

Termination of life-sustaining treatment. **Do Not Resuscitate Orders** (this index)

LIFETIME TRANSFERS

PLANNING

Generally, **9:1 et seq.**

Annual exclusion, **9:6, 9:7, 9:34**

Annuities, nongift transfers, **9:50 to 9:54**

Appreciation removal from gross estate, tax objectives, **9:8**

Basis considerations, spousal gifts, **9:21**

Capacity and undue influence, determining, **10:6**

Children

grandchildren, trusts, **9:30, 9:31**

installment sales, nongift transfers, **9:45, 9:46**

trusts, **9:27, 9:30, 9:31**

Uniform Transfers (Gifts) to Minors Act, **9:26**

LIFETIME TRANSFERS

PLANNING—Cont'd

Crummey trusts, **9:29**

Defective trusts, **9:32**

Drafting considerations, family partnerships, **9:37**

Estate planning, **10:2**

Estates, **9:12 to 9:15, 9:24, 10:2**

Exclusions or exceptions

annual exclusion, **9:6, 9:7, 9:34**
generation-skipping transfer tax,
19:187

terminable interest rule, spousal gifts, **9:17**

Family partnerships, **9:33 to 9:42**

Forms

general partnership agreement,
9:39

grandchild's trust, **9:31**

limited liability company deed of gift, **9:42**

limited liability company operating agreement, **9:41**

limited partnership agreement,
9:40

General partnership agreement, family partnerships, **9:39**

Generation-skipping transfer tax,
8:155, 19:187

Gifts, generally, **9:1 et seq.**

Grandchildren, trusts, **9:30, 9:31**

Grantor trust, installment sale to, nongift transfers, **9:49**

Income

family partnerships, **9:35**

installment sales, nongift transfers,
9:45, 9:46

private annuities, nongift transfers,
9:51, 9:52

removal from gross estate, tax objectives, **9:8**

tax consequences, **9:4, 9:5, 9:45, 9:46, 9:51, 9:52**

trusts, **9:28**

Installment sales, nongift transfers,
9:44 to 9:49

Life insurance policies, selection of property for gifts, **9:25**

**LIFETIME TRANSFERS
PLANNING—Cont'd**

Limited liability company deed of gift, family partnerships, **9:42**
 Limited liability company operating agreement, family partnerships, **9:41**
 Limited partnership agreement, family partnerships, **9:40**
 Multiple gifts in same year, selection of property for gifts, **9:23**
 Nongift transfers, **9:43 to 9:49**
 Parents, installment sale nongift transfers, **9:46**
 Partnerships, family, **9:33 to 9:42**
 Present interest requirement, annual exclusion, **9:7**
 Private annuities, nongift transfers, **9:50 to 9:54**
 QTIP, spousal gifts, **9:19**
 Reasons for making gifts, **9:1**
 Reciprocal trusts, estate tax considerations, **9:15**
 Recognition of gain by donor, income tax consequences, **9:5**
 Reluctance to make gifts, **9:2**
 Removing gift tax from transfer tax base, **9:9, 9:10**
 Residence transfer, spousal gifts, **9:20**
 Retained interests and powers, **9:12, 9:13, 9:37**
 Sale to grantor trust, nongift transfers, **9:49**
 Selection of property for gifts, **9:22 to 9:25**
 Self-cancelling installment note, nongift transfers, **9:48**
 Special estate tax treatment, selection of property for gifts, **9:24**
 Special valuation rules, family partnerships, **9:36**
 Split gift treatment for married couples, tax objectives, **9:11**
 Spouses
 gifts, **9:16 to 9:21**
 split gift treatment for married couples, tax objectives, **9:11**

**LIFETIME TRANSFERS
PLANNING—Cont'd**

Taxes and taxation
 annual exclusion, **9:6, 9:7, 9:34**
 appreciation and income, removal from gross estate, **9:8**
 estate taxes, **9:12 to 9:15, 9:24**
 family partnerships, **9:34 to 9:37**
 income tax consequences, **9:4, 9:5, 9:45, 9:46, 9:51, 9:52**
 installment sales, nongift transfers, **9:45 to 9:47**
 nongift transfers, **9:43 to 9:49**
 objectives, **9:3, 9:6 to 9:11**
 present interest requirement, annual exclusion, **9:7**
 private annuities, nongift transfers, **9:51 to 9:53**
 reciprocal trusts, estate tax considerations, **9:15**
 recognition of gain by donor, income tax consequences, **9:5**
 removing gift tax from transfer tax base, **9:9, 9:10**
 retained interests and powers, estate tax considerations, **9:12, 9:13**
 split gift treatment for married couples, **9:11**
 spousal gifts, **9:16, 9:17**
 three-year inclusion rule, estate tax considerations, **9:14**
 Terminable interest rule, spousal gifts, **9:16, 9:17**
 Three-year inclusion rule, estate tax considerations, **9:14**
 Trusts
 children, **9:27, 9:30, 9:31**
 Crummey trusts, **9:29**
 defective trusts, **9:32**
 grandchildren, **9:30, 9:31**
 income, **9:28**
 reciprocal trusts, estate tax considerations, **9:15**
 Unified credit, spousal gifts, **9:18**
 Uniform Transfers (Gifts) to Minors Act, **9:26**

INDEX

LIMITATION OF ACTIONS

- Age Discrimination in Employment Act, **35:93 to 35:99, 35:102**
- Disability discrimination, employment matters, **36:57**
- Special valuation rules for transfer taxes, **8:306**
- Special valuation rules for transfer taxes, **8:307**
- 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 which 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)

LIMITATIONS OR

- RESTRICTIONS—Cont'd**
- 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, **2:23**
- 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**
- 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**

LOANS AND DEBTS—Cont'd

- 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)
- 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.**
- Gatekeepers and triggers, **24:13**
- Group insurance, **24:20**
- Income tax planning, **6:68**
- Inflation protection, **24:16**

INDEX

LONG-TERM CARE INSURANCE

—Cont'd

- 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**
- 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**
- Upgrading of policies, **24:15**

LONG TERM OR SHORT TERM

- 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, 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**

LUMP SUMS—Cont'd

- 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 Secu-

MANDAMUS—Cont'd

riety 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)

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, **2:26**

Succession planning, **2:27**

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**

MARRIAGE AND MARITAL MATTERS—Cont'd

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 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**

INDEX

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**
- Veterans' disability compensation benefits, minimum disability rating, **17:14**

MCCA

- Medicare Catastrophic Coverage Act** (this index)

MEDIATION

- Age Discrimination Act, **35:225**

MEDICAID

- As to Medicare. **Medicare** (this index)
- Generally, **29:1 et seq.**
- Adjustments and estate recoveries, **29:115 to 29:119**
- Adult child who provided care, asset transfer, **29:113**
- Aged persons. Disabled, blind, or aged persons, *infra*
- Aides, nursing, **30:30, 30:44**
- Aid to Families with Dependent Children, **29:11**
- Aliens
 - eligibility, **29:34**
 - limitations on covered services, **30:6**
- Ambulatory services, **30:63 to 30:65**
- Annuities, **29:98**
- Antibiotic drugs, **30:104**
- Anti-Fraud and Abuse Amendments of 1977, patients' rights, **23:8**
- Appeal and review
 - generally, **31:33 to 31:39**
 - exhaustion of remedies, **31:35**

MEDICAID—Cont'd

- Appeal and review—Cont'd
 - fair hearings for applicants and recipients, appeals to Medicaid managed care organization, **31:19.50**
 - federal court jurisdiction, **31:34**
 - nurses aide training, **30:29**
 - nursing care or services, *infra*
 - standard of review, **31:36**
- Appeal to Medicaid managed care organization, **31:19.50**
- Applying for medical assistance, **31:3 to 31:11**
- Assessment, nursing facilities, **30:33, 30:34, 30:37, 30:39**
- Asset transfer
 - generally, **29:84 to 29:113**
 - annuities, **29:98**
 - blind or disabled child, transfers to, **29:107**
 - “d4” trusts, transfers into, **29:108**
 - domicile. Principal residence, *infra* this group
 - exempt transfers, **29:101 to 29:113**
 - fair hearing requirement, **29:100**
 - fair market value and uncompensated value, **29:91**
 - finances and penalties, generally, **29:89 to 29:113**
 - intent to receive adequate value, exempt transfers, **29:102**
- Medicare Catastrophic Coverage Act** (this index)
 - minor, blind, or disabled children, principal residence, **29:111**
 - penalties, generally, **29:89 to 29:113**
 - presumption of penalty, **29:100**
 - principal residence
 - generally, **29:109 to 29:113**
 - adult child who provided care, **29:113**
 - minor, blind, or disabled children, **29:111**
 - sibling with equity interest, **29:112**
 - spouse, transfer of homeplace to, **29:110**

MEDICAID—Cont'd

Asset transfer—Cont'd
 purchase of goods and services, **29:97**
 qualifying for Medicaid, purpose other than, **29:103**
 residence. Principal residence, supra this group
 sibling with equity interest, principal residence, **29:112**
 sole benefit of spouse, transfers to another for, **29:106**
 spouses, transfers between, **29:105, 29:110**
 Assignments, **31:47, 31:48**
 Attorney fees, **31:37**
 Blind persons. Disabled, blind, or aged persons, infra
 Capacity or incapacity. Mental capacity or condition, infra
 Case management services, **30:92, 30:93**
 Cases involving institutionalized spouse, right to notice, **31:17**
 Cash assistance
 financial requirements, individuals meeting, **29:19**
 historical link to, **29:8**
 institutionalized persons, ineligibility for cash assistance, **29:20**
 Categorically needy groups, **29:10, 29:11, 29:18 to 29:23, 30:2**
 Certification, nursing facilities, **30:27, 30:40**
 Certified family nurse practitioner, services furnished by, **30:53**
 Changes in benefits or other assistance programs, **31:12, 31:13**
 Children, **29:11, 29:107, 29:111**
 Circumstances requiring hearing, **31:19**
 Claims and procedures, generally, **31:1 et seq.**
 Class actions, **31:38**
 Clinical records, nursing personnel, **30:45**
 Clinic services, generally, **30:68**
 COBRA premium coverage, cost sharing, **29:29**

MEDICAID—Cont'd

Community care for functionally disabled elderly. Home and community-based services, infra
 Comparability requirement, **30:11**
 Conduct of hearing, **31:25**
 Contents of Medicaid application, **31:5**
 Continuation of services pending hearing, **31:22**
 Contributions to cost of long-term care, **29:51**
 Cost sharing, **29:24 to 29:29**
 Covered goods, generally, **30:100 to 30:112**
 Covered services, generally, **30:1 to 30:99**
 “D4” trusts, transfers into, **29:108**
 Denial of payment, **31:14, 31:53**
 Dentists and dental services, **30:52, 30:88, 30:109**
 Dentures, **30:109**
 Determination of eligibility, **31:8 to 31:11**
 Disabled, blind, or aged persons
 cost sharing, **29:27**
 home and community care for functionally disabled elderly. Home and community-based services, infra
 mandatory coverage groupings, **29:12 to 29:17**
 optional categorically needy persons, **29:23**
 transfer of assets, **29:107, 29:111**
 Discharge and transfer from nursing facility, **30:31**
 Disclosure of provider surveys and evaluations, **30:15**
 Distribution of money recovered from third party, **31:49**
 Domicile. Asset transfer, supra
 Drugs, **30:100 to 30:108**
 Eligibility
 generally, **29:31 to 29:49**
 applying for medical assistance, **31:8 to 31:11**
 citizenship and alienage, **29:34**
 cost sharing, **29:25, 29:27, 29:28**

INDEX

MEDICAID—Cont'd

- Eligibility—Cont'd
 - determination of eligibility, **31:8 to 31:11**
 - federally-qualified health center services, **30:64, 30:65**
 - financial eligibility, **29:36**
 - general eligibility rules, **29:31**
 - laboratories, **30:55**
 - long-term care, *infra*
 - persons qualified to provide nursing care, **30:49**
 - residency, **29:33**
 - special needs trusts, effect on eligibility for Medicaid, **16:96**
- Supplemental Security Income (SSI)** (this index)
 - undocumented aliens, **29:35**
- Eligibility requirements, **29:32**
- Emergency medical procedures, undocumented aliens, **29:35**
- Enforcement of state plan requirements, nursing facilities, **30:27**
- Enforcement of subrogation and assignment rights, **31:48**
- Estate recovery, **29:4**
- Evaluations, disclosure of, **30:15**
- Evidence
 - findings of fact and conclusions of law, **31:29**
 - rules of evidence applicable to agency hearings, **31:27**
 - specific types of evidence required or permitted, **31:28**
- Exclusions, exemptions and exceptions
 - asset transfers, **29:101 to 29:113**
 - drugs, **30:106, 30:108**
- Experimental procedures, **30:99**
- Eyeglasses, **30:111**
- Fair hearing
 - applicants and recipients, **31:19 to 31:32**
 - asset transfer, fair hearing requirement, **29:100**
- Fair market value and uncompensated value, asset transfer, **29:91**

MEDICAID—Cont'd

- Federal financial participation in provision of specified prescribed drugs, prohibition, **30:102**
- Federally-qualified health center services, **30:64, 30:65**
- Final administrative action, **31:31**
- Financial eligibility, **29:36**
- Financial participation by federal government in provision of specified prescribed drugs prohibited, **30:102**
- Findings of fact and conclusions of law, **31:29**
- Fines and penalties. Asset transfer, *supra*
- Foreigners. Aliens, *supra*
- Free choice of providers, **30:12, 30:13**
- Grandfathered group, **29:17**
- Grievance to Medicaid managed care organization, **31:19,50**
- Group health plan enrollment, cost sharing, **29:28**
- Group hearings, **31:21**
- Hardship waivers, liens and recoveries, **29:119**
- Health Insurance Portability and Accountability Act of 1996, **29:84**
- Hearing, speech, and language disorders, services for, **30:89**
- Hearings
 - generally, **31:15, 31:16, 31:19 to 31:32**
 - asset transfer, **29:100**
 - fair hearing, *supra*
- History of Medicaid, **29:2**
- HIV antibody identification, laboratories, **30:56**
- Home and community-based services
 - generally, **29:21, 30:72 to 30:85**
 - functionally disabled elderly, care for
 - generally, **30:72**
 - determination of functional disability, **30:74**
 - individual community care plan, **30:75**

MEDICAID—Cont'd

- Home and community-based services
 - Cont'd
 - functionally disabled elderly, care for—Cont'd
 - requirements, **30:73, 30:76 to 30:78**
 - waiver services, generally, **30:4, 30:79**
- 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**
- Hospitals
 - covered inpatient and outpatient hospital services, **30:17 to 30:22**
 - federal/state authority, scope and duration of covered inpatient hospital services, **30:19**
 - inpatient hospital services, **30:17 to 30:20**
 - nursing care or services, infra
 - outpatient hospital services, **30:21, 30:22**
 - physician requirements, covered inpatient hospital services, **30:20**
- Husband and wife. Spouses, infra
- Implants, **30:110**
- Importance of Medicaid, **29:5**
- Incapacity. Mental capacity or condition, infra
- Income
 - long-term care, infra
 - Medicare Catastrophic Coverage Act** (this index)
 - Supplemental Security Income (SSI)** (this index)
- Indian health service facilities, generally, **30:69**
- Information, **31:3, 31:40 to 31:42**
- Inpatient hospital services, **30:17 to 30:20**
- Institutions
 - cases involving institutionalized spouse, right to notice, **31:17**
 - cash assistance, ineligibility of institutionalized persons for, **29:20**

MEDICAID—Cont'd

- Institutions—Cont'd
 - home and community based services, waivers for individuals who would be institutionalized, **30:80 to 30:82**
 - long-term care, **29:52, 29:53, 29:56, 29:57**
- Intellectual disabilities. Mental capacity or condition, supra
- Intent to receive adequate value, exempt transfers, **29:102**
- Intermittent or part-time visiting nurse care, **30:62**
- Investigation of applicant by state agency, **31:7**
- Judicial review. Appeal and review, supra
- Laboratory and laboratory services, **30:54 to 30:56**
- Licensed practitioners, **30:86**
- Liens or encumbrances, **29:114, 29:119, 31:54**
- Limitations and restrictions
 - aliens, limitations on covered services, **30:6**
 - drugs, **30:102, 30:106, 30:107**
 - home and community-based services for individuals age 65 or older, limits on federal financial participation, **30:85**
 - inpatient hospital services, state restrictions, **30:19**
 - request for hearing, limitation period for filing request, **31:20**
 - state plan requirements, **30:6, 30:14**
- Long-term care
 - generally, **24:6 to 24:8, 29:50 to 29:58**
 - contributions to cost of care, **29:51**
 - coverage provided, **29:50**
 - eligibility, generally, **29:50 to 29:55**
 - exclusion of individuals in certain institutions, **29:53**
 - income eligibility, generally, **29:54**

INDEX

MEDICAID—Cont'd

- Long-term care—Cont'd
 - institutionalized individuals
 - generally, **29:52, 29:53, 29:56, 29:57**
 - as to spousal impoverishment.
Medicare Catastrophic Coverage Act (this index)
 - maintaining eligibility, **29:51**
 - Medicare Catastrophic Coverage Act, **29:57**
 - planning, best interest of Medicaid and client, **29:84**
 - post-eligibility treatment of income and resources, generally, **29:55**
- Low-income families with dependent children, **29:11**
- Mandatory coverage groupings, **29:11 to 29:17**
- Mandatory services, **30:2, 30:5, 30:17 to 30:65**
- Maximum. Minimum, infra
- Medically needy, **29:30, 30:3**
- Medical supplies and equipment, **30:112**
- Medicare Catastrophic Coverage Act (this index)**
- Mental capacity or condition
 - annual review of mentally ill or intellectually disabled, **30:35**
 - preadmission screenings, assessments, and plans of care, **30:35, 30:42, 30:43**
- Minimum
 - home and community care for functionally disabled elderly, minimum requirements, **30:76 to 30:78**
 - nursing facilities, minimum services provided by, **30:28**
- Necessity of application, **31:6**
- Notice
 - application and determination of eligibility, **31:11**
 - cases involving institutionalized spouse, **31:17**
 - changes in benefits or other assistance programs, **31:12, 31:13**

MEDICAID—Cont'd

- Notice—Cont'd
 - denial of payment, **31:14**
 - enforcement of subrogation and assignment rights, notice requirements, **31:48**
 - hearings, **31:15, 31:16**
 - Medicaid rights, notice of, **30:32**
 - right to notice, **31:11 to 31:18**
 - skilled nursing care, **25:94**
 - timeliness of notice, **31:18**
- Nurse practitioner, services of, **30:53, 30:60**
- Nursing care or services
 - generally, **30:23 to 30:35**
 - annual resident reviews, **30:35**
 - appeal or review
 - annual resident reviews, **30:35**
 - nurses aide training, **30:29**
 - resident assessment reviews, **30:34**
 - assessments, **30:33, 30:34, 30:37, 30:39**
 - certification, **30:27, 30:40**
 - certified family nurse practitioner, **30:53**
 - frequency and use, **30:41**
 - home and community-based services for individuals age 65 or older, **30:83 to 30:85**
 - homes/facilities, generally, **21:15, 21:23 to 21:33**
 - mental illness and intellectual disability, assessments, preadmission screening, plans of care, **30:42, 30:43**
 - minimum services, **30:28**
 - notice of Medicaid rights, **30:32**
 - nurse practitioner, services of, **30:53, 30:60**
 - nurses aides, **30:29, 30:30, 30:44**
 - personnel, **30:44, 30:45**
 - physician supervision and clinical records, **30:45**
 - preadmission screenings, **30:35, 30:42**
 - private duty nursing services, **30:87**

MEDICAID—Cont'd

- Nursing care or services—Cont'd
 - provision of services, **30:46 to 30:49**
 - qualified persons providing nursing care, **30:49**
 - quality assessment committee, **30:37**
 - registry, nurses aides, **30:30**
 - required services, generally, **30:46**
 - resident assessment instrument, **30:33**
 - review of nurses aide training, **30:29**
 - rural health clinics, **30:56 to 30:63**
 - social services in facilities with more than 120 beds, **30:47**
 - temporary absences from facility, **30:48**
 - training of nurses aides, review, **30:29**
 - transfers and discharges, **30:31**
- Nursing homes. Nursing care or services, *supra*
- Occupational therapy, **30:89**
- Omnibus Budget Reconciliation Act** (this index)
- Operational features of Medicaid program, **29:3**
- Optional coverage groupings, **29:18 to 29:30**
- Optional services, **30:86 to 30:99**
- Optional state supplements, individuals receiving only, **29:22**
- Organ transplants, **30:98**
- Out of state coverage of services, **30:8**
- Outpatient drugs, **30:103 to 30:108**
- Outpatient hospital services, **30:21, 30:22**
- Overview, **1:17, 30:1 et seq., 31:1**
- Patients' rights, **23:8, 23:10, 23:32**
- Payments
 - claims, payment of, **31:51 to 31:55**
 - providers, sufficiency of payments to, **30:10**
 - recovery from third parties, **31:50**
 - request for payment denied, **31:14**

MEDICAID—Cont'd

- Payments—Cont'd
 - responsibility to pay for care when Medicaid denied, **31:53**
 - retroactive payment of claims, **31:52**
- Penalties. Asset transfer, *supra*
- Periodic redetermination of eligibility, **31:9**
- Permissible releases of information, **31:42**
- Personal care services, **30:71, 30:96**
- Physical therapy, **30:89**
- Physician assistant services, **30:60**
- Physicians
 - generally, **30:50**
 - assistant, services of, **30:60**
 - covered inpatient hospital services, physician requirements, **30:20**
 - dentists and dental services, **30:52, 30:88, 30:109**
 - licensed practitioners, **30:86**
 - nursing care or services, physician supervision, **30:45**
 - optometrist, **30:51**
 - rural health clinics, **30:59, 30:60**
- Planning and plans of care, **30:38**
- Preadmission screenings, nursing care or services, **30:35, 30:42**
- Prescribed drugs, **30:100 to 30:102, 30:104**
- Presumption of penalty, asset transfer, **29:100**
- Preventive services, **30:91**
- Primary care case management services, **30:93**
- Principal residence. Asset transfer, *supra*
- Privacy safeguards, **31:40 to 31:42**
- Private duty nursing services, **30:87**
- Professional services, services and supplies furnished as incident to, **30:61**
- Property subject to recovery, **29:117**
- Prosthetic devices, **30:110**
- Psychologist, services of, **30:60**
- Purchase of goods and services, asset transfer, **29:97**
- Qualification. Eligibility, *supra*

INDEX

MEDICAID—Cont'd

- Qualified disabled and working individuals, cost sharing, **29:27**
- Qualified Medicare Beneficiaries, cost sharing, **29:25**
- Quality assessment committee, **30:37**
- Quality control programs, **31:2**
- Real property planning, **7:1, 7:14, 7:15, 7:34**
- Recipients subject to recovery, **29:116**
- Records, **30:45, 31:30**
- Recovery
 - generally, **29:115 to 29:119**
 - benefits correctly paid, **31:55**
 - improper payments, recovery of, **31:54**
 - third parties, recovery from, **31:43 to 31:50**
- Registry of nurses aides, **30:30**
- Rehabilitative services, **30:91**
- Reinstatement of services pending hearing, **31:23**
- Religious nonmedical health care institution, services furnished in, **30:90**
- Remedial care furnished by licensed practitioners, **30:86**
- Reopening final determinations, **31:32**
- Representation at hearing, **31:24**
- Residence and residency
 - asset transfer, supra
 - eligibility for Medicaid, **29:33**
- Respiratory care services, **30:94**
- Restrictions. Limitations and restrictions, supra
- Retroactive eligibility, **31:10**
- Revocable trusts, assets of trust to supplement, **10:114**
- Rules of evidence applicable to agency hearings, **31:27**
- Rural health clinics, **30:57 to 30:63**
- Screenings
 - nursing care or services, preadmission screenings, **30:35, 30:42**
 - optional covered services, screening services, **30:91**

MEDICAID—Cont'd

- Social services in facilities with more than 120 beds, **30:47**
- Social worker, services of, **30:60**
- Sources of Medicaid Law, **29:6**
- Special Needs Trusts** (this index)
- Specified low income Medicare beneficiaries, cost sharing, **29:26**
- Spouses
 - asset transfer, **29:105, 29:106, 29:110**
 - cases involving institutionalized spouse, right to notice, **31:17**
 - long-term care, institutionalization and spousal impoverishment generally, **29:56, 29:58**
 - Medicare Catastrophic Coverage Act** (this index)
 - Medicare Catastrophic Coverage Act** (this index)
- State statutes relating to mandatory and optional services, **30:5**
- Statewide operation requirement, **30:7**
- Subpoena power, **31:26**
- Subrogation, **29:4, 31:46, 31:48**
- Sufficiency
 - payments to providers, **30:10**
 - state plan sufficiency requirement, **30:9**
- Supplemental Security Income (SSI)** (this index)
- Surveys, disclosure of, **30:15**
- TB-related services, **30:95**
- Temporary absences from care facilities, **30:48**
- Third party liability, **29:4, 31:43 to 31:50**
- Timeliness of notice, **31:18**
- Timing of recovery, **29:118**
- Transfer and discharge from nursing facility, **30:31**
- Transfer of assets. Asset transfer, supra
- Transplants, **30:98**
- Transportation services, **30:97**
- Trusts and trustees
 - as to Medicaid qualifying trusts, **Medicaid Qualifying Trusts** (this index)

MEDICAID—Cont'd

- Trusts and trustees—Cont'd
 - generally, **10:114**
 - “d4” trust, transfer of assets into, **29:108**
- Medicaid Qualifying Trusts** (this index)
- Medicare Catastrophic Coverage Act** (this index)
- Omnibus Budget Reconciliation Act** (this index)
- Undocumented aliens, eligibility, **29:35**
- United States territories, **29:7**
- Vision and visually impaired persons. Disabled, blind, or aged persons, supra
- Visiting nurse care, part-time or intermittent, **30:62**
- Waiver
 - generally, **29:119**
 - freedom of choice, state plan requirements, **30:13**
 - home and community-based services, **30:80 to 30:85**
 - liens and recoveries, hardship waivers, **29:119**
- 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**

MEDICAL MATTERS—Cont'd

- Costs and expenses—Cont'd
 - 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, pre-employment screening, **36:46**
 - Medicare, **27:88**
- Expenses. Costs and expenses, supra
- Forms
 - directives to physicians. **Health Care Directives** (this index)
 - 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

INDEX

MEDICAL MATTERS—Cont'd

- 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**
- Supplemental Security Income (SSI)** (this index)
- Terminally ill clients, **11:7**
- Veterans** (this index)

MEDICARE

- Absence from inpatient or skilled nursing care, Part A benefits, **25:115, 25:136**
- Additional Medicare payroll tax, **6:13**
- Adjustment of deductible, Part A benefits, **25:84**
- Administrative contractors, **26:2**
- Administrative matters
 - costs, allowable costs, **25:149**
 - determinations, **28:43 to 28:77**
 - law judges, **26A:68, 28:54, 28:57, 28:58**
 - prescription drug benefit, administration of Part D, **26B:3**
- Administrative review
 - Medicare Advantage hearing, Medicare Appeals Council (Council) review, **26A:69**
 - Part A and B coverage determinations, **28:73 et seq.**
 - Part D prescription drug benefits, **26B:26**

MEDICARE—Cont'd

- Admissions
 - kidney transplant, **25:18**
 - skilled nursing care, **25:103**
- Advance directives
 - home health care, **25:140**
 - hospice care, **25:176**
 - inpatient hospital services, requirements relating to, **25:55**
 - skilled nursing care, **25:95**
- Advance or future matters
 - directives. Advance directives, *supra*
 - payment system, **25:81**
- Age
 - old age benefits, deemed entitlement, **25:6 to 25:8, 25:11**
 - over age 65, Part A benefits, **25:3 to 25:8, 25:36**
 - special enrollment, **26:14**
 - under age 65, Part A benefits, **25:9 to 25:14, 25:30, 25:37**
- Aggregation of claims, **28:56**
- Aide's services, Part A benefits, **25:169 to 25:171, 25:190**
- Alien absent from United States, limitations on coverage, **26:26**
- Allowable administrative costs, **25:149**
- Allowable home health care visits, **25:150**
- Ambulance services, **26:78, 27:12**
- Ambulatory surgical center facility services, **26:89 to 26:92**
- Amendment or modification
 - election for hospice care, Part A benefits, **25:185**
 - Medicare Advantage (MA) Program** (this index)
 - prescription drug plans, **26B:14**
- Amount. Number or amount, *infra*
- Amyotrophic lateral sclerosis, waiting period, **25:22**
- Annual deductible, **26:62**
- Anti-Fraud and Abuse Amendments of 1977, patients' rights, **23:8**
- Appeal and review
 - administrative review, *supra*

MEDICARE—Cont'd

- Appeal and review—Cont'd
 - amount in controversy, **28:55, 28:74**
 - Departmental Appeals Board review, **25:89**
 - judicial review, *infra*
 - Medicare Advantage benefit determinations, **26A:56 to 26A:59**
 - Medicare Appeals Council review, **28:59, 28:76**
 - Part A and B benefit determinations, **28:54 to 28:59**
 - prescription drug benefit. Drugs and biologicals, *infra*
 - QIC dismissal, review of, **28:57**
- Appliances. Supplies, appliances and equipment, *infra*
- Applications
 - hospital insurance without premium, **25:3**
 - 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

MEDICARE—Cont'd

- 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, *infra*
- Blood, deductibles, **25:50, 25:51, 26:64**
- Bone mass measurement, **26:73**
- Calculation of increased premiums for Part B supplementary medical insurance, **26:31**
- Cancellation or termination
 - continuation after termination of entitlement, **26:24**
 - 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**

INDEX

MEDICARE—Cont'd

- Coinsurance, Part A benefits, **25:49 to 25:51, 25:83 to 25:86, 25:90, 25:178**
- 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 recovering overpayment, **27:38**
 - exclusion, **27:33 to 27:40**
 - foreign providers of emergency and nonemergency services, **28:5, 28:9**
 - improperly filed claims, **27:37**
 - judgment or settlement on recovery, **27:39**
 - no-fault or liability insurance, exclusion of items or services paid by, **27:51 to 27:53**
 - parties receiving third-party payments, **27:36**
 - primary payments, **27:33 to 27:40**
 - renal disease health plan, conditional payments for beneficiaries, **27:64**
 - waiver of recovery, **27:40**
- Confinement to home, Part A benefits, **25:144**
- Construction of exclusions, **27:1**
- Continuation of coverage, Part B, **26:24**
- Continuation of enrollment, Medicare Advantage, **26A:4**
- Contracts or agreements, qualified government employment, **25:25**

MEDICARE—Cont'd

- Coordinated care plans, Medicare Advantage benefits, **26A:7, 26A:8**
- Copays, prescription drug benefits, **26B:2, 26B:9**
- Correction of prejudicial offset, Part A benefits, **25:35**
- Cosmetic surgery, exclusion of expenses, **27:89**
- Costs and expenses
 - generally, **27:78 to 27:90**
 - allowable administrative costs, **25:149**
 - exclusions, **27:78 to 27:90**
 - nonreimbursable, **28:29 to 28:33**
 - reasonable costs, Part A benefits, **25:122**
- Counseling, Part A benefits, **25:194**
- Counting benefit days, Part A benefits, **25:135**
- Court-ordered assignment of claims, **28:26**
- Critical access hospitals, **25:58**
- Custodial care, **25:54, 27:78**
- Daily care requirement, Part A benefits, **25:113**
- Date. Time, *infra*
- Death
 - claims for payment of benefits, beneficiary's death, **28:12 to 28:14**
 - Part B benefits for unpaid services on behalf of deceased individual, **28:20**
 - premiums for Part B supplementary medical insurance, **26:33**
 - recoupment of overpayments, effect of beneficiary's death, **28:38**
 - third party, deceased beneficiary's benefits for services paid by, **28:19**
- Deductibles
 - blood, **25:50, 25:51, 26:64**
 - entitlement, Part B, **26:61 to 26:64**
 - Part A benefits, **25:49 to 25:51, 25:84, 25:90**

MEDICARE—Cont'd

- Deductibles—Cont'd
 - Part B premiums, payment by deduction, **26:36 to 26:40**
- Deemed matters
 - election of lifetime reserve days, **25:81**
 - entitlement, Part A benefits, **25:6 to 25:8, 25:11 to 25:14**
 - waiver of other benefits, election for hospice care, **25:183**
- Deluxe private accommodations, Part A benefits, **25:64, 25:125**
- Dental services, exclusion of expenses, **27:79**
- Dependent services, home health care, **25:166**
- Diabetes, special shoes for diabetics, **26:88**
- Diagnostic items and services
 - bone mass measurement, **26:73**
 - colorectal cancer screening, **26:71**
 - Part A benefits, **25:69 to 25:74, 25:77, 25:127**
 - Part B benefits, **26:67 to 26:74**
 - prostate cancer screening, **26:72**
- Diagnostic screening, **27:7**
- Dialysis, **25:19, 26:79, 27:90**
- Directives. Advance directives, supra
- Direct payment of benefits, **28:2 to 28:11**
- Direct remittance of premiums, **26:41 to 26:43**
- Disabled persons
 - health plans covering employed aged disabled, **27:68**
 - Part A benefits, **25:9 to 25:14, 25:30, 25:37**
 - special enrollment, **26:15**
- Disallowance of claim, payment of nonreimbursable expenses, **28:29**
- Discharge from hospital or skilled nursing facility, Part A benefits, **25:104, 25:106, 25:107, 25:137**
- Diseases or illnesses, see lines throughout this topic
- Disenrollment
 - Part B, disenrollment under state buy-in agreement, **26:25**

MEDICARE—Cont'd

- Disenrollment—Cont'd
 - Part D, prescription drug plan, **26B:14**
- Doctors. Physicians, infra
- Donation of kidney, Part A benefits, **25:75**
- Drugs and biologicals
 - administration of Part D, **26B:3**
 - appeals. Exceptions, coverage determinations, and appeals, infra in this group
 - auto-enrollment in plans that do not cover essential drugs, **26B:16**
 - changing prescription drug plans, **26B:14**
 - comprehensive outpatient rehabilitation facility services, **26:100**
 - copays, **26B:9**
 - coverage determinations. Exceptions, coverage determinations, and appeals, infra in this group
 - credible coverage, **26B:2, 26B:12**
 - definitions, **26B:2, 26B:21**
 - disenrollment from prescription drug plan, **26B:14**
 - dual eligibles
 - benefits, **26B:7 to 26B:9**
 - defined, **26B:2**
 - enrollment issues, **26B:15 to 24B:19**
 - employer-sponsored retiree health plans, persons covered by, **26B:19**
 - enrollment, Medicare Part D
 - generally, **26B:11 to 26B:19**
 - auto-enrollment in plans that do not cover essential drugs, **26B:16**
 - changing prescription drug plans, **26B:14**
 - credible coverage, **26B:12**
 - disenrollment, **26B:14**
 - dual eligibles, **26B:15 to 24B:19**
 - employer-sponsored retiree health plans, persons covered by, **26B:19**

INDEX

MEDICARE—Cont'd

- Drugs and biologicals—Cont'd
 - enrollment, Medicare Part D
 - Cont'd
 - nursing facility residents, **26B:17**
 - penalties for delayed enrollment, **26B:2, 26B:13**
 - union-sponsored retiree health plans, persons covered by, **26B:19**
 - veterans and their dependents, **26B:18**
 - exceptions, coverage determinations, and appeals
 - generally, **26B:20 to 26B:26**
 - ALJ, MAC and federal court, appeals to, **26B:26**
 - definitions, **26B:21**
 - initial coverage determination, generally, **26B:23**
 - reconsideration, **26B:21, 26B:25**
 - redetermination, **26B:21, 26B:24**
 - exemptions and exclusions
 - less than effective drugs, exclusion of expenses, **27:80**
 - medication categories excluded from Part D coverage, **26B:5**
 - formularies
 - generally, **26B:4**
 - defined, **26B:2**
 - restrictions, **26B:8**
 - less than effective drugs, exclusion of expenses, **27:80**
 - low-income subsidy, **26B:2, 26B:10**
 - Medicare Modernization and Prescription Drug Act, generally, **26B:1 et seq.**
 - nursing facility residents, **26B:17**
 - Part A benefits, **25:67, 25:126**
 - Part B supplementary medical insurance, **26:75 to 26:77, 26:100**
 - Part D, the prescription drug benefit, generally, **26B:1 et seq.**

MEDICARE—Cont'd

- Drugs and biologicals—Cont'd
 - penalties for delayed enrollment in prescription drug plan, **26B:2, 26B:13**
 - reconsideration of coverage decision, **26B:21, 26B:25**
 - redetermination of coverage decision, **26B:21, 26B:24**
 - sponsors of prescription drug plans, **26B:2, 26B:3**
 - standard benefit, **26B:6**
 - terminology, **26B:2, 26B:21**
 - union-sponsored retiree health plans, persons covered by, **26B:19**
 - veterans and their dependents, **26B:18**
- Durable medical equipment, **26:80**
- Education services, Part A benefits, **25:118, 25:159**
- Election
 - blood replacement, **25:51**
 - hospice care, **25:179 to 25:185**
 - lifetime reserve days, **25:80 to 25:82**
- Medicare Advantage (MA) Program** (this index)
- Emergency services, **28:4, 28:5, 28:8**
- Employed aged or spouse, exclusion of health plan paid services, **27:65 to 27:71**
- Employer-sponsored retiree health plans, prescription drug benefits, **26B:19**
- End-stage renal disease, **25:15 to 25:21, 28:11**
- Enrollment
 - generally, **25:31 et seq.**
 - continuation of enrollment, Medicare Advantage, **26A:4, 26A:18**
 - correcting prejudicial government error, **25:35**
 - disenrollment, **26B:14, 26:25**
 - forms, **26:8**
 - general enrollment period, **25:33, 26:12, 26:19**

MEDICARE—Cont'd

- Enrollment—Cont'd
 - initial enrollment period, **25:31, 26:11, 26:18**
 - Medicare Advantage (MA) Program** (this index)
 - Part A benefits, **25:31 to 25:35**
 - Part B benefits, **26:4 to 26:16**
 - Part D, prescription drug benefits.
 - Drugs and biologicals, supra
 - religious fraternal benefit (RFB) society plans, Medicare Advantage benefits, **26A:6**
 - special enrollment period, **25:32, 26:13 to 26:15, 26:20**
 - transfer enrollment period, **25:34**
- Entitlement
 - Medicare Advantage benefits, **26A:2 to 26A:6**
 - Part A benefits, **25:1 to 25:51**
 - Part B supplementary medical insurance, **26:4 to 26:26**
 - transfer from HMO or CMP, effective date of, **25:39**
- Environment of facilities, **26:102**
- Equipment. Supplies, appliances and equipment, infra
- Errors. Mistake or error, infra
- Evaluation of care plan, Part A benefits, **25:116, 25:117, 25:157, 25:158**
- Exemptions and exclusions
 - cosmetic surgery, exclusion of expenses, **27:89**
 - costs and expenses, **27:78 to 27:90**
 - drugs and biologicals, supra
 - exclusions, generally, **27:1 to 27:90**
 - federal, state, or local governments, items or services paid for by, **27:15 to 27:23**
 - old-age or survivor's benefits, **25:7**
 - qualified government employment, **25:24**
 - services, **25:151, 27:90**
 - SNF residents, services furnished to, **27:90**
 - war, exclusion of items and services resulting from, **27:73**

MEDICARE—Cont'd

- Expedited matters
 - determination of issues, **28:68**
- Medicare Advantage (MA) Program** (this index)
 - redeterminations and reconsiderations, **28:52, 28:70**
- Expediting certain redeterminations and reconsiderations, **28:52, 28:70**
- Expenses. Costs and expenses, supra
- Extension of time
 - claims for payment of benefits, **28:22**
 - initial determinations, **28:49**
- Eye wear and eye examinations, **27:81, 27:82**
- Facilities
 - ambulatory surgical center facility services, **26:89 to 26:92**
 - comprehensive outpatient rehabilitation facility services, **26:93 to 26:102**
- Federal, state, or local government items or services, **27:15 to 27:23**
- Federal Tort Claims Act, **27:20**
- Filing
 - administrative determinations, **28:48**
 - claims for payment of benefits, **27:28, 28:15, 28:21 to 28:23**
 - election for hospice care, Part A benefits, **25:180**
 - renal disease, Part A benefits, **25:16**
- Foot care, **26:88, 27:83, 27:84**
- Foreign matters
 - emergency services, **28:5, 28:9**
 - exclusions, **27:74, 27:75**
 - items and services provided in foreign countries, **27:74, 27:75**
- Formularies. Drugs and biologicals, supra
- Fraud and deceit
 - extension of filing period for claims because of misrepresentation, **28:22**

INDEX

MEDICARE—Cont'd

- Fraud and deceit—Cont'd
 - Medicare Advantage, termination of benefits, **26A:33**
- Future matters. Advance or future matters, *supra*
- General enrollment period, **25:33, 26:12, 26:19**
- General limitations on coverage, Part A benefits, **25:46 to 25:51**
- Governments
 - charges paid by, **27:15**
 - employment, Part A benefits, **25:23 to 25:27**
 - federal, state or local government items or services, **27:15 to 27:23**
- Grace period for payment of overdue premiums, **26:51 to 26:53**
- Grievance procedures, **28:64**
- Group billings, premiums for Part B supplementary medical insurance, **26:44 to 26:49**
- Health care providers
 - advance directives, requirements relating to inpatient hospital services, **25:55**
 - HMOs. Health Maintenance Organizations, *infra*
 - home health care visits allowable, **25:150**
- Health care research related items and services exclusions, **27:6**
- Health centers, community mental health centers, **26:107, 26:108**
- Health Maintenance Organizations
 - Medicare Advantage (MA) Program** (this index)
 - no-fault or liability insurance, HMOs excepted from liability, **27:55**
- Hearing aids and examinations, **27:85**
- Hearings
 - administrative law judge hearing, **28:57, 28:58**
 - amount in controversy, **28:55, 28:74**
 - Medicare Advantage (MA) Program** (this index)

MEDICARE—Cont'd

- Hearings—Cont'd
 - Part A and B benefit determinations, **28:54 to 28:59**
- HMOs. Health Maintenance Organizations, *supra*
- Home, house and households
 - allowable home health care visits, **25:150**
 - care at home
 - generally, **22:3 to 22:47, 25:138 et seq.**
 - allowable home health care visits, **25:150**
 - covered services, **26:81**
 - Part A benefits, **25:138 to 25:173**
 - Part B coverage, **26:81**
 - comprehensive outpatient rehabilitation facility services, **26:102**
 - dialysis, **26:79**
 - environment evaluation, **26:102**
 - members of household, **27:24 to 27:26**
- Homemaker services, Part A benefits, **25:190**
- Hospice care, **25:174 to 25:194, 26A:22**
- Hospitalization requirement, skilled nursing care, Part A benefits, **25:101 to 25:107**
- Hospitals
 - community mental health centers, partial hospitalization services, **26:109**
 - insurance program under Part A, **25:1 et seq.**
 - Medicare Advantage (MA) Program** (this index)
 - rural hospitals or health clinics, covered services, **26:106**
- Immunizations, **27:86**
- Imprisonment, conditions for payment of services for individuals in custody of penal authorities, **27:14**
- Increases in premiums
 - Part A benefits, **25:43, 25:44**
 - Part B benefits, **26:30, 26:31**

MEDICARE—Cont'd

- Indemnification of beneficiary, **28:30 to 28:33**
- Indian Health Service, **27:19**
- Indigents, waiver of charges, **27:9**
- Informed choice, providing information to promote, Medicare Advantage (MA) Program, **26A:12 to 26A:14**
- Initial matters
 - determinations, **28:44 et seq.**
 - enrollment period, **25:31, 26:11, 26:18**
- Inpatients
 - exclusion of items and services furnished by entity other than hospital, **27:76**
 - hospital services, Part A benefits, **25:52 to 25:86**
 - rehabilitation hospital services, **25:72**
 - short-term inpatient care, hospice care, **25:193**
 - skilled nursing care, **25:114 to 25:116**
- Insurance
 - MEDIGAP insurance, **24:24 to 24:39**
 - no-fault or liability insurance, **27:49 to 27:56**
- Intermittent home health care services, Part A benefits, **25:154, 25:170**
- Intern's services, Part A benefits, **25:74, 25:128, 25:173**
- Itemized bill provided with claim for payment, **28:17**
- Judgment on recovery of conditional primary payment, **27:39**
- Judicial review
 - as to appeals, generally. Appeal and review, *supra*
 - generally, **28:77**
 - amount in controversy, **28:62**
 - Medicare Advantage benefit determinations, **26A:70**
 - Part A and B benefit determinations, **28:60 to 28:62**

MEDICARE—Cont'd

- Kidney disease
 - dialysis, **25:19, 26:79, 27:90**
 - health plan, exclusion of services paid by, **27:59 to 27:64**
- Medicare Supplemental (MEDIGAP) Insurance, **24:37**
- Part A benefits, **25:15 to 25:21, 25:75**
 - resumption of entitlement, **25:21**
- Kidney transplant, **25:18, 25:75**
- Laboratory tests, **26:69**
- Late matters, **25:43, 25:137, 26:30**
- Legal obligations, **27:8 to 27:14**
- Less than effective drugs, exclusion of expenses, **27:80**
- Liability of beneficiary, **28:26, 28:29 to 28:35**
- Lifetime reserve days, Part A benefits, **25:80 to 25:82**
- Limitations and restrictions
 - ambulatory surgical center facility, **26:92**
 - beneficiary's limitation of liability when coverage not available, **28:29 to 28:35**
 - drugs and biologicals, Part B supplementary medical insurance coverage, **26:76**
 - employed aged or spouse, **27:66, 27:67**
 - filing indemnification request, **28:33**
 - liability insurance, items and services paid by, **27:54**
- Medicare Advantage (MA) Program** (this index)
 - Part A benefits, **25:46 to 25:51**
 - Part B limitations, **26:3, 26:58, 26:59, 26:76, 28:27**
 - renal disease health plan, **27:61 et seq.**
 - skilled nursing care, **25:91, 25:92**
 - third party payers, items and services paid by, **27:32, 27:54**
 - third-party payments, exclusion of time and services covered, **27:32**

INDEX

MEDICARE—Cont'd

- Local government items or services, **27:15 to 27:23**
- Lump-sum awards in workers' compensation claims, **27:45 to 27:48**
- Mammography, **26:70, 27:7**
- Management of care plan, Part A benefits, **25:116, 25:157**
- Maximum days of coverage, Part A benefits, **25:78, 25:134**
- Medical appropriateness, Part A benefits, **25:105 to 25:107**
- Medical services and equipment, Part B, **26:65 to 26:108**
- Medical social services, Part A benefits, **25:66, 25:129, 25:167, 25:189**
- Medicare Advantage (MA) Program** (this index)
- 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*

MEDICARE—Cont'd

- 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**
 - Medicare Advantage (MA) Program** (this index)
 - nonreimbursable expenses, **28:31, 28:32**
 - organization determinations, **28:67**
 - reconsidered determinations, **28:72**
 - redetermination, **28:51**
- Number or amount
 - amount in controversy, **28:55, 28:62, 28:74, 29:97**
 - increases in premiums, Part A benefits, **25:43, 25:44**
 - 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**
 - homes/facilities, **21:15, 21:23 to 21:33, 26B:17**
 - hospice care, **25:187**
 - Part B medical services and equipment, **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, **25:117, 25:158**
- Occupational therapy, **25:70, 25:131, 25:165, 25:168, 26:97**

MEDICARE—Cont'd

- 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**
- Over age 65, Part A benefits, **25:3 to 25:8, 25:36**
- Overdue premiums, **26:50 to 26:55**
- Overpayments, recovery, **27:38, 27:48, 28:36 to 28:42**
- Pap smears, exclusions, **27:7**
- Part A, generally, **25:1 et seq.**
- Part B, generally, **26:1 et seq.**
- Part D. Drugs and biologicals, *supra*
- Part-time home health care services, Part A benefits, **25:156, 25:171**
- Patients' rights, **23:8, 23:10, 23:32, 23:34**
- Payment
 - conditional payments, *supra*
 - direct payment of benefits, **28:2 to 28:11**
 - Medicare Advantage (MA) Program** (this index)
 - overpayments, recovery, **27:38, 27:48, 28:36 to 28:42**
 - Part B benefits, to whom paid, **28:6**
 - Part B supplementary medical insurance, **26:56 to 26:60**
 - premiums, Part A benefits, **25:41 to 25:45**
 - premiums, Part B benefits, **26:34 to 26:49**
 - secondary payments, **26A:75, 27:29 to 27:32, 27:71**
 - split payments, Part B benefits, **28:7**

MEDICARE—Cont'd

- Payment—Cont'd
 - third-party payments, **27:27 to 27:40, 27:58, 28:19, 28:41**
- Penal authorities, conditions for payment of services for individuals in custody of, **27:14**
- Penalties for delayed enrollment in prescription drug plan, **26B:2, 26B:13**
- Personal care services, Part A benefits, **25:121**
- Personal comfort items and services, exclusion of expenses, **27:87**
- Physical examinations, exclusion of expenses, **27:88**
- Physical therapy, **25:69, 25:131, 25:163, 26:97**
- Physicians
 - assistants' services, **26:83**
 - certification, **25:89, 25:143, 26:96**
 - comprehensive outpatient rehabilitation facility services, **26:96 to 26:98**
 - drugs and biologicals furnished, **26:75**
 - exclusions, **27:2, 27:82**
 - home health care, **25:145, 25:147**
 - hospice care, **25:192**
 - incidental services, **26:66**
 - inpatient hospital services, **25:73, 25:74**
 - intern's services, **25:74, 25:128, 25:173**
 - optometrists' services, **26:66**
 - Part B, **26:65, 26:66**
 - resident physician's services, **25:74, 25:128, 25:173**
 - skilled nursing care, **25:89**
 - surgical services, **25:73, 25:74**
- Place where services provided, **27:5**
- Plans
 - care requirement, **25:147**
 - evaluation of care plan, **25:116, 25:117, 25:157, 25:158**
 - management of care plan, **25:116, 25:157**
 - Medicare Advantage (MA) Program** (this index)

INDEX

MEDICARE—Cont'd

- Plans—Cont'd
 - prescription drug benefit. Drugs and biologicals, *supra*
- Plus(+)Choice Program. **Medicare Advantage (MA) Program** (this index)
- Poor persons, waiver of charges, **27:9**
- Premium health insurance, effective date of transfer from HMO or CMP, **25:39**
- Premiums
 - deduction, payment by, Part B supplemental medical insurance, **26:36 to 26:40**
 - group billing, Part B supplemental medical insurance, **26:44 to 26:49**
 - increases in premiums, *supra*
- Medicare Advantage (MA) Program** (this index)
 - overdue premiums, **26:50 to 26:55**
 - Part A benefits, **25:2 to 25:45**
 - Part B supplementary medical insurance, **26:27 to 26:55**
 - refunds, **26A:94, 26:33, 26:49, 28:14**
- Prescription drugs. Drugs and biologicals, *supra*
- Preventive services, **26:66.50, 26:66.70**
- Primary payments, conditional, **27:33 to 27:40**
- Private fee-for-service plans.
 - Medicare Advantage (MA) Program** (this index)
- Private matters
 - accommodations, Part A benefits, **25:63, 25:64, 25:124, 25:125**
 - health insurance, MEDIGAP, **24:24 to 24:39**
 - sector work, qualified government employment, Part A benefits, **25:26**
- Prospective payment system, Part A benefits, **25:81**
- Prostate cancer screening, **26:72**
- Prosthetic devices, **26:87**

MEDICARE—Cont'd

- Psychiatric and psychological services and care
 - generally, **26:84**
 - comprehensive outpatient rehabilitation facility services, **26:98**
 - hospitals, Part A benefits, **25:59, 25:69, 25:76, 25:79**
- Public expense, exclusion of services furnished, **27:17, 27:18**
- Public Health Service, **27:18**
- Pulmonary rehabilitation services, **25:71**
- Qualification. Entitlement, *supra*
- Qualified government employment, Part A benefits, **25:23 to 25:27**
- Quality Improvement Organization, assumption of review responsibilities for items and services, **27:72**
- Reasonable and necessary services, exclusions, **27:3 to 27:7**
- Reconsideration or redetermination generally, **28:47 to 28:53, 28:69 to 28:72**
- Medicare Advantage (MA) Program** (this index)
 - notice, **28:51**
 - prescription drug benefits, coverage decisions, **26B:21, 26B:25**
- Records of enrollees in Medicare Advantage (MA) Program, **26A:87**
- Redetermination of coverage decision, prescription drug benefits, **26B:21, 26B:24**
- Reductions
 - deductibles, *supra*
 - Medicare Advantage, service area reductions, termination, **26A:38**
 - premiums, Part A benefits, **25:42**
- Reenrollment, Part A benefits, **25:44**
- Refunds, premiums, **26A:94, 26:33, 26:49, 28:14**
- Rehabilitation
 - care services, Part A benefits, **25:120**

MEDICARE—Cont'd

- Rehabilitation—Cont'd
 - comprehensive outpatient rehabilitation facility services, Part B, **26:93 to 26:102**
 - inpatient hospital services, **25:72**
- Reinstatement
 - entitlement, **26:55**
 - premium health insurance, Part A benefits, **25:45**
- Relationship of skilled nursing care Part A benefits to Part B benefits, **25:88**
- Relatives or family members, exclusion of charges imposed, **27:24 to 27:26**
- Religion and religious matters
 - employed aged or spouse, exclusion of health plan paid services, **27:69**
 - members of religious order deemed obligated to pay, **27:13**
- 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, **29:73**
- 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**

MEDICARE—Cont'd

- 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**
- 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, **25:131**
- 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**

INDEX

MEDICARE—Cont'd

- 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**
 - Part A, **25:68, 25:126, 25:172, 25:191**
 - Part B, **26:65 to 26:108**
- Surgical items and services, **25:73, 25:74, 26:89 to 26:92, 27:89**
- Survivors' benefits, deemed entitlement, **25:6 to 25:8, 25:11**
- Suspension or revocation
 - hospice care election, Part A benefits, **25:184**
 - lifetime reserve days election, Part A benefits, **25:82**
 - premium payment by deduction, Part B, effect of suspension of benefits, **26:39**
- Swing-bed hospital, Part A benefits, **25:99**
- Termination. Cancellation or termination, *supra*
- Therapeutic items and services, **25:67 to 25:72, 25:77, 25:127, 25:188**
- Therapy
 - home health care, Part A benefits, **25:161 to 25:165**
 - occupational therapy, **25:70, 25:131, 25:165, 25:168, 26:97**

MEDICARE—Cont'd

- Therapy—Cont'd
 - physical therapy, **25:69, 25:131, 25:163, 26:97**
 - psychology, **25:69**
 - pulmonary rehabilitation services, **25:71**
 - respiratory therapy, **25:132, 26:97**
 - skilled therapy services, requirement, **25:161**
 - speech-language pathology services, **25:131**
 - speech therapy, **25:164**
- Third-party payments, **27:27 to 27:40, 27:58, 28:19, 28:41**
- Time
 - duration of benefits, Part B supplementary medical insurance, **26:17 to 26:26**
 - end-stage renal disease, Part A benefits, **25:17**
 - expedited matters, *supra*
 - extension of time, *supra*
 - filing of claims, **28:21 to 28:23**
 - hospice care, Part A benefits, **25:180**
 - hospital insurance with or without premium, Part A benefits, **25:5, 25:8 to 25:10, 25:36 to 25:40**
 - late matters, **25:43, 25:137**
 - limitation period of payment of benefits of renal disease health plan, **27:61 et seq.**
- Medicare Advantage (MA) Program** (this index)
 - Part A benefits, generally, **25:78 to 25:82**
 - premium health insurance, effective date of transfer from HMO or CMP, **25:39**
 - premiums for Part B supplementary medical insurance, **26:32, 26:40, 26:43**
 - qualified government employment, Part A benefits, **25:27**
 - skilled nursing care, **25:134 to 25:137**

MEDICARE—Cont'd

- Transfers
 - enrollment period, Medicare transfer, **25:34**
 - Medicare Catastrophic Coverage Act** (this index)
 - residents, transfer of, beneficiary's liability for services resulting from erroneous transfer from facility, **28:34**
- Transplants, **25:18, 25:75**
- TRICARE/CHAMPVA beneficiaries, **27:22**
- 2010 health care reform, impact on preventive services, **26:66.70**
- Two-year qualifying period
 - amyotrophic lateral sclerosis, Part A benefits, **25:22**
 - disabled persons under age 65, Part A benefits, **25:10**
- Union-sponsored retiree health plans, prescription drug benefits, **26B:19**
- 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**

MEDICARE—Cont'd

- Waiver—Cont'd
 - 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**
 - 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**

INDEX

**MEDICARE ADVANTAGE (MA)
PROGRAM—Cont'd**

- Access to services—Cont'd
 - rules for provider selection—Cont'd
 - 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**
 - unrestricted (guaranteed) acceptance of eligible individuals, **26A:27**
- Benefits and beneficiary protections, generally, **26A:39 et seq.**
- Confidentiality and disclosure.
 - Consumer protection, *infra*
- Consumer protection
 - generally, **26A:83 to 26A:89**
 - disclosure
 - generally, **26A:84**
 - ERISA, **26A:85**
 - discrimination prohibited, **26A:83**
 - ERISA, disclosure, **26A:85**
 - private fee-for-service plans, prompt payment to enrollees in, **26A:89**
 - quality assurance program, **26A:86**
 - records, **26A:87**

**MEDICARE ADVANTAGE (MA)
PROGRAM—Cont'd**

- Continuation of enrollment, **26A:4, 26A:18**
- Coordinated care plans
 - generally, **26A:7**
 - religious fraternal benefit (RFB) society plans, **26A:6, 26A:8**
- Coverage determinations, reconsiderations, and appeals
 - generally, **26A:56**
 - expediting certain organization determinations
 - generally, **26A:58**
 - timeframes and notice requirements, **26A:59**
 - standard timeframes and notice requirements, **26A:57**
- Default, election process, **26A:17**
- Discrimination prohibited, **26A:83**
- Disruptive behavior, termination of enrollment, **26A:32**
- Effective date
 - elections and changes of elections, **26A:26**
 - termination process, effective date in case of loss of entitlement to Part A or Part B benefits, or death, **26A:35**
- Election
 - generally, **26A:15 to 26A:26**
 - age 65, special election periods, **26A:24**
 - change of enrollment opportunities, **26A:21**
 - conversion of enrollment, **26A:18**
 - coordination through Medicare Advantage (MA) organizations, **26A:16**
 - default, **26A:17**
 - effective dates of coverage and change of coverage, **26A:26**
 - exercising choice, **26A:15**
 - hospice care, election by Medicare Advantage enrollees, **25:182**
 - initial choice upon eligibility to make election, **26A:20**
 - open enrollment, **26A:21, 26A:22**

**MEDICARE ADVANTAGE (MA)
PROGRAM—Cont'd**

- Election—Cont'd
 - seamless continuation of coverage, **26A:18**
 - special election periods, **26A:23, 26A:24**
- Eligibility
 - generally, **26A:2**
 - limitation
 - durational requirement, **26A:5**
 - priority acceptance when capacity limit is determined, **26A:28**
 - religious fraternal benefit (RFB) society plans, **26A:6**
 - residence requirement, **26A:4**
 - unrestricted acceptance of eligible individuals, **26A:27**
- Enrollee liability
 - generally, **26A:75 to 26A:78**
 - limitation on, private fee-for-service plans, **26A:77**
 - national coverage determinations (NCDs), **26A:76**
 - safeguarding beneficiary against liability, **26A:78**
 - secondary payer, organization as, **26A:75**
- Enrollment
 - generally, **26A:4 to 26A:6**
 - change of enrollment opportunities, **26A:21**
 - continuation of enrollment, **26A:4, 26A:18**
 - continuous open enrollment and disenrollment, first three months in subsequent years, **26A:22**
 - liability. Enrollee liability, supra maintaining enrollment, **26A:19, 26A:22**
 - open enrollment, **26A:21, 26A:22**
 - termination of enrollment, infra
- ERISA, disclosure, consumer protection, **26A:85**
- Evidence, opportunity to submit
 - generally, **26A:63**

**MEDICARE ADVANTAGE (MA)
PROGRAM—Cont'd**

- Evidence, opportunity to submit
 - Cont'd
 - timeframes and responsibility for reconsideration
 - generally, **26A:64**
 - expedited reconsideration, **26A:65**
- Evidence. Opportunity to submit evidence, infra
- Expedited matters
 - coverage determinations, reconsiderations, and appeals, **26A:58, 26A:59**
 - reconsiderations, **26A:62, 26A:65**
- Fee-for-service Medicare Advantage (MA) plan, **26A:46**
- Fraud, termination of enrollment, **26A:33**
- Giving effect to reconsidered determinations or decisions, **26A:72**
- Grievances
 - generally, **26A:52**
 - mechanism, **26A:54**
- Health Maintenance Organizations, rules for provider selection. Access to services, supra
- Hearings
 - generally, **26A:67**
 - administrative law judges, hearings before, **26A:68**
- History of Medicare Advantage, **26A:1**
- Hospice care, election by Medicare Advantage enrollees, **25:182**
- Information
 - advance directives, information on, **26A:80**
 - beneficiary liability under private fee-for-service plans, **26A:79**
 - information reporting procedures, **26A:81**
 - informed choice, providing information to promote, **26A:12 to 26A:14**
 - organization finances, ownership, and control, access to infor-

INDEX

MEDICARE ADVANTAGE (MA) PROGRAM—Cont'd

- Information—Cont'd
 - mation regarding, **26A:82**
- Informed choice, providing information to promote
 - generally, **26A:12 to 26A:14**
 - general information, **26A:13**
 - notice, **26A:12**
- Judicial review, benefit determinations, **26A:70**
- Limitations
 - eligibility, supra
 - premiums, enrollee liability.
 - Premiums, infra
 - private fee-for-service plan, enrollee liability. Private fee-for-service plan, infra
 - termination of enrollment (involuntary), limitations on, **26A:29**
- Multiple plans, **26A:11**
- Noncoverage of inpatient hospital care, notification to enrollees, **26A:73**
- Notice
 - coverage determinations, reconsiderations, and appeals, **26A:57, 26A:59**
 - informed choice, providing information to promote, **26A:12**
 - noncoverage of inpatient hospital care, notification to enrollees, **26A:73**
 - termination, **26A:37**
- Opportunity to submit evidence
 - generally, **26A:63**
 - independent entity, reconsideration by, **26A:66**
 - right to hearing
 - generally, **26A:67**
 - request for ALJ hearing, **26A:68**
 - timeframes and responsibility
 - generally, **26A:64**
 - expedited reconsideration, **26A:65**
- Organization determinations, **26A:55**
- Overview, **26A:1, 26A:40**

MEDICARE ADVANTAGE (MA) PROGRAM—Cont'd

- Payment
 - premiums, infra
 - private fee-for-service plans, prompt payment to enrollees in, **26A:89**
- Periods covered under statute, **26A:25**
- Plans
 - coordinated care plans, supra
 - multiple plans, **26A:11**
 - private fee-for-service plans, **26A:10, 26A:51, 26A:77**
- Premiums
 - generally, **26A:90 to 26A:94**
 - monthly premium charged, **26A:91**
 - termination of enrollment, premiums not paid on time, **26A:31**
 - terms and conditions of imposing premiums, **26A:93**
 - uniform premium, **26A:92**
- Private fee-for-service plans
 - generally, **26A:10**
 - access to services under, **26A:51**
 - beneficiary liability, information on, **26A:79**
 - consumer protection, prompt payment to enrollees, **26A:89**
 - enrollee liability, limitations on, **26A:77**
- Procedures in place, responsibility of organization, **26A:53**
- Qualifications. Eligibility, supra
- Quality assurance program, **26A:86**
- Reconsideration
 - generally, **26A:60**
 - coverage determinations, reconsiderations, and appeals, supra
 - expedited matters, **26A:62, 26A:65**
 - giving effect to reconsidered determinations or decisions, **26A:72**
 - request, filing, **26A:61**
 - time
 - expedited matters, **26A:62, 26A:65**

**MEDICARE ADVANTAGE (MA)
PROGRAM—Cont'd**

Reconsideration—Cont'd
time—Cont'd
opportunity to submit evidence,
26A:64
request, filing, **26A:61**

Records, confidentiality, accuracy
and access to enrollees' records,
26A:87

Reduction of service area, termina-
tion, **26A:38**

Religious fraternal benefit (RFB)
society plans, **26A:6, 26A:8**

Reopening and revising determina-
tions and decisions, **26A:71**

Reports, information reporting
procedures, **26A:81**

Residence requirement
generally, **26A:4**
termination, no longer resident
within plan's service area,
26A:34

Review. Appeal or review, supra

Revising determinations and deci-
sions, **26A:71**

Satisfaction of benefits requirements,
26A:41

Special election periods, **26A:23,**
26A:24

Special needs plans (SNPs), **26A:10**

Special rules, point of service (POS)
option, **26A:42**

Supplemental benefits
generally, **26A:43**
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

**MEDICARE ADVANTAGE (MA)
PROGRAM—Cont'd**

Termination of enrollment—Cont'd
limitations on involuntary termina-
tions, **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, **29:57 et seq.**

Apportionment and cure of penalty
under MCCA, asset transfers,
29:99

Assets
transfers. Asset transfers, infra
unavailable assets, **29:74, 29:75**

Asset transfers
actions not treated as transfers
under MCCA, **29:95 to 29:98**
apportionment and cure of penalty
under MCCA, **29:99**
exempt transfers, **29:104**
individuals subject to penalty,
29:89
jointly-owned property under
MCCA, **29:96**
look-back period under MCCA,
29:90
penalties, generally, **29:89 et seq.**
resources and exclusions under
MCCA, **29:94**
resource transfer penalties under
MCCA, **29:86**
undue hardship, **29:104**

INDEX

MEDICARE CATASTROPHIC COVERAGE ACT—Cont'd

- Automobile, exempt or excluded assets, **29:70**
- Burial-related assets, exempt or excluded assets, **29:72**
- Community spouse resource allowance, **29:61**
- Countable assets, **29:66**
- Coverage and applicability, determining, **29:58**
- Exempt or excluded assets, **29:67 to 29:75**
- Exempt transfers, **29:104**
- Homeplace, exempt or excluded assets, **29:73**
- Household goods, exempt or excluded assets, **29:69**
- Income
 - married individuals, infra
 - real estate, income-producing, exempt or excluded assets, **29:74**
 - rules for treatment of, generally, **29:76**
 - “Income first” versus “resource first” approach, **29:79**
- Insurance, exempt or excluded assets, **29:71**
- Long-term care, generally, **24:26, 29:57**
- Married individuals
 - attribution of income, **29:82**
 - community spouse monthly income allowance, **29:77 to 29:79**
 - community spouse resource allowance, **29:61**
 - deduction of incurred medical expenses, **29:81**
 - family allowance, **29:80**
 - income treatment of, generally, **29:76 to 29:83**
 - increasing community spouse monthly income allowance, **29:78**
 - non-trust property, attribution of income from, **29:82**

MEDICARE CATASTROPHIC COVERAGE ACT—Cont'd

- Married individuals—Cont'd
 - obtaining community spouse monthly income allowance through resource transfer option, **29:79**
 - resources of married individuals, treatment of, infra
 - “snapshot,” resources, **29:59 to 29:61, 29:65**
 - spousal impoverishment rules, determining applicability of, **29:57**
 - trust property, attribution of income from, **29:83**
- Penalties. Asset transfers, supra
- Personal effects, exempt or excluded assets, **29:69**
- Residence, exempt or excluded assets, **29:73**
- Resources of married individuals, treatment of
 - generally, **29:59 et seq.**
 - community spouse resource allowance, **29:61**
 - court order increasing support, relief from community spouse resource allowance limitation, **29:63**
 - fair hearing request, relief from community spouse resource allowance limitation, **29:62**
 - inflation of aggregate non-exempt resources, relief from community spouse resource allowance limitation, **29:65**
 - relief from community spouse resource allowance limitation
 - court order increasing support, **29:63**
 - fair hearing request, **29:62**
 - inflation of aggregate non-exempt resources at time of snapshot, **29:65**
 - spousal refusal, **29:64**
 - rules for treatment, generally, **29:59**
 - “snapshot,” **29:59 to 29:61, 29:65**

**MEDICARE CATASTROPHIC
COVERAGE ACT—Cont'd**

Retroactive Social Security, and SSI payments, **29:75**

Self-support, property essential to, exempt or excluded assets, **29:68**

Special needs trusts, **16:91**

Spouses. Married individuals, supra

Transfers of assets. Asset transfers, supra

Trusts

married individuals, attribution of income from trust property, **29:83**

Medicaid Qualifying Trusts (this index)

Unavailable assets, **29:74, 29:75**

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**

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**

**MEDIGAP (MEDICARE
SUPPLEMENTAL
INSURANCE)—Cont'd**

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 end-stage 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, **2:7, 32:1 to 32:19**

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**

Alzheimer's disease and other types of dementia, progression, **32:4**

Arizona mental health care power of attorney, form, **33:80**

Assessing capacity, generally, **32:16 to 32:18**

Assessment tools, **32:18**

Attorneys

gathering and preserving client information, **2:13**

presumptions, **2:7**

Capacity for other transactions, **32:15**

Causes of adult incapacity, **32:2**

Coercion. Undue influence, infra

INDEX

MENTAL CAPACITY OR CONDITION—Cont'd

- Communication problems distinguished, **32:7**
- Contest and defend capacity, client, **32:19**
- Contesting and defending capacity, **32:18**
- Contractual capacity, **32:13**
- Defending and contesting capacity, **32:18**
- Definitions of incapacity, **32:8 to 32:15**
- Degrees of incapacity, **32:5**
- Dementia and delirium, generally, **32:2**
- Determining legal capacity, generally, **32:8 to 32:15**
- Disability discrimination law, who is disabled under, **36:25**
- Donative capacity, **32:12**
- 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, **2:13**
- Guardians and conservators, order adjudicating capacity, **34:29**
- Health care decision making, **32:14**
- 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,” **32:11**
- Issue of capacity as special problem for attorneys, **2:7**
- Kentucky form of advance directive for mental health treatment, **33:87**
- Lifetime transfers planning, determining capacity and undue influence, **10:6**

MENTAL CAPACITY OR CONDITION—Cont'd

- Living trust, use of, **10:45**
- Louisiana directive for mental health treatment, form, **33:88**
- Medicaid** (this index)
- Medicare coverage, community mental health centers, **26:107, 26:108**
- New Mexico optional form for advance directive for mental health treatment, **33:89**
- North Carolina advance instruction for mental health treatment, form, **33:94**
- Oklahoma advance directive for mental health treatment, form, **33:95**
- Optimizing capacity assessment, **32:17**
- Oregon declaration for mental health treatment, form, **33:96**
- Overview of elder law, **1:15**
- Pennsylvania mental health declaration, **33:97**
- Planning for incapacity
 - estate planning, **10:6**
 - lifetime transfers planning, determining capacity and undue influence, **10:6**
 - wills, **10:45**
- Presumptions, attorneys' presumptions as to clients' capacity, **2:7**
- Real Property** (this index)
- Signs and symptoms of dementia and delirium, **32:3**
- Statutory definition of incapacity, **32:9**
- Testamentary capacity
 - generally, **32:10**
 - undue influence, determining, **10:6**
- Texas declaration for mental health treatment, form, **33:99**
- Tools for assessing capacity, **32:18**
- Transient and temporary incapacity, **32:5**
- Undue influence
 - contesting or defending capacity, **32:18**

**MENTAL CAPACITY OR
CONDITION—Cont'd**

- Undue influence—Cont'd
 - distinguished, **32:6**
 - lifetime transfers planning, determining capacity and undue influence, **10:6**
 - testamentary capacity, **10:6**
- Utah declaration for mental health treatment, form, **33:100**
- Washington mental health advance directive, **33:101**
- Wills
 - client's incapacity, **10:45**
 - testamentary capacity, *supra*

MICHIGAN

- Credit, discriminatory practices prohibited by state law, **35:197**
- Do not resuscitate order, **33:108**
- Education, discrimination, **35:207**
- Elder victimization, abuse, and neglect, **4A:52**
- Patient advocate, designation of, **33:50**

MILITARY MATTERS

- Medicare, **27:21**
- Veterans** (this index)
- War** (this index)

MILLER TRUSTS

- Special needs trusts, exempt self-settled trusts, **16:153, 16:154**

MINIMUMS

- Maximums or Minimums** (this index)

MINISTERS

- SSI, earned income, **16:44**

MINNESOTA

- Elder victimization, abuse, and neglect, **4A:53**
- 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)
- 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**

INDEX

MITIGATING DAMAGES

Age Discrimination in Employment Act, **35:59, 35:135**

MOBILITY

Access and Mobility (this index)

MOBILITY ISSUES

Generally, **4:44 to 4:46**

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**

MOTIONS—Cont'd

Social Security Administration (this index)

MOTIVE

Intent (this index)

MOTOR VEHICLES

Ambulance services, Medicare, **26:78, 27:12**
Driving, the older driver, **4:44 to 4:46**
Medicare Catastrophic Coverage Act, exempt or excluded assets, **29:70**

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**
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, **2:24 to 2:27**

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, **2:23**

NEW TRIALS

Age Discrimination in Employment Act, motions for new trial, **35:128**

INDEX

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) OFFER

- 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 in-kind 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, **17:49**

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**

NORTH CAROLINA—Cont'd

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)

Marital deduction, distributions from qualified retirement plans and IRAs, **19:182**

Maximums or Minimums (this index)

Medicare (this index)

NUMBER OR AMOUNT—Cont'd

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**

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**

INDEX

NURSING HOMES/ FACILITIES

—Cont'd

- 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) certification, **21:24**
- Improve nursing home facilities, availability of loans and grants to, **21:12**
- Income tax planning, **6:68, 6:69**

NURSING HOMES/ FACILITIES

—Cont'd

- 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**
 - questions, advising prospective nursing facility resident, **21:43**
- Services
 - advising prospective nursing facility resident, questions regard-

NURSING HOMES/ FACILITIES

—Cont'd

- Services—Cont'd
 - ing 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, **33:63**
- Elder victimization, abuse, and neglect, **4A:65**

OKLAHOMA

- 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**
- National Family Caregiver Support Program, **4:10**
- Non-mandatory programs, **4:7**

INDEX

OLDER AMERICANS ACT

—Cont'd

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, **29:99**
- Asset transfer penalties
 - generally, **29:90 et seq.**
 - actions not treated as transfers under OBRA, **29:95 to 29:98**
 - apportionment and cure of penalty after OBRA 93, **29:99**
 - jointly-owned property, **29:96**
 - look-back period after OBRA 93, **29:90**
 - Pre-Deficit Reduction Act of 2005, **29:85**
- Fines and penalties. Asset transfer penalties, *supra*
- Impact of Omnibus Budget Reconciliation Act on Medicaid, **29:87**
- Jointly-owned property, asset transfer penalties, **29:96**

OMNIBUS BUDGET

RECONCILIATION ACTS

—Cont'd

- 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 BIG BEAUTIFUL BILL ACT (OBBBA) OF 2025

- Generally, **8:20.50**

ONE-THIRD

- Supplemental Security Income (SSI)** (this index)

ONLINE AUCTIONS

- Consumer issues, **4:32**

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, **2:18**
- Cybersecurity, **2:19**
- 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 in-kind 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)

INDEX

OVERSIGHT

- Nursing homes/facilities, history of federal oversight, **21:16 to 21:20**
- 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, generation-skipping transfer tax, **8:135, 8:160**
- SSI unearned income exclusion, one-third 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, continu-
ing care retirement communi-
ties, 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 administra-
tion, **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 pay-
ment, **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

INDEX

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, entitle-
ment proceedings, **20:95 to**
20:121
 - United States civil service retire-
ment 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, entitle-
ment proceedings, **20:111 to**
20:114
 - United States civil service retire-
ment system, **20:44**
- Age
 - Age Discrimination in Employ-
ment Act, **35:14, 35:32**
 - Railroad Retirement Benefits**
(this index)
 - United States civil service retire-
ment system, **20:6 to 20:11**

PENSIONS AND RETIREMENT —Cont'd

Annuities

- computation of annuities, infra
- disability annuity
 - federal employees' retirement
system, **20:37, 20:38**
 - railroad retirement benefits,
20:69, 20:70
 - United States civil service retire-
ment system, **20:11 to**
20:13
- federal employees' retirement
system, **20:19 to 20:38, 20:48**
to 20:50
- railroad retirement benefits, **20:67**
to 20:121
- supplemental annuity, infra
- survivor annuity, infra
- United States civil service retire-
ment system, **20:1 to 20:18,**
20:39 to 20:47

Appeal and review

- administrative review, supra
- federal employees' retirement
system, **20:50**
- military retirement, **20:64 to 20:66**
- railroad retirement benefits, entitle-
ment proceedings, **20:111 to**
20:115
- United States civil service retire-
ment system, **20:40, 20:41,**
20:44, 20:46, 20:47

Applications

- federal employees' retirement
system, **20:49**
- railroad retirement benefits, **20:95**
to 20:110
- United States civil service retire-
ment system, **20:42, 20:43**

Assignment of benefits

- federal employees' retirement
system, **20:48**
- railroad retirement benefits,
20:119, 20:120

Benefits

- assignment of benefits, supra
- federal employees' retirement
system, **20:19 to 20:38, 20:48**
to 20:50

PENSIONS AND RETIREMENT

—Cont'd

Benefits—Cont'd

Non-service-connected improved survivors pension (formerly death pension) benefits, **17:49**

Railroad Retirement Benefits

(this index)

state and local pension funding, **20:131**

state and local retirement systems, **20:127 to 20:131**

United States civil service retirement system, **20:1 to 20:18, 20:39 to 20:47**

veterans, pension benefits, **17:21 to 17:28, 17:49, 20:51 to 20:66**

Boards

Railroad Retirement Board, administrative review, **20:113, 20:114**

Veterans' retirement benefits, **20:64**

Calculation. Computation of annuities, *infra*

Cancellation or termination

Railroad Retirement Benefits

(this index)

United States civil service retirement system, payment of annuity, **20:17**

Computation of annuities

federal employees' retirement system, **20:31, 20:32**

railroad retirement benefits, **20:81 to 20:84**

United States civil service retirement system, **20:12, 20:13**

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

Contributions

Federal Employees' Retirement System (this index)

state and local retirement systems, **20:125**

United States civil service retirement system, **20:2**

PENSIONS AND RETIREMENT

—Cont'd

Credits and crediting

federal employees' retirement system, creditable service, **20:27**

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**

INDEX

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

- Payment or payments
 - federal employees' retirement system, annuity, **20:24**
- Railroad Retirement Benefits** (this index)
- United States Civil Service Retirement System** (this index)
- Phased retirement, age and service requirements, **20:8**
- Plans
 - distributions, **19:1 et seq.**
 - loans treated as distributions, taxation, **19:109, 19:110**
 - private pension plans, **1:10**
- Private health insurance, **24:40**
- Proceedings. Actions and proceedings, *supra*
- Public pensions, **1:10, 20:1 to 20:131**
- Qualification. Eligibility, *supra*
- Railroad Retirement Benefits** (this index)
- Reconsideration
 - railroad retirement benefits, administrative review, **20:112**
 - United States civil service retirement system, **20:40, 20:46**
- Recovery
 - earning capacity, federal employees' retirement system, **20:38**
 - erroneous payments of benefits, railroad retirement benefits, **20:121**
 - overpayments, United States civil service retirement system, **20:45 to 20:47**
- Reductions. Deductions and reductions, *supra*
- Review. Appeal and review, *supra*
- Separation
 - Federal Employees' Retirement System** (this index)
 - mandatory separation, *supra*
- Social Security** (this index)
- Spouses
 - Federal Employees' Retirement System** (this index)

PENSIONS AND RETIREMENT

—Cont'd

Spouses—Cont'd
military retirement, **20:60, 20:63**

Railroad Retirement Benefits
(this index)

State retirement systems, **20:122 to 20:130**

Supplemental annuity
federal employees' retirement system, **20:22**
railroad retirement benefits, **20:71, 20:88**

Supplemental Security Income (SSI) (this index)

Survivor annuity
federal employees' retirement system, **20:35, 20:36**
railroad retirement benefits, **20:74 to 20:76, 20:83**
United States civil service retirement system, **20:4**

Taxation of distributions from qualified retirement plans. **Income** (this index)

Terminally ill clients, **11:57**

Termination. Cancellation or termination, *supra*

Time or date
deferred matters, *supra*

Railroad Retirement Benefits
(this index)

United States Civil Service Retirement System (this index)

Veterans, pension and retirement benefits, **17:21 to 17:28, 17:49, 20:51 to 20:66**

Waiver
annuity, railroad retirement benefits, **20:117**
overpayment, United States civil service retirement system, **20:46**

Work
federal employees' retirement system, creditable service, **20:27**

Railroad Retirement Benefits
(this index)

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**

INDEX

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, pre-employment 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 HEALTH 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 Health 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 self-settled 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**

INDEX

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 valuation 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 ADMINISTRATION—Cont'd

Lists, **12:2, 12:37**
Location of assets, preliminary step, **12:2**
Marital deduction, **12:4, 12:7, 12:27**
Medical expenses, tax elections, **12:24**
Non-pro rata distributions, administration of estate, **12:48**
Nursing home resident, jurisdiction for probating will, **12:41**
Partial QTIP election, **12:8, 12:10**
Partnership elections, **12:12 to 12:14, 12:33, 12:34**
Percentage tests, special use valuation election, **12:16**
Power of appointment, **12:6, 12:27**
Preliminary steps, **12:2**
Probate of will, **12:41**
Qualification or qualified disclaimer, **12:26**
 domestic trust election, **12:19**
 family-owned business interest deduction, **12:18**
 personal representative, **12:42**
 terminable interest property, **12:6 to 12:10**
Qualified family-owned business interest deduction, **12:18**
Recapture of tax, special use valuation election, **12:17**
Redemption of closely held stock, **12:28 to 12:30**
Refusal to accept interest, qualified disclaimer, **12:26**
Remarriage of surviving spouse, tax elections, **12:20**
Revenue Reconciliation Act of 1989, qualified domestic trust, **12:18**
Reverse QTIP election, **12:10**
Savings bonds, interest, **12:23**
Schedule of distribution to beneficiaries, **12:37**
S corporation tax elections, **12:11**
Settlement of claims, administration of estate, **12:46**
Special use valuation, **12:15 to 12:17**

POSTMORTEM PLANNING AND ADMINISTRATION—Cont'd

- Taxes and taxation
 - checklist, **12:39**
 - disclaimers, **12:26, 12:27**
 - elections, **12:3 et seq.**
 - redemption of closely held stock, **12:28 to 12:30**
 - terminations, QTIP election, **12:10**
- Technical and Miscellaneous Revenue Act of 1988, qualified domestic trust, **12:18**
- Time or date
 - deferring tax liability, **12:31 to 12:36**
 - distribution to beneficiaries, **12:37**
 - medical expenses, **12:24**
 - percentage tests, **12:16**
 - qualified disclaimer, **12:26**
 - recapture of tax, **12:17**
 - redemption of closely held stock, **12:29, 12:30**
 - special use valuation, **12:16, 12:17**
 - valuation date, **12:2 to 12:5**
- U.S. savings bonds, tax election as to interest, **12:23**
- Valuation
 - date, **12:2 to 12:5**
 - fair market value, **12:2, 12:12, 12:15, 12:38**
 - special use valuation, **12:15 to 12:17**
- Wills, administration of estate, **12:41**

POSTNUPTIAL MARITAL AGREEMENTS

- Terminally ill clients, **11:19**

POSTPONEMENT

- Deferral, Delay or Postponement** (this index)

POUR-OVER PROVISIONS

- Wills, **10:43 to 10:45**

POVERTY

- Poor Persons** (this index)

POWER

- Authority and Authorization** (this 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**

INDEX

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, **2:7**

Grandparents' rights, **37:26, 37:29, 37:31**

Medicaid, asset transfer, presumption of penalty, **29:100**

Mental capacity or condition, attorneys' presumptions as to clients' capacity, **2:7**

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**

INDEX

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, **4:48**
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 in-kind 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, **4:48**

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, **29:97**

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**

QTIP

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**

INDEX

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, **2:12**

QUESTIONS

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**

INDEX

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

- Absence from residence, exclusion of gain on sale or exchange of principal residence, **7:22**
- Adjustments to basis. Basis, infra
- Agricultural property, **7:1**
- Basis
 - generally, **7:3, 7:6 to 7:18**
 - adjustments to basis
 - generally, **7:4, 7:7 to 7:12**
 - community property, **7:11**
 - post-1981 decedents, **7:9, 7:10**
 - pre-1982 decedents, **7:8**
 - reduction of tax burden on surviving spouse, **7:10**
 - surviving spouses, generally, **7:6, 7:7, 7:10**
 - unmarried cotenants, **7:12**
 - community property, **7:11, 7:14**
 - gift, appreciated property acquired by decedent by gift within one year of death, **7:13**
 - institutionalized spouse, transfer of interests of, **7:14, 7:18**
 - life estate, transfer with reservation of, **7:15 to 7:18**
 - post-1981 decedents, **7:9, 7:10**
 - pre-1982 decedents, **7:8**
 - reduction of tax burden on surviving spouse, **7:10**
 - retaining and renting former principal residence, **7:34**
 - stepped-up basis rules, **7:6, 7:13, 7:17, 7:35**
 - surviving spouses, generally, **7:7, 7:10**
 - taxes, infra
 - unmarried cotenants, **7:12**
 - valuing life estate and remainder, **7:17**
- Capital gains and losses, **7:5**
- Casualty losses, determining adjusted basis of property, **7:4**
- Community property
 - adjustments to basis, **7:11**
 - institutionalized spouse, transfer of interest to community spouse, **7:14**
- Condominiums, **7:30**

INDEX

REAL PROPERTY—Cont'd

- Conservation easements, **7:1**
- Cooperative housing corporations, stockholders, **7:21**
- Deduction of state and local income tax payments, **7:25**
- Deeds, transfer on death deeds, **7:46, 7:47**
- Definitions
 - elderly homeowner, **7:30**
 - home equity conversion mortgage, **7:30**
 - homeowner, **7:32**
 - qualified joint interests, **7:9**
- Depreciation deductions, determining adjusted basis of property, **7:4, 7:35**
- Easements, determining adjusted basis of property, **7:4**
- Estimated tax payments, **7:23**
- Exclusion of gain on sale or exchange of principal residence, **7:19 to 7:22**
- Family limited partnerships, **7:1**
- Federal tax rates, **7:5**
- Financial planning, generally, **7:1 to 7:47**
- First-time home buyer, penalty taxes on premature distributions from qualified retirement plans or IRAs, **19:73**
- Gifts
 - one year of death, basis in appreciated property acquired by decedent by gift within, **7:13**
 - valuing life estate and remainder, **7:17**
- Holding period and federal tax rates, **7:5**
- Home equity conversions
 - generally, **7:27 to 7:33**
 - annual statements, **7:33**
 - counseling of borrowers, **7:31**
 - insurance, home equity conversion mortgage insurance, **7:30 to 7:33**
 - public versus private sector loans, **7:29**
 - safeguards for homeowners, **7:32**

REAL PROPERTY—Cont'd

- Home equity conversions—Cont'd
 - types of plans, **7:28, 7:29**
- Houseboats, **7:21**
- Improvements, determining adjusted basis of property, **7:4**
- Institutionalized spouse
 - tax relief for elderly taxpayers, **7:42**
 - transfer of interests of, **7:14, 7:18**
- Insurance
 - adjusted basis of property, determining, **7:4**
 - home equity conversion mortgage insurance, **7:30 to 7:33**
- Life estates
 - tax relief for elderly taxpayers, **7:43**
 - transfer with reservation of, **7:15 to 7:18**
- Limitation to one sale or exchange of principal residence every two years, **7:21**
- Medicaid, consideration of, **7:1, 7:14, 7:15, 7:34**
- Medicare Catastrophic Coverage Act, income-producing real estate, exempt or excluded assets, **29:74**
- Mental capacity or condition.
 - Institutionalized spouse, *supra*
- Mortgages
 - home equity conversion mortgage insurance, **7:30 to 7:33**
 - reverse mortgages, **4:24, 7:27, 7:28, 7:29**
 - second mortgages, **7:8**
- Moving expenses, determining adjusted basis of property, **7:4**
- Overview of elder law, **1:12**
- Penalty for underpayment of estimated taxes, **7:23**
- Planning, generally, **7:1 to 7:47**
- Post-1981 decedents, adjustments to basis, **7:9, 7:10**
- Pre-1982 decedents, adjustments to basis, **7:8**
- Presumptions and burden of proof
 - adjusted basis of property, **7:3**

REAL PROPERTY—Cont'd

- Presumptions and burden of proof
 - Cont'd
 - community property interests, **7:11**
 - unmarried cotenants, **7:12**
- Rental of residence. **Rental Property and Rents** (this index)
- Repair costs, determining adjusted basis of property, **7:4**
- Reporting real estate transactions to IRS, **7:26**
- Retaining and renting former principal residence, **7:34 to 7:36**
- Rights-of-way, determining adjusted basis of property, **7:4**
- Sales and exchanges
 - exclusion of gain on sale or exchange of principal residence, **7:19 to 7:22**
 - limitation to one sale or exchange of principal residence every two years, **7:21**
 - rental use, sale of principal residence after, **7:36**
- Second mortgages, **7:8**
- Stepped-up basis rules, **7:6, 7:13, 7:17, 7:35**
- Surviving spouses, adjustments to basis, **7:6, 7:7, 7:10**
- Taxation
 - relief for elderly individuals, generally, **4:47**
 - SSI unearned income exclusion, real property tax refunds, **16:64**
- Taxes
 - age and residence, **7:41**
 - basis of property
 - “cost” of property, determining, **7:3**
 - reduction of tax burden on surviving spouse, **7:10**
 - circuit breaker statutes, **7:38 to 7:42**
 - client interview form, **7:45**
 - constitutional issues, **7:39**
 - deduction of state and local income 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, **7:17**
- Wills, interests bequests, **10:54**
- REASONABLENESS**
 - 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

INDEX

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)

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, **29:73**

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**

INDEX

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, **2:15**

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, **29:75**

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 plan-
ning, **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)

REVOCAION

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 mainte-
nance, **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**

INDEX

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 in-kind 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, **2:20 to 2:23**

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 administra-
tion, **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, alle-
gation in complaint for disallow-
ance 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 quali-
fied 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

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, **29:68**

SSI, unearned income exclusion of income used to fulfill plan of self-support, **16:74**

SEMINARS

Attorneys, **2:22**

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, **4:31**

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 (SECURE)

Distributions from qualified retirement plans and IRAs, **19:9.70, 19:82**

SETTLED TRUSTS

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, **29:59 to 29:61, 29:65**

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**

INDEX

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 age-reduced 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

- Benefit adjustments—Cont'd
 - misconduct or nonresidence of claimant—Cont'd
 - rehabilitation services and the Ticket to Work Program, **15:202**
 - subversive activity, recalculation of benefits due to conviction for, **15:203**
 - other entitlements, effect of
 - generally, **15:173 to 15:179**
 - disability or old-age benefit and another benefit, entitlement to, **15:173**
 - government pension, entitlement to, **15:176**
 - old-age benefit and disability benefit, entitlement to, **15:175**
 - public disability benefits, entitlement to, **15:177, 15:178**
 - Supplemental Security Income (SSI) benefits, entitlement to, **15:179**
 - widow's or widower's benefit and another benefit, entitlement to, **15:174**
 - workers' compensation, entitlement to, **15:177**
- post-retirement earnings, effect of
 - generally, **15:190 to 15:198**
 - annual report requirement, **15:196, 15:197**
 - charging excess earnings, **15:194**
 - deduction in benefit for excess earnings, **15:190**
 - divorced spouse, applicability of excess earnings deduction to, **15:191**
 - earnings subject to deduction, **15:192**
 - earnings that are not counted, **15:195**
 - exempt amount of earnings, **15:193**
 - penalty deduction for failure to file annual report, **15:197**

SOCIAL SECURITY—Cont'd

- Benefit adjustments—Cont'd
 - simultaneous entitlement to age-reduced benefit and other Social Security benefit, reduction for, **15:181**
 - technical adjustments
 - generally, **15:162 to 15:168**
 - catch-up cost-of-living increases, **15:165**
 - cost-of-living increases, **15:163, 15:165**
 - publication, **15:164**
 - recalculations, **15:168**
 - recomputations, **15:166, 15:167**
 - windfall reduction applicable to claimant with significant noncovered employment, **15:162**
- Benefit computation
 - generally, **15:147 to 15:207**
 - adjustments. Benefit adjustments, *supra*
 - average indexed monthly earnings (AIME) computation method
 - generally, **15:153 to 15:158**
 - average of total wages, **15:155**
 - bend point formula, application of to average indexed monthly earning, **15:157**
 - computation of average indexed monthly earnings, **15:156**
 - indexing year, **15:154**
 - average-monthly-wage (AMW) computation method, **15:159**
 - base years, computation of, **15:151**
 - benchmark years, **15:149**
 - benefit computation years, **15:152**
 - elapsed years, **15:150**
 - guaranteed alternative computation method, **15:160**
 - prior disability, alternative methods for computation for claimants with, **15:161**
 - rounding of benefits, **15:148**
- Benefit programs, generally
 - generally, **15:68 et seq.**
 - children, **15:79 to 15:84**

SOCIAL SECURITY—Cont'd

- Benefit programs, generally—Cont'd
 - intentional act causing insured's death, **15:106**
 - lump-sum death benefits, **15:102 to 15:105**
 - mothers and fathers, **15:95, 15:96**
 - parents, **15:97 to 15:101**
 - spouses, **15:72 to 15:78**
 - widows, widowers, and surviving divorced spouses, **15:85 to 15:94**
 - workers, **15:68 to 15:71, 15:107 to 15:109**
- Benefits, see lines throughout this topic
- Blindness, **15:115, 15:130**
- Burden of proof. Presumptions and burden of proof, *infra*
- Cancellation of disabled worker's benefits, **15:121**
- Children
 - generally, **15:79 to 15:84**
 - amount of benefits, **15:83**
 - definition of child, **15:80**
 - dependency requirement, **15:81**
 - disabled child, entitlement to benefits as, **15:82**
 - duration of benefits, **15:83**
 - entitlement to child's benefits, **15:79, 15:82**
- Combination of impairments, **15:127**
- Commencement of disabled worker's benefits, **15:120**
- Common-law marriage, proof of marital status, **15:65**
- Constitutional law
 - different standards for corrections by self-employed individuals and wage earning individuals, **15:25**
 - validity of OASDI, **15:3**
- Construction and interpretation of Social Security Act, **15:4, 15:5**
- Cost-of-living increases, **15:163, 15:165**
- Credits and crediting. Quarters of coverage, *infra*

INDEX

SOCIAL SECURITY—Cont'd

- Crimes and offenses
 - felony, impairments arising from commission of, **15:129**
 - imprisonment of claimant, nonpayment of benefits due to, **15:204**
 - subversive activity, recalculation of benefits due to conviction for, **15:203**
- Currently insured status
 - generally, **15:38 to 15:40**
 - defined, **15:38**
 - disability, effect of, **15:40**
 - quarters of coverage required, **15:39**
- Date. Time, *infra*
- Death
 - burden of proving presumption of death, **15:109**
 - intentional act causing insured's death, **15:106**
 - preferred evidence of death, **15:107**
 - presumption of death, **15:108, 15:109**
 - survivors, *infra*
- Definitions
 - child, **15:80**
 - divorced spouse, **15:89**
 - evidence, **15:133**
 - period of disability, **15:54**
 - quarter of coverage, **15:41**
 - spouse, **15:73**
- Deportation or residence outside U.S., nonpayment of benefits due to, **15:205**
- Disability
 - benefits, generally, see lines throughout this topic
 - blindness, **15:115, 15:130**
 - discrimination law, status as qualified individual with disability, **36:40**
 - eligibility. Disability, effect of on eligibility for benefits, *infra*
- Disability, effect of on eligibility for benefits
 - generally, **15:54 to 15:59**

SOCIAL SECURITY—Cont'd

- Disability, effect of on eligibility for benefits—Cont'd
 - beginning of period of disability, **15:58**
 - currently insured status, **15:40**
 - ending of period of disability, **15:59**
 - filing, **15:55**
 - fully insured status, **15:37**
 - mental condition, failure to file due to, **15:57**
 - physical condition, failure to file due to, **15:57**
 - requirements of eligibility, **15:55**
 - status, disability insured status, **15:56**
- Divorced spouse
 - entitlement to spouse's benefits, **15:76**
 - post-retirement earnings, effect of, **15:191**
 - surviving divorced spouses.
 - Widows, widowers, and surviving divorced spouses, benefit programs for, *infra*
- Drug addiction, effect of, **15:131**
- Duration of disability, **15:125**
- Earnings records
 - generally, **15:8 to 15:11**
 - absence of wages entry, **15:16**
 - allocation of wages and self-employment income, **15:20**
 - conforming records to state wage reports, **15:21**
 - contents and process of request for correction of earnings record, **15:28**
 - correction of mistakes in earnings records, generally, **15:12 to 15:32**
 - evidence
 - federal employees, evidence of correct earnings for, **15:26**
 - presumptive or conclusive evidence, **15:16**
 - weight of earnings records, **15:15**

SOCIAL SECURITY—Cont'd

Earnings records—Cont'd

- expiration of time limitation for requesting correction of earning record, correction after, **15:17, 15:19**
- federal employees, evidence of correct earnings for, **15:26**
- fraud, correction of earnings record due to, **15:19**
- hearing, right to, **15:32**
- initiation of corrections by SSA, **15:14**
- investigation beginning prior to expiration of time limitation for requesting correction of earning record, **15:18**
- investigation by SSA of requests for correction of earnings record, **15:30**
- notice of SSA correction of earnings record, **15:31**
- presumptive or conclusive evidence, **15:16**
- procedure for correction of earnings records, generally, **15:27 to 15:32**
- report of earnings, incorrectly reported earnings, **15:12**
- review by court, right to, **15:32**
- self-employment income, **15:20, 15:24, 15:25**
- statute, wage payments under, **15:22**
- substantive law of correction of earnings records, generally, **15:12 to 15:26**
- tax returns, correcting SSA records to agree with, **15:23, 15:24**
- time limitation for requesting correction of earning record, **15:13, 15:17, 15:18**
- timing of request for correction of earnings record, **15:29**

Employers and employees. Workers, *infra*

Entitlement to disability benefits

- generally, **15:110 to 15:121**
- age 31
 - becoming disabled before age 31, **15:113**

SOCIAL SECURITY—Cont'd

Entitlement to disability benefits

—Cont'd

- age 31—Cont'd
 - period of disability before age 31, **15:114**
- amount of disabled worker's benefits, **15:119**
- blind claimants, **15:115**
- commencement of disabled worker's benefits, **15:120**
- counting quarters of coverage, **15:117**
- determination of disability insured status, **15:111**
- disabled worker, entitlement as, **15:110**
- fully insured status for disability purposes, **15:116**
- termination of disabled worker's benefits, **15:121**
- 20/40 test, **15:112**
- waiting period, **15:118**

Evidence

- generally, **15:133 to 15:139**
- age, proof of, **15:60, 15:61**
- child "in care," evidence of status as, **15:75**
- death, preferred evidence of, **15:107**
- definition of evidence, **15:133**
- earnings records, *supra*
- failure to submit required evidence, **15:138**
- marital status, proof of, *infra*
- medical evidence, **15:135**
- other governmental determinations, effect of, **15:139**
- presumptions and burden of proof, *infra*
- SSA responsibilities, **15:136**
- where to submit evidence, **15:137**

False or misleading statements, suspension of benefits due to, **15:207**

Felony, impairments arising from commission of, **15:129**

Filing

- disability, effect of on eligibility for benefits, **15:55**

INDEX

SOCIAL SECURITY—Cont'd

- Filing—Cont'd
 - earnings records, filing request for correction of earnings record, **15:27**
- Foreign country
 - deduction for noncovered work outside U.S., **15:199 to 15:201**
 - deportation or residence outside U.S., nonpayment of benefits due to, **15:205**
- Former rules for surviving spouses and surviving divorced spouses, **15:128**
- Fraud, **15:19**
- Fully insured status
 - generally, **15:33 to 15:37**
 - benefits obtainable, **15:35**
 - period of disability, effect of, **15:37**
 - quarters of coverage required, **15:36**
- Government pension, entitlement to, **15:176**
- Imprisonment of claimant, nonpayment of benefits due to, **15:204**
- Income
 - base amount, **6:58, 6:59**
 - benefits, **6:57 to 6:61**
 - corporate directors, tax, **6:64**
 - filing status, **6:58**
 - modified adjusted gross income, **6:59, 6:60**
 - nonqualified deferred compensation plans, tax, **6:63**
 - self-employment income, infra tax, **6:62 to 6:64**
- Information available in earnings records, **15:11**
- Intentional act causing insured's death, **15:106**
- Legal framework of OASDI, **15:2**
- Liberal construction of Social Security Act, **15:123**
- Lump-sum death benefits
 - generally, **15:102 to 15:105**
 - amount of lump-sum payment, **15:103**

SOCIAL SECURITY—Cont'd

- Lump-sum death benefits—Cont'd
 - application requirement, **15:104**
 - entitlement to lump-sum death benefits, **15:102**
 - preclusion of payment of lump-sum death benefit, **15:105**
- Marital status, proof of
 - generally, **15:62 to 15:67**
 - common-law marriage, **15:65**
 - deemed valid marriage, **15:66**
 - state law, applicability of, **15:63**
 - termination of marriage, **15:67**
 - valid ceremonial marriage, **15:64**
- Maximums and minimums
 - generally, **15:169 to 15:172**
 - maximum family benefit, **15:170**
 - minimum PIA, **15:169**
 - quarters of coverage, maximum taxable wages or income, **15:44, 15:50**
 - reduction, application of, **15:171**
 - savings clauses, **15:172**
 - self-employment income, maximum taxable self-employment income plus wages, **15:50**
- Medicare** (this index)
- Mental condition, failure to file due to, **15:57**
- Minimums. Maximums and minimums, *supra*
- Minors. Children, *supra*
- Mothers and fathers, benefit programs for, **15:95, 15:96**
- Notice of SSA correction of earnings record, **15:31**
- Number or amount. Maximums and minimums, *supra*
- OASDI
 - generally, see lines throughout this topic
 - Social Security Administration** (this index)
 - special needs trusts do not impact all public benefits, **16:98**
- Obtaining earnings records, **15:9, 15:10**
- Offenses. Crimes and offenses, *supra*

SOCIAL SECURITY—Cont'd

- Old age benefits, generally, see lines throughout this topic
- Onset date of disability, **15:124**
- Operating Manuals of SSA, **15:7**
- Overview of elder law, **1:10**
- Parents, benefit programs for
 - generally, **15:97 to 15:101**
 - amount of benefits, **15:100**
 - duration of benefits, **15:101**
 - entitlement to parent's benefits, **15:97**
 - relationship of claimant to insured person, **15:98**
 - support requirement, **15:99**
- Payment
 - benefits, see lines throughout this group
 - deportation or residence outside U.S., nonpayment of benefits due to, **15:205**
 - imprisonment of claimant, nonpayment of benefits due to, **15:204**
 - retirement age, reduction for payment before, **15:180**
- Pensions and retirement
 - delayed retirement, increase in benefit for, **15:187 to 15:189**
 - suspension of benefits, effect of post-retirement earnings, **15:198**
- Presumptions and burden of proof
 - death, presumption of, **15:108, 15:109**
 - earnings records, **15:16**
- Prior determination of non-disability, effect of, **15:132**
- Proof. Evidence, supra
- Quarters of coverage
 - generally, **15:41 to 15:53**
 - Agricultural Labor Law after 1954 and before 1978, **15:52, 15:53**
 - assessment of quarters of coverage to specific quarters, **15:47**
 - crediting on calendar year basis, wages after 1977, **15:45**
 - crediting on quarterly basis, wages before 1978, **15:43**

SOCIAL SECURITY—Cont'd

- Quarters of coverage—Cont'd
 - crediting quarters of coverage for agricultural labor, **15:52**
 - currently insured status, **15:39**
 - definition of quarter of coverage, **15:41**
 - exclusion of quarters, **15:42**
 - fully insured status, **15:36**
 - maximum taxable wages or income, **15:44, 15:50**
 - national increases in average wages, earnings for quarters of coverage in future years tied to, **15:46**
 - 1977, wages or income after, **15:45 to 15:47, 15:51**
 - 1978, wages or income before, **15:43, 15:44, 15:49**
 - reassignment of quarters of coverage for agricultural labor, **15:53**
 - self-employment income
 - generally, **15:48 to 15:51**
 - allocating self-employment income earned after 1977, **15:51**
 - maximum taxable self-employment income plus wages, **15:50**
 - minimum income requirements, **15:48**
 - 1978, income earned before, **15:49**
- Records. Earnings records, supra
- Refusal of treatment, effect of, **15:126**
- Rehabilitation services and the Ticket to Work Program, **15:202**
- Remarriage, effect on entitlement to programs for widows, widowers, and surviving divorced spouses, **15:86**
- Reports
 - earnings records
 - conforming records to state wage reports, **15:21**
 - incorrectly reported earnings, **15:12**

INDEX

SOCIAL SECURITY—Cont'd

- Reports—Cont'd
 - post-retirement earnings, annual report requirement, **15:196, 15:197**
- Request. Application or request, *supra*
- Residual functional capacity, **15:144**
- Retirement. Pensions and retirement, *supra*
- Retirement age, reduction for payment before, **15:180**
- Retroactive social security benefits, counting unearned income for SSI, **16:61**
- Rounding of benefits, computation of benefits, **15:148**
- Rules and regulations, **15:6**
- Rulings, **15:7**
- Savings clauses, minimum and maximum amounts, **15:172**
- Self-employment income
 - generally, **15:48 to 15:51**
 - allocating self-employment income earned after 1977, **15:51**
 - earnings records, **15:20, 15:24, 15:25**
 - maximum taxable self-employment income plus wages, **15:50**
 - minimum income requirements, **15:48**
 - 1978, income earned before, **15:49**
- Sequential evaluation of disability
 - generally, **15:140 to 15:146**
 - any other work, ability to perform, **15:145**
 - burden of persuasion, **15:146**
 - listing of impairment, **15:143**
 - past relevant work, ability to perform, **15:144**
 - residual functional capacity, **15:144**
 - severity of impairment, **15:142**
 - substantial gainful activity, **15:141**
- Severity of impairment, **15:142**
- Social Security Administration** (this index)
- Special Needs Trusts** (this index)

SOCIAL SECURITY—Cont'd

- Spouses
 - generally, **15:72 to 15:78**
 - amount of benefits, **15:77**
 - child “in care” requirement, **15:74, 15:75**
 - divorced spouses, *supra*
 - duration of benefits, **15:78**
 - entitlement to spouse’s benefits, **15:72**
 - evidence of status as child “in care,” **15:75**
- Standards for disability determination, generally, **15:122 to 15:132**
- State or states
 - earnings records, conforming records to state wage reports, **15:21**
 - marital status, proof of, **15:63**
- Subversive activity, recalculation of benefits due to conviction for, **15:203**
- Supplemental Security Income (SSI)** (this index)
- Support requirement, parents’ benefit programs, **15:99**
- Survivors
 - benefits, generally, see lines throughout this topic
 - widows, widowers, and surviving divorced spouses, benefit programs for, *infra*
- Suspension of benefits
 - false or misleading statements, suspension of benefits due to, **15:207**
 - post-retirement earnings, effect of, **15:198**
- Tax returns, correcting SSA records to agree with, **15:23, 15:24**
- Time
 - commencement of disabled worker’s benefits, **15:120**
 - earnings records, time limitation for requesting correction of earning record, **15:13, 15:17, 15:18**
 - onset date of disability, **15:124**

SOCIAL SECURITY—Cont'd

Time—Cont'd

waiting period, entitlement to disability benefits, **15:118**

year or years, *infra*

Vision and visual impairment, **15:115, 15:130**

Waiting period, entitlement to disability benefits, **15:118**

Weight of SSA's interpretation of the Social Security Act, **15:5**

Widows, widowers, and surviving divorced spouses, benefit programs for

generally, **15:85 to 15:94**

amount of benefits, **15:92**

application requirement, **15:87**

deemed widow or widower, **15:90**

definitions

divorced spouse, **15:89**

widow or widower, **15:88**

disabled surviving spouse, duration of benefits for, **15:94**

duration of benefits, **15:93, 15:94**

entitlement to surviving spouse's or surviving divorced spouse's benefits, **15:85**

remarriage, effect on entitlement, **15:86**

time during which disability must begin, **15:91**

Windfall reduction applicable to claimant with significant noncovered employment, **15:162**

Workers

generally, **15:68 to 15:71, 15:107 to 15:109**

amount of benefits, **15:70**

burden of proving presumption of death, **15:109**

duration of benefits, **15:71**

earnings records, *supra* entitlement to old-age benefits, **15:68**

establishing death of worker, **15:107 to 15:109**

preferred evidence of death, **15:107**

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**

INDEX

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 hear-
ing, **18:147**

issuance of recommended deci-
sion, remand by Appeals
Council, **18:172**

opening statement at administra-
tive 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 Secu-
rity Act, **18:51 to 18:60,**
18:74

exhaustion of administrative reme-
dies, final decision require-
ment 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 com-
plaint 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

ADMINISTRATION—Cont'd

Agreements—Cont'd

Security Act, **18:73**

expedited appeals process,
administrative review, **18:107**

ALJ. Administrative law judge, *supra*

Allegations in complaints, judicial
review, **18:224, 18:226, 18:228,**
18:229

Amount

attorney's fees, **18:52, 18:65 to**
18:67, 18:80

past-due benefits, attorney's fees
under Social Security Act,
18:56

Appeal and review

administrative review, **18:35,**
18:88 to 18:189

Appeals Council, **18:134, 18:155**
to 18:179

attorney's fees, **18:58 to 18:60,**
18:63, 18:85

extension of time for filing, **18:94**
to 18:98

judicial review. Courts and judicial
matters, *infra*
streamlined approval process,
attorney's fees under Social
Security Act, **18:63**

Appeals Council, **18:134, 18:155 to**
18:179

Appearance, administrative hearings,
18:136 to 18:138

Application or applicability

OASDI rules to Medicare eligibil-
ity reconsiderations,
administrative review, **18:181**

presumption of death erroneously
not applied, allegation in
complaint for disallowance of
benefits, judicial review,
18:229

res judicata erroneously applied,
allegation in complaint for
disallowance of benefits,
judicial review, **18:224**

Applications

attorney's fees under Equal Access
to Justice Act, **18:83 to 18:85**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- Applications—Cont'd
 - dismissal of request
 - administrative hearing, **18:132**
 - Appeals Council review, **18:170**
 - filing, *infra*
 - limitations on authority of representative to sign application for benefits, **18:49**
 - OASDI or SSI benefits, generally, **18:1 to 18:24**
 - petitions, *infra*
 - requests, *infra*
- Appointments clause objections to administrative law judge, **18:119**
- Approval or acceptance
 - attorney's fees under Social Security Act, **18:51, 18:61 to 18:63**
 - circumstances in which "Sentence Six" remand may be granted, judicial review, **18:206**
 - complaints for disallowance of benefits, judicial review, **18:223 to 18:229**
 - exception to decision of administrative law judge rejected, Appeals Council review, **18:177**
 - presumption of death erroneously refused application, allegation in complaint for disallowance of benefits, judicial review, **18:229**
 - request for Appeals Council review denied, **18:157**
 - self-employment income erroneously refused credit, allegation in complaint for disallowance of benefits, judicial review, **18:226**
- Assignment
 - case assigned to magistrate, judicial review, **18:199**
 - OASDI or SSI benefits, **18:40**
- Assumption of jurisdiction by Appeals Council, court remand 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 18:88**
 - 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**

INDEX

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 18:88**

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

ADMINISTRATION—Cont'd

Courts and judicial matters—Cont'd remand cases, **18:174 to 18:179**

attorney's fees under Social Security Act at judicial level, **18:64 to 18:73, 18:75**

review

generally, **18:190 to 18:229**

availability of judicial review, attorney's fees under Social Security Act, **18:60**

Court of Appeals, appeal to, **18:208**

extension of time to file for judicial review, **18:97, 18:98**

Cover letter from attorney, filing date of application for OASDI or SSI benefits based on written statement, **18:11**

Credibility determinations, administrative hearings, **18:151**

Date. Time or date, *infra*

Death

complaints for disallowance of benefits, judicial review, **18:227 to 18:229**

OASDI, generally, **18:1 to 18:229**

signing application for OASDI or SSI benefits, death of claimant, **18:5**

substitution for deceased claimant, judicial review, **18:218**

Decisions

administrative law judge, *supra* Appeals Council review, **18:173**

determinations, *infra*

distinction between determination and decision, administrative review, **18:90**

final decision, *infra*

finality of decisions, administrative review, **18:108**

on-the-record decision, administrative hearings, **18:139**

revised decision notice, administrative review, **18:188**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- Default judgment against Commissioner, availability on judicial review, **18:200**
- Denial. Approval or acceptance, *supra*
- Determinations
 - attorney's fees under Social Security Act, **18:55 to 18:57, 18:67, 18:71 to 18:73**
 - credibility determinations, administrative hearings, **18:151**
 - decisions, *supra*
 - distinction between determination and decision, administrative review, **18:90**
 - finality of determinations, administrative review, **18:108**
 - initial determination, *infra*
 - notice, *infra*
 - overpayment of SSI benefits, **18:31**
 - reopening and revision of determinations, administrative review, **18:180 to 18:189**
- Development of record by administrative law judge, unrepresented claimants, **18:145**
- Direct payment from past-due benefits, attorney's fees under Social Security Act, **18:74 to 18:77**
- Disallowance. Approval or acceptance, *supra*
- Discovery, administrative hearings, **18:123 to 18:125**
- Dismissal
 - administrative hearing request, **18:131 to 18:133**
 - affidavit in opposition to motion to dismiss complaint for failure to exhaust administrative remedies, final decision requirement for judicial review, **18:213**
 - Appeals Council review request, **18:169, 18:170**
- Disposition
 - payment, OASDI or SSI benefits, **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 18:88**
- 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 18:88**
- 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,

INDEX

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, allega-
tion in complaint for disal-
lowance 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 reme-
dies, judicial review, **18:211 to**
18:213

SOCIAL SECURITY

ADMINISTRATION—Cont'd

Expedited appeals process,
administrative review, **18:104 to**
18:107

Extension of time for filing, appeal
and review, **18:94 to 18:98**

Failure to exhaust administrative
remedies, judicial review,
18:213

Failure to give evidence requested to
support claim for OASDI
benefits, **18:23**

Failure to make timely request for
attorney's fees under Social
Security Act, **18:59**

Fair hearing, unrepresented
claimant's right, **18:144, 18:145**

Fees. Costs and fees, *supra*

Filing

action, judicial review, **18:195**
administrative appeal, **18:93 to**
18:96

applications

attorney's fees under Equal
Access to Justice Act,
18:84, 18:85

OASDI or SSI benefits, **18:1 to**
18:18

briefs, Appeals Council review,
18:163 to 18:165

complaints, judicial review, **18:222**
to 18:229

duty of attorney to file under Equal
Access to Justice Act,
attorney's fees, **18:87**

exception to decision of
administrative law judge,
Appeals Council review,
18:176

extension of time for filing, appeal
and review, **18:94 to 18:98**

judicial review, **18:97, 18:98**

letter requesting consolidation of
claims and prior filings,
administrative hearings,
18:141

petition for attorney's fees under
Social Security Act, **18:68,**
18:69

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- Filing—Cont'd
 - requests
 - administrative hearings, **18:113, 18:114**
 - direct payment from past-due benefits, attorney's fees under Social Security Act, **18:77**
 - expedited appeals process, administrative review, **18:105**
 - petition for extension of time to file request, administrative appeals, **18:95, 18:96**
 - time or date, *infra*
- Final decision
 - Commissioner's final decision after remand, Appeals Council review, **18:179**
 - requirement for judicial review, **18:209 to 18:214**
- Finality of determinations and decisions, administrative review, **18:108**
- Formal conference to reconsider initial determination, request, **18:103**
- Format of decision of administrative law judge, administrative hearings, **18:154**
- Forms
 - affidavit in opposition to motion to dismiss complaint for failure to exhaust administrative remedies, final decision requirement for judicial review, **18:213**
 - Appeals Council review request, **18:156**
 - brief filing request, Appeals Council review, **18:164**
 - complaints, judicial review, **18:223 to 18:229**
 - copy of record request, Appeals Council review, **18:162**
 - dismissal of hearing request 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**

INDEX

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

- Judgments
 - availability of default judgment against Commissioner, judicial review, **18:200**
 - summary judgment, judicial review, **18:202**
- Judicial matters. Courts and judicial matters, supra
- Jurisdiction
 - assumption of jurisdiction by Appeals Council, court remand cases, **18:178**
 - exception for statutory mandamus jurisdiction, exclusive nature of Social Security Act's provisions for judicial review, **18:192**
- Lawyers. Attorneys, supra
- Letters
 - consolidation of claims and prior filings, administrative hearings, **18:141**
 - cover letter from attorney, filing date of application for OASDI or SSI benefits based on written statement, **18:11**
 - presence of witness requested, administrative hearings, **18:125**
 - reconsideration request, administrative review, **18:102**
- Limitations
 - amount of attorney's fees under Social Security Act, **18:52, 18:65, 18:66**
 - authority of representative to sign application, OASDI or SSI claimants, **18:49**
 - effective period of application for OASDI benefits, **18:17**
 - time for reopening of determination, administrative review, **18:186**
- Location. Place, infra
- Magistrate judge, assignment of judicial case to, **18:199**
- Medicare
 - applicability of OASDI rules to Medicare eligibility

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- Medicare—Cont'd
 - reconsiderations, administrative review, **18:181**
 - relationship to Medicare, applications for OASDI or SSI benefits, **18:2**
- Misinformation from Administration, effective period of applications for OASDI or SSI benefits, **18:19**
- Mootness, judicial review, **18:193**
- Motions
 - affidavit in opposition to motion to dismiss complaint for failure to exhaust administrative remedies, final decision requirement for judicial review, **18:213**
 - own motion, Appeals Council review, **18:158**
 - proceed in forma pauperis, judicial review, **18:196**
 - summary judgment, judicial review, **18:202**
- New application not required, OASDI or SSI benefits, **18:3**
- New issue, request to consider at administrative hearing, **18:121**
- Non-attorney representative
 - administrative hearings, **18:146**
 - direct payment from past-due benefits, attorney's fees under Social Security Act, **18:76**
- Nondesignated person, signing application for OASDI or SSI benefits, **18:6**
- Notice
 - administrative hearings, **18:115 to 18:122**
 - Appeals Council review, **18:160**
 - determinations
 - attorney's fees under Social Security Act, **18:57**
 - overpayment of SSI benefits, **18:31**
 - objections, administrative hearings, **18:120, 18:122**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- 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

INDEX

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**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- 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 18:88**
 - 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**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- 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**

INDEX

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

ADMINISTRATION—Cont'd

- Service—Cont'd
 - process, judicial review, **18:197**
- Services, attorney's fees under Equal Access to Justice Act, **18:82**
- Signatures, applications for OASDI or SSI benefits, **18:4 to 18:7, 18:49**
- Social Security Act
 - attorney's fees, **18:50 to 18:77, 18:86 to 18:88**
 - exclusive nature of Social Security Act's provisions for judicial review, **18:191, 18:192**
- Source of payment, attorney's fees under Equal Access to Justice Act, **18:79**
- Spouses, complaints for disallowance of benefits, judicial review, **18:227, 18:228**
- SSI, generally, **18:1 to 18:229**
- Standards
 - judicial review, **18:203**
 - substantial justification standard, attorney's fees under Equal Access to Justice Act, **18:81**
- Standing, judicial review, **18:215 to 18:217**
- State
 - agency, judicial review, **18:216**
- Statements
 - opening statement of administrative law judge at administrative hearing, **18:147**
 - written statement, filing date of application for OASDI or SSI benefits based on, **18:9 to 18:11**
- Statutes
 - Equal Access to Justice Act, attorney's fees, **18:78 to 18:88**
 - judicial review, **18:190 et seq.**
 - Social Security Act, *supra*
- Stepchild, complaint for disallowance of benefits, judicial review, **18:227**
- Steps in administrative review process, **18:89**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- Streamlined approval process, attorney's fees under Social Security Act, **18:61 to 18:63**
- Sua sponte Appeals Council review, **18:158**
- Submission of original records and copies, evidence required to support claim for OASDI benefits, **18:21**
- Submitting case for disposition, judicial review, **18:201, 18:202**
- Subpoenas, administrative hearings, **18:124**
- Substantial justification standard, attorney's fees under Equal Access to Justice Act, **18:81**
- Substitution for deceased claimant, judicial review, **18:218**
- Summary judgment, judicial review, **18:202**
- Survival of actions, judicial review, **18:218**
- Taxes and taxation
 - OASDI benefits, **18:41**
 - refund offset, overpayment of OASDI or SSI benefits, **18:32**
- Time or date
 - effective period of applications for OASDI or SSI benefits, **18:15 to 18:19**
 - expedited appeals process, administrative review, **18:104 to 18:107**
 - extension of time for filing, appeal and review, **18:94 to 18:98**
 - failure to make timely request, attorney's fees under Social Security Act, **18:59**
- filing
 - administrative appeal, **18:93 to 18:96**
 - application for OASDI or SSI benefits, **18:8 to 18:13**
 - judicial action, **18:195**
 - petition for attorney's fees under Social Security Act, **18:69**
 - good cause for missing deadline for requesting administrative review, **18:99**

SOCIAL SECURITY

ADMINISTRATION—Cont'd

- 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**

INDEX

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**

Written

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, **2:12**

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 self-settled 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 self-settled 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**

INDEX

SPECIAL NEEDS TRUSTS—Cont'd

- Establishment of trust
 - categorization of trusts, **16:104 to 16:106, 16:114**
 - Medicaid rules relating to self-settled 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 self-settled 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

- Income
 - availability of trust income, treatment of trusts after Omnibus Budget Reconciliation Act of 1993, **16:94**
 - qualified income trusts, exempt self-settled trusts, **16:153, 16:154**
- Supplemental Security Income (SSI), infra
 - taxes, designing supplemental trusts, **16:128 to 16:133**
- Inheritance, self-settled supplemental trust, **16:141**
- Intent of settlor, **16:107, 16:120**
- Interpretation rules, intent of settlor, **16:107**
- Irrevocable trusts
 - living supplemental trust, third party settled trusts, **16:175**
 - tax-related design issues for supplemental trusts, **16:126**
- Is the trust revocable?, **16:161**
- Living trust, third party settled trusts, **16:172 to 16:175**
- MCCA (Medicare Catastrophic Coverage Act of 1998), treatment of trusts before, **16:91**
- Medicaid
 - effect of trusts on eligibility for Medicaid, **16:96**
 - programs that are need based, trusts do not impact all public benefits, **16:102**
 - rules relating to self-settled trusts, **16:143 to 16:148**
- Medicare
 - programs not based on financial need, trusts do not impact all public benefits, **16:99**
 - treatment of trusts before Medicare Catastrophic Coverage Act of 1998 (MCCA), **16:91**
- Methods of making trust grantor trust, income taxes and designing supplemental trusts, **16:130**
- Miller trusts, exempt self-settled trusts, **16:153, 16:154**

SPECIAL NEEDS TRUSTS—Cont'd

- Naming residual beneficiary, SSI rules relating to self-settled trusts, **16:164**
- Non-tax design issues, supplemental trusts, **16:115 to 16:124**
- OASDI, trusts do not impact all public benefits, **16:98**
- Omnibus Budget Reconciliation Act of 1993, treatment of trusts after, **16:92 to 16:95**
- Options. Alternatives or options, supra
- Oversight of trustee, non-tax design issues for supplemental trusts, **16:116**
- Penalties for transfer, SSI rules relating to self-settled trusts, **16:160**
- Personal injury awards
 - income taxes, designing supplemental trusts, **16:131**
 - self-settled supplemental trust, **16:140**
- Pooled trust, exempt self-settled trusts, **16:155 to 16:158**
- Powers
 - beneficiary should not have power, non-tax design issues for supplemental trusts, **16:118**
 - testamentary power of appointment, gift taxes and designing supplemental trusts, **16:136**
 - unique trustee powers, non-tax design issues for supplemental trusts, **16:122**
- Programs, trusts do not impact all public benefits, **16:98 to 16:103**
- Purely discretionary trust, categorization of trusts, **16:111**
- Qualified income trusts, exempt self-settled trusts, **16:153, 16:154**
- Removal of trustee, non-tax design issues for supplemental trusts, **16:117**
- Residual beneficiary naming, SSI rules relating to self-settled trusts, **16:164**
- Restatement rules, SSI rules relating to self-settled trusts, **16:163**

SPECIAL NEEDS TRUSTS—Cont'd

- Results of trust
 - “d4A” trust, exempt self-settled trusts, **16:152**
 - pooled trust, exempt self-settled trusts, **16:156**
- Revocable trusts
 - living supplemental trust, third party settled trusts, **16:174**
 - SSI rules relating to self-settled trusts, **16:161**
 - tax-related design issues for supplemental trusts, **16:126**
- Rules
 - exempt self-settled trusts, **16:149**
 - interpretation, intent of settlor, **16:107**
 - Medicaid rules relating to self-settled trusts, **16:143 to 16:148**
 - SSI rules relating to self-settled trusts, **16:159 to 16:166**
- Self-settled trusts
 - generally, **16:138 to 16:166**
 - distribution provisions, categorization of trusts, **16:113**
 - supplemental trusts, **16:127, 16:139 to 16:142**
 - tax-related design issues for supplemental trusts, **16:127**
 - who established trust, categorization of trusts, **16:105**
- Separate living trust, third party settled trusts, **16:173**
- Settled trusts
 - self-settled trusts, supra
 - third party settled trusts, infra
- Settlor's intent, **16:107, 16:120**
- Social Security
 - Medicaid, supra
 - Medicare, supra
 - OASDI, trusts do not impact all public benefits, **16:98**
 - Supplemental Security Income (SSI), infra
- Spendthrift provisions, non-tax design issues for supplemental trusts, **16:123**

INDEX

SPECIAL NEEDS TRUSTS—Cont'd

- SSI. Supplemental Security Income (SSI), *infra*
- Standards, distribution provisions, **16:108, 16:113**
- State law, SSI rules relating to self-settled trusts, **16:165**
- Statutes
 - Medicare Catastrophic Coverage Act of 1998 (MCCA), **16:91**
 - Omnibus Budget Reconciliation Act of 1993, **16:92 to 16:95**
 - state law, SSI rules relating to self-settled trusts, **16:165**
- Supplemental Security Income (SSI)
 - effect of trusts on eligibility for SSI, **16:96**
 - programs that are need based, trusts do not impact all public benefits, **16:101**
 - rules relating to self-settled trusts, **16:159 to 16:166**
- Supplemental trusts
 - designing supplemental trusts, **16:115 to 16:137**
 - distribution provisions, categorization of trusts, **16:108**
 - living supplemental trust, third party settled trusts, **16:174, 16:175**
 - self-settled trusts, **16:127, 16:139 to 16:142**
 - third party settled trusts, **16:127, 16:174, 16:175**
- Support trusts, distribution provisions, **16:109, 16:112**
- Taxes and taxation, designing supplemental trusts, **16:125 to 16:137**
- Testamentary matters
 - power of appointment, gift taxes and designing supplemental trusts, **16:136**
 - trust, third party settled trusts, **16:171**
- Third party settled trusts
 - generally, **16:167 to 16:175**
 - distribution provisions, categorization of trusts, **16:113**

SPECIAL NEEDS TRUSTS—Cont'd

- Third party settled trusts—Cont'd
 - supplemental trusts, **16:127, 16:174, 16:175**
 - 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**
- 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**

**SPECIAL VALUATION RULES
FOR TRANSFER TAXES**

—Cont'd

- Control of corporation or partnership, **8:234**
- 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**

INDEX

**SPECIAL VALUATION RULES
FOR TRANSFER TAXES**

—Cont'd

- Freezing transactions, prior law,
8:202 to 8:205
- 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 Rev-
enue 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

**SPECIAL VALUATION RULES
FOR TRANSFER TAXES**

—Cont'd

- Limitations—Cont'd
 - corporations and partnerships,
**8:229, 8:237 to 8:239, 8:243,
8:244**
 - exceptions, **8:237 to 8:239**
 - liability exception, **8:237 to 8:239**
 - liquidation, **8:302 to 8:305**
 - minimum value of residual
interests, **8:229**
 - qualified personal residence trust,
restrictions on assets that may
be held, **8:280, 8:281**
 - statute of limitations, **8:306, 8:307**
- Liquidations, **8:221, 8:296 to 8:309**
- Management rights differences,
exceptions, **8:237 to 8:239**
- Mandatory payment right, corpora-
tions and partnerships, **8:218**
- Marital deduction treatment of
transfer to spouse, compounding
rules, **8:246**
- Marketable interest exception, **8:235**
- Minimum value of residual interest,
8:229
- Modification of right or restriction,
buy-sell agreements and options,
8:294, 8:295
- Number or amount
 - corporations and partnerships,
8:242 to 8:244
 - excess amounts, **8:263, 8:267**
 - interests in trusts, **8:287**
 - minimum value of residual inter-
est, **8:229**
- Occurrence of lapse, **8:294**
- Omnibus Budget Reconciliation Act
of 1987, **8:206, 8:207**
- Options. Alternatives, elections or
options, *supra*
- Partnerships and corporations, see
lines throughout this topic
- Personal residence trusts, **8:273 to
8:284**
- Pooled income funds exception,
8:260

**SPECIAL VALUATION RULES
FOR TRANSFER TAXES**

—Cont'd

Power of appointment, retention by transferor, **8:277**
 Prior law, **8:202 to 8:205**
 Property settlement exceptions, **8:260**
 Proportionate transfer as to rights exception, **8:240**
 Qualified
 annuity interests, **8:262 to 8:265, 8:270, 8:283**
 interests, **8:250 et seq.**
 payment rights, **8:226**
 personal residence trust, **8:279 to 8:284**
 remainder interests, **8:251, 8:271, 8:272**
 unitrust interests, **8:251, 8:266 to 8:269**
 Recapitalizations, corporations and partnerships, **8:230**
 Reduction in taxable gifts, interests in trusts, **8:285 to 8:287**
 Regulations to avoid double tax, **8:248**
 Rental payments under lease, **8:216, 8:223, 8:255**
 Residual interest, minimum value requirement, **8:229**
 Restrictions. Limitations, *supra*
 Return, disclosure of transaction, **8:306, 8:307**
 Revenue Reconciliation Act of 1990, **8:207, 8:208**
 Reversionary or remainder interests, **8:251, 8:260, 8:271, 8:272, 8:277**
 Sales
 buy-sell agreements and options, *supra*
 personal residence, qualified personal residence trust, **8:281**
 Same class exception, corporations and partnerships, **8:236**
 Separate interests, corporations and partnerships, **8:232**

**SPECIAL VALUATION RULES
FOR TRANSFER TAXES**

—Cont'd

Split-gift treatment, reduction in taxable gifts, **8:286**
 Split interest purchases, prior law, **8:205**
 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**

INDEX

SPECIAL VALUATION RULES FOR TRANSFER TAXES

—Cont'd

Trusts—Cont'd

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**

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)

SPOUSES—Cont'd

Community Property (this index)

Death, lifetime distributions, **19:88**

Distributions from qualified retire-
ment plans and IRAs, **19:14,
19:88, 19:159, 19:223, 19:250**

Estates (this index)

Gifts (this index)

Income (this index)

Life Insurance (this index)

Lifetime Transfers Planning (this
index)

Medicaid (this index)

**Medicare Catastrophic Coverage
Act** (this index)

Medicare Part B premium deduction
for spouse of civil service
annuitant, consent, **26:37**

Noncitizen Spouses (this index)

Nonspouses, **8:39, 19:229**

Pensions and Retirement (this
index)

Real Property (this index)

Renunciation Right of Spouse (this
index)

Rollovers, **19:159**

Separated spouses

Income tax planning, **6:39**

SSI, married persons' eligibility,
separation report, **16:16**

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

Social Security (this index)

**Special Valuation Rules for
Transfer Taxes** (this index)

**Supplemental Security Income
(SSI)** (this index)

Surviving spouse. **Widows and
Widowers** (this index)

Tenants by entirety

estate tax, **8:113 to 8:115**

will substitute, **10:120 to 10:124**

Trusts and Trustees (this index)

Widows and Widowers (this index)

Wills (this index)

SSA

Social Security Administration (this index)

SSI

Supplemental Security Income (SSI) (this index)

STABILITY

Continuing care retirement community prospective resident counseling, financial stability of facility questions, **21:56**

STAFFING

Attorney or assistance of counsel, **2:5**
Nursing facility (NF) certification, Medicare and Medicaid, **21:31**

STANDARD DEDUCTION

Income (this index)

STANDARD OPERATING PROCEDURE

Age Discrimination in Employment Act, **35:51**

STANDARDS

Guardians and conservators, standards for determining competence, **34:24**

Social Security Administration (this index)

Special needs trusts, distribution provisions, **16:108, 16:113**

STANDBY GUARDIAN

Kinship caregivers, **37:7 to 37:9**

STANDING

Parties (this index)

STATE

State or States (this index)

STATEMENTS

Medicare, **25:181**

Social Security Administration (this index)

STATE OF MIND

Terminally ill clients, **11:3**

STATE OR STATES

Age Discrimination Act, remedies available against state violators, **35:233**

Age Discrimination in Employment Act, lawsuit filed by state or state agency, **35:103**

Alabama (this index)

Arizona (this index)

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)

INDEX

STATE OR STATES—Cont'd

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)
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, **17:61**
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**
Distributions from qualified retirement plans and IRAs, **19:6 to 19:9, 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, **32:9**
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 17:63**

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**

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, **2:14**

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)

INDEX

SUPPLEMENTAL MATTERS

—Cont'd

- 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)
- 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 income and resource, **29:41**
- 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, one-third reduction rule for in-kind support and maintenance, **16:86**
- Availability of resources, actual, **16:88**
- Basic exclusion, earned income, **16:48**

SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd

- 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**
 - medical care, treatment and services, infra
 - noninstitutional care situation, one-third reduction rule for in-kind support and maintenance, **16:85**
- Citizenship, eligible individual, **16:8**
- Community residence serving 16 or fewer persons, eligible individual, **16:4**
- Computing benefits, **16:27**
- Confinement, amount of benefits when Medicaid pays for care of resident of medical treatment facility, **16:23 to 16:25**
- Costs and expenses
 - impairment-related work expenses, earned income exclusion, **16:49, 16:50**
 - pro rata share of household operating expenses, one-third reduction rule for in-kind support and maintenance, **16:84**
 - subtracting expenses, counting unearned income, **16:60**
- Counting or countable
 - determination of countable income, **16:33, 16:34**
 - unearned income, **16:59 to 16:61**
- Death benefits, unearned income, **16:54**
- Deduction. Reduction, infra
- Determinations
 - age, eligibility, **16:19, 16:20**
 - countable income, **16:33, 16:34**
 - married persons' eligibility, **16:11, 16:15, 16:18**

**SUPPLEMENTAL SECURITY
INCOME (SSI)—Cont'd**

- Determinations—Cont'd
 - resources, **16:87, 16:89**
- Disability
 - earned income exclusion, impairment-related work expenses of disabled persons, **16:50**
 - unearned income, disability benefits, **16:53**
- Disaster assistance, unearned income exclusion, **16:67**
- Dividends, unearned income, **16:58**
- Dwelling unit assistance, unearned income exclusion, **16:75**
- Earned income
 - generally, **16:41 to 16:50**
 - credits, unearned income exclusion, **16:77**
- Eligibility
 - generally, **16:1 to 16:20**
 - amount of benefits when Medicaid pays for care of resident of medical treatment facility, **16:23 to 16:25**
 - Medicaid, *infra*
 - special needs trusts, effect on eligibility for SSI, **16:96**
- End of marriage determination, married persons' eligibility, **16:18**
- Evaluating in-kind income, **16:31**
- Evidence
 - age, eligibility, **16:20**
 - married persons' eligibility, **16:12, 16:14**
- Exchange of resource, nonincome items, **16:38**
- Exclusions or exemptions
 - countable income, **16:34**
 - earned income, **16:46 to 16:50**
 - nonliquid resources, **16:40**
 - resources, generally, **16:90**
 - unearned income, **16:62 to 16:78**
- Existence of marriage determination, married persons' eligibility, **16:11**
- Facilities
 - amount of benefits when Medicaid pays for care of resident of

**SUPPLEMENTAL SECURITY
INCOME (SSI)—Cont'd**

- Facilities—Cont'd
 - medical treatment facility, **16:22 to 16:26**
 - individual's eligibility, Medicaid patient in medical care facility, **16:3**
 - living in same facility, married persons' eligibility, **16:17**
- Fellowships, unearned income exclusion, **16:66**
- Food tax refunds, unearned income exclusion, **16:64**
- Gifts, unearned income, **16:55, 16:76**
- Grants, unearned income exclusion, **16:66**
- Home
 - care, hospices, and similar care alternatives, **22:32, 22:40**
 - energy assistance, unearned income exclusion, **16:72**
 - living in same home, married persons' eligibility, **16:17**
 - support and maintenance in non-profit retirement home, unearned income, **16:52, 16:78**
- Household, one-third reduction rule for in-kind support and maintenance, **16:82 to 16:86**
- Husband and wife. Spouses, *infra*
- Impairment-related work expenses, earned income exclusion, **16:49, 16:50**
- Income
 - earned income, *supra*
 - limitations, **16:29 to 16:86**
 - Medicaid, *infra*
 - resources distinguished, **16:32**
- Individuals, eligibility, **16:2 to 16:8**
- Infrequent unearned income, exclusion, **16:70**
- Inheritances, unearned income, **16:55**
- In-kind
 - evaluating in-kind income, **16:31**
 - support and maintenance, **16:79 to 16:86**

INDEX

SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd

- Interest, unearned income, **16:58, 16:71**
- Irregular unearned income, exclusion, **16:70**
- Lawful resident, eligible individual, **16:8**
- Limitations
 - income limitations, **16:29 to 16:86**
 - resource limitations, **16:87 to 16:90**
 - waiver of benefit limitation, amount of benefits when Medicaid pays for care of resident of medical treatment facility, **16:26**
- Living in same hospital, home or facility, married persons' eligibility, **16:17**
- Living with person of opposite sex, married persons' eligibility, **16:13**
- Maintenance. Support and maintenance, *infra*
- Married persons, eligibility, **16:10 to 16:18**
- Maximum payment amounts of benefits, **16:21**
- Medicaid
 - amount of benefits when Medicaid pays for care of resident of medical treatment facility, **16:22 to 16:26**
 - eligibility
 - individuals, Medicaid patient in medical care facility, **16:3**
 - use of SSI methodologies, **29:37 to 29:49**
 - financial responsibility of relatives, **29:42**
 - income
 - determining, **29:39**
 - spousal income, consideration of, **29:43**
 - standard, medically needy program, **29:45**
 - treatment of, **29:38**
 - income and resource, actual availability, **29:41**

SUPPLEMENTAL SECURITY INCOME (SSI)—Cont'd

- Medicaid—Cont'd
 - medically needy program, **29:44 to 29:47**
 - One Big Beautiful Bill Act (OBBBA)
 - work requirements for individuals ages, 19-64, **29:48**
 - resources
 - determining, **29:40**
 - spousal resources, consideration of, **29:43**
 - standard, medically needy program, **29:46**
 - treatment of, **29:38**
 - section 209(b) states, supplemental security income versus, **29:9**
 - spend-down calculation, medically needy program, **29:47**
 - spousal income and resources, consideration of, **29:43**
- Medical care, treatment and services
 - amount of benefits when Medicaid pays for care of resident of medical treatment facility, **16:22 to 16:26**
 - eligible individual, Medicaid patient in medical care facility, **16:3**
 - nonincome items, **16:36**
- Medicare, **25:13**
- Members of religious orders, earned income, **16:44**
- Ministers, earned income, **16:44**
- Needs
 - Special Needs Trusts** (this index)
 - unearned income exclusion, needs-based income assistance, **16:65**
- Nonincome items, **16:35 to 16:40**
- Noninstitutional care situation, one-third reduction rule for in-kind support and maintenance, **16:85**
- Nonliquid resources, exclusion, **16:40**
- Nonprofit retirement home, support and maintenance as unearned income, **16:52, 16:78**

**SUPPLEMENTAL SECURITY
INCOME (SSI)—Cont'd**

- One Big Beautiful Bill Act (OBBBA)
work requirements for individuals
ages, **29:48**
- One-third
reduction rule, in-kind support and
maintenance, **16:82 to 16:86**
support from absent parent,
unearned income exclusion,
16:73
- Operating expenses of household,
one-third reduction rule for in-
kind support and maintenance,
16:84
- Overview of elder law, **1:14**
- Payment or payments
amount of benefits when Medicaid
pays for care of resident of
medical treatment facility,
16:22 to 16:26
maximum payment amounts of
benefits, **16:21**
support and alimony payments,
unearned income, **16:56**
- Pensions and retirement
nonprofit retirement home, support
and maintenance as unearned
income, **16:52, 16:78**
unearned income, **16:52, 16:53,**
16:78
- Plan of self-support, unearned
income exclusion of income
used to fulfill, **16:74**
- Proof. Evidence, *supra*
- Pro rata share of household operating
expenses, one-third reduction
rule for in-kind support and
maintenance, **16:84**
- Public assistance household, one-
third reduction rule for in-kind
support and maintenance, **16:86**
- Public educational institution resi-
dent, eligible individual, **16:5**
- Public emergency shelter resident,
eligible individual, **16:6**
- Qualification. Eligibility, *supra*
- Real property tax refunds, unearned
income exclusion, **16:64**

**SUPPLEMENTAL SECURITY
INCOME (SSI)—Cont'd**

- Reduction
counting unearned income,
subtracting expenses, **16:60**
one-third reduction rule, in-kind
support and maintenance,
16:82 to 16:86
- Refunds of taxes, unearned income
exclusion, **16:64**
- Relatives, financial responsibility,
29:42
- Religious order members, earned
income, **16:44**
- Rent
unearned income, **16:57**
value of rent under business
arrangement, in-kind support
and maintenance, **16:80**
- Repair of resource, unearned income
exclusion, **16:69**
- 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 indi-
vidual, **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**

INDEX

**SUPPLEMENTAL SECURITY
INCOME (SSI)—Cont'd**

Resources—Cont'd
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
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 ser-
vices, *supra*
social services, nonincome items,
16:37
Sheltered workshop income, earned
income, **16:45**

**SUPPLEMENTAL SECURITY
INCOME (SSI)—Cont'd**

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 exclu-
sions, **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
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 exclu-
sion, **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 indi-
vidual, **16:7**

**SUPPLEMENTAL SECURITY
INCOME (SSI)—Cont'd**

- 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*
- Work requirement exemptions, **29:49**

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)
- 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

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 17:51, 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)

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**

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)

TAXES AND TAXATION—Cont'd

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**

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, Job Creation Act of 2010, the American Taxpayer Relief Act of 2012, and the Tax Cuts and Jobs Act of 2017, and the One Big Beautiful Bill Act (OBBBA) of 2025, **8:20.50**

Terminally Ill Clients (this index)

Transfer Taxes (this index)

TAXES AND TAXATION—Cont'd

- Trusts and Trustees** (this index)
- Unified Transfer Tax System** (this index)
- Veterans' benefits, exemption from taxation, **17:63**
- 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**
- 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

- Generation-skipping transfers, **8:132**

TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, JOB CREATION ACT OF 2010

- Generally, **8:20.50**

TECHNICAL AND 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**
- 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**

INDEX

TERMINALLY ILL CLIENTS

—Cont'd

- 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**
 - 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

TERMINALLY ILL CLIENTS

—Cont'd

- Closely held businesses—Cont'd
 - 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**
- Deferral of estate tax payment, **11:32, 11:36, 11:37**
- Difficult-to-value assets, management by client to facilitate estate administration, **11:21**
- Diminution of value of assets following transfer, measure to avoid taxes, **11:27**
- Disclaimer by client to facilitate estate administration, **11:20**
- Dispositive provisions within estate plans, review, **11:13**
- Dividend treatment of redemption of stock in closely held corporation, **11:35**
- Divorce agreements, review to facilitate estate administration, **11:19**
- Domicile, establishment to facilitate estate administration, **11:17**
- Durable power of attorney, **11:6, 11:7**
- Estates, deferral of estate tax payment, **11:32, 11:36, 11:37**
- Exclusion gifts, **11:42 to 11:44, 11:49**

TERMINALLY ILL CLIENTS

—Cont'd

Existing documents, review, **11:11**
 Facilitating administration of estate, **11:17 to 11:23**
 Farmland, special valuation of real property, **11:32, 11:38**
 Favorable tax treatment, **11:32 to 11:38**
 Fiduciaries, revision of existing estate plan, **11:14, 11:15**
 Fine-tuning of financial and estate planning, conclusion, **11:66**
 Funding credit shelter and QTIP trusts, **11:39 to 11:41**
 Funeral arrangements, revision of existing estate plan, **11:10**
 Generation-skipping transfer taxes, potential effect of disclaimers, **11:20**
 Gifts, **11:42 to 11:49**
 Health care decisions, power of attorney for, **11:7**
 Income
 generally, **11:50**
 carryovers, **11:51, 11:54**
 income in respect of decedent (IRD), **11:52 to 11:55**
 loss property sales, **11:50**
 partnership, purchase of interest in, **11:51**
 savings bonds interest, **11:51**
 Individual retirement accounts as special assets, **11:57 to 11:59**
 Installment payments, **11:32, 11:36, 11:37, 11:54**
 IRD or income in respect of decedent, **11:52 to 11:55**
 Joint tenancy, **11:28 to 11:31**
 Lawyers. Attorneys, *supra*
 Life insurance as special asset, **11:56**
 Living wills, **11:8**
 Loss property, **11:44, 11:50**
 Marital agreements, review to facilitate estate administration, **11:19**
 Medical care decisions, power of attorney for, **11:7**
 Minority discount, **11:27, 11:46**
 Nonspouse, joint tenancy with, **11:31**

TERMINALLY ILL CLIENTS

—Cont'd

Nontax factors, **11:1 to 11:16**
 Organ donations, revision of existing estate plan, **11:9**
 Partnerships, **11:26, 11:27, 11:46**
 Postnuptial marital agreements, review to facilitate estate administration, **11:19**
 Postponing sale until after client's death, **11:55**
 Power of attorney, **11:6, 11:7, 11:45**
 Powers of appointment, **11:12**
 Prenuptial marital agreements, review to facilitate estate administration, **11:19**
 Prolongation of life, revision of existing estate plan, **11:8**
 Property, **11:6, 11:24**
 Qualified
 disclaimer by client to facilitate estate administration, **11:20**
 domestic trusts, citizenship of spouse, **11:16**
 retirement plan benefits as special assets, **11:57 to 11:59**
 terminable interest property trusts, **11:39 to 11:41, 11:48**
 Qualified family owned business deduction, **11:33**
 Real property interests, **11:6**
 Reconsideration of fiduciary, revision of existing estate plan, **11:14**
 Redemption, **11:34, 11:35**
 Residence and residency, **11:17, 11:41**
 Resignation as fiduciary, revision of existing estate plan, **11:15**
 Restrictions on property as measures to avoid taxes, **11:24**
 Retirement Equity Act (REA) of 1984, **11:57**
 Review
 closely held businesses, review of existing buy-sell agreements, **11:63 to 11:65**
 existing dispositive positions, revision of existing estate plan, **11:13**

INDEX

TERMINALLY ILL CLIENTS

—Cont'd

- Review—Cont'd
 - existing documents, revision of existing estate plan, **11:11**
 - living will, revision of existing estate plan, **11:8**
- Revision of existing estate plan, **11:5 to 11:16**
- Sales
 - closely held business assets, sale or exchange treatment of, **11:34, 11:35**
 - postponing sale until after client's death, **11:55**
- Savings bonds interest, income tax planning, **11:51**
- Sensitivity to condition of client, **11:2**
- Special assets, **11:56 to 11:59**
- Special valuation of real property, **11:32, 11:38**
- Split gifts, annual exclusion gifts, **11:42**
- State of mind of client, **11:3**
- Taxes and taxation
 - avoidance of taxes, supra
 - favorable tax treatment, **11:32 to 11:38**
 - nontax factors, **11:1 to 11:16**
- Transfers
 - estate planning measures to avoid taxes, **11:25 to 11:27**
 - facilitation of estate administration, transfers to trusts, **11:23**
- Trusts
 - facilitation of estate administration, transfers to trusts, **11:23**
 - funding credit shelter and QTIP trusts, **11:39 to 11:41**
 - QTIP trusts, **11:39 to 11:41, 11:48**
- U.S. savings bonds interest, income tax planning, **11:51**
- Valuation of real property at current use, **11:32, 11:38**

TERMINATING REPRESENTATION

- Ethical issues, **3:20**

TERMINATION

- Cancellation or Termination** (this index)

TERMINOLOGY

- Definitions** (this index)

TERM OR TERMS

- Life Insurance** (this index)
- Long Term or Short Term** (this index)
- Special valuation rules for transfer taxes, term interests in trusts, **8:257 to 8:259**

TESTAMENTARY MATTERS

- Wills** (this index)

TESTIMONY

- Witnesses** (this index)

TESTS AND TESTING

- Clinical care and tests, **26:69, 26:74**
- Laboratory tests, **26:69**
- 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**

THIRD PERSONS OR PARTIES
—Cont'd

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)

TIME OR DATE—Cont'd

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)
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**

INDEX

TITLE AND OWNERSHIP—Cont'd

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, **2:12**

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**

TRANSFERS—Cont'd

Sales (this index)

Special needs trusts, transfer penal-
ties 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 retire-
ment 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**

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 Reve-
nue Act of 1988 (TAMRA),
8:15, 8:131, 8:206, 12:18

Unified Transfer Tax System (this
index)

TRANSITION RULES

Estate tax, distributions from quali-
fied retirement plans and IRAs,
19:170 to 19:173

Generation-skipping transfer tax,
8:189

Income taxation, distributions from
qualified retirement plans and

TRANSITION RULES—Cont'd

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, benefi-
ciary travel, **17:42**

TRAVEL

Transportation and Travel (this
index)

TREASURY DEPARTMENT

Generally, **8:179**

TREATMENT

Care and Treatment (this index)

TRIAL

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, gatekeep-
ers and triggers, **24:13**

TRUSTS AND TRUSTEES

Accounts and accounting, **10:81**

TRUSTS AND TRUSTEES—Cont'd

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 retire-
ment 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**

Domestic trust. Qualified domestic
trust, *infra*

Estates

exception to terminable interest
rule, estate trust, **8:82, 8:83**

taxes, **8:111**

Expenses, **10:86**

Family support trusts

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

sample GRIT (grantor retained
income trust) for personal
residence, **10:111**

sample GRUT (grantor retained
unitrust) alternative provi-
sions, **10:113**

sample irrevocable family support
trust, **10:110**

Forms and letters

agreement forms, **10:87, 10:88**

credit shelter trusts, **10:103**

QTIP marital deduction, **10:103**

simultaneous death clause, **10:102**

INDEX

TRUSTS AND TRUSTEES—Cont'd

Funds and funding, **10:83, 19:224**

Generation-Skipping Transfer Tax
(this index)

Gifts (this index)

Income

planning, transfer of residence to
grantor retained income trust,
6:56

transfer of residence to grantor
retained income trust, **6:56**

Inter Vivos Transfers and Trusts
(this index)

Irrevocable trusts

generally, see lines throughout this
topic

Special Needs Trusts (this index)

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

Letters. Forms and letters, *supra*

Life Insurance (this index)

Lifetime Transfers Planning (this
index)

Marital deduction. Revocable trusts,
infra

Medicaid (this index)

Medicare Catastrophic Coverage
Act (this index)

Omnibus Budget Reconciliation
Act (this index)

Pick-up trust, **10:60**

Public benefit program, assets of trust
to supplement, **10:114**

Qualified domestic trust

estates, marital deduction for
noncitizen spouse, **8:90 et**
seq.

postmortem planning and
administration, **12:18**

terminally ill clients, **11:16**

unified transfer tax system, Reve-
nue Reconciliation Act of
1989, **8:16**

Qualified Terminable Interest
Property (this index)

Renunciation right of surviving
spouse, **10:91**

Residence and residency

personal residence, **8:273 to 8:284**

TRUSTS AND TRUSTEES—Cont'd

Residence and residency—Cont'd

sample GRIT (grantor retained
income trust) for personal
residence, **10:111**

Revocable trusts

generally, **10:79 to 10:117**

accountings with court or probate
official, avoidance, **10:81**

advantages, **10:82**

agreement form, **10:87, 10:88**

appointment, **10:94, 10:95**

beneficiary, disabled, **10:114**

court accountings, avoidance,
10:81

credit shelter trusts, **10:89 et seq.**

disabled individuals, **10:114 to**
10:117

disclaimers, **10:99**

dispositive provisions, **10:85**

excluding credit shelter trust from
spouse's estate, **10:92**

expenses of estate, **10:86**

five or five power, tax planning,
10:96

forms and letters, **10:87, 10:88,**
10:102, 10:103

funding trusts during trustor's life,
10:83

generation-skipping transfer (GST)
tax, **10:97**

letters and forms, **10:87, 10:88,**
10:102, 10:103

Medicaid, assets of trust to supple-
ment, **10:114**

payment of estate taxes at death of
spouse, **10:98**

planning, taxes, **10:89 et seq.**

public benefit program, assets of
trust to supplement, **10:114**

qualified terminable interest prop-
erty (QTIP) trust, **10:90,**
10:103

renunciation right of surviving
spouse, **10:91**

resources available, **10:116**

sample individual revocable trust
without marital deduction
provisions, **10:104**

TRUSTS AND TRUSTEES—Cont'd

Revocable trusts—Cont'd

sample irrevocable family support trust, **10:110**

sample joint revocable trust with marital deduction provisions, **10:105**

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 (this index)

spendthrift trusts, state law governing, **10:117**

spouses, **10:88 et seq.**

SSI, **10:114**

support standard, avoidance, **10:115**

surviving spouse, renunciation right, **10:91**

tax planning, **10:89 et seq.**

terminology, **10:80**

testamentary trusts, **10:89 to 10:113**

unified credit, **10:89 et seq.**

valid trust, **10:84**

Separate trusts

generation-skipping transfer tax, **8:176, 8:195, 8:196**

special needs trusts, separate living trust, **16:173**

Shelter trusts. **Credit and Crediting** (this index)

Special Needs Trusts (this index)

Special Valuation Rules for Transfer Taxes (this index)

Spendthrift trusts, **10:60, 10:117**

Spouses

agreement form, married couple with nontaxable estate, **10:88**

excluding credit shelter trust from spouse's estate, **10:92**

payment of estate taxes at death of spouse, **10:98**

QTIP marital deduction form, **10:103**

TRUSTS AND TRUSTEES—Cont'd

Spouses—Cont'd

renunciation right of surviving spouse, **10:91**

revocable trusts

sample individual revocable trust without marital deduction provisions, **10:104**

sample joint revocable trust with marital deduction provisions, **10:105**

tax planning, **10:91, 10:92, 10:98, 10:101 to 10:105**

SSI, **10:114**

Support standard, avoidance, **10:115**

Taxes and taxation

credit shelter trusts, **10:89 et seq.**

disclaimers, **10:99**

excluding credit shelter trust from spouse's estate, **10:92**

five or five power, **10:96**

forms, QTIP marital deduction and credit shelter trusts, **10:103**

generation-skipping transfer (GST) tax, **10:97**

payment of estate taxes at death of spouse, **10:98**

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 Ill Clients (this index)

Terminology, **10:80**

Testamentary trusts, tax planning in connection with revocable

INDEX

TRUSTS AND TRUSTEES—Cont'd

- 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, **4:35**

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, Job Creation Act of 2010 and the American Taxpayer Relief Act of 2012, **8:20.50**
- Veterans, pension benefits, **17:25**

UNAVAILABILITY

- Availability (this index)
- Medicare Catastrophic Coverage Act, unavailable assets, **29:74, 29:75**
- Special needs trust assets unavailable to person who established trust, Medicaid rules relating to self-settled 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, **29:104**

UNDUE INFLUENCE

- Attorney, **2:8**
- 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**
- Economic Recovery Tax Act of 1981, **8:11, 8:12**
- Employee stock ownership plan, **8:13, 8:14, 8:16**
- Estates, **8:9 et seq.**
- Generation-skipping transfer tax, **8:4, 8:5, 8:10, 8:11, 8:13, 8:15**
- Gifts, **8:7 et seq.**
- Importance of planning, **8:1**
- IRS Restructuring and Reform Act of 1998, **8:19**
- Marital deduction, **8:3, 8:8, 8:9, 8:12, 8:15**
- Noncitizen spouses, marital deduction, **8:15, 8:16**
- Obergefell vs Hodges, **8:20.50**
- Omnibus Budget Reconciliation Act of 1987, **8:14**
- Planning, **8:1**
- Pre-1977 law, **8:2 to 8:5**
- Qualified
 - domestic trust, Revenue Reconciliation Act of 1989, **8:16**

UNIFIED TRANSFER TAX SYSTEM—Cont'd

- Qualified—Cont'd
 - terminable interest property (QTIP), Economic Recovery Tax Act of 1981, **8:12**
- Rates. Tax rate and unified credit, *infra*
- Revenue Reconciliation Act of 1989, **8:16**
- Revenue Reconciliation Act of 1990, **8:17**
- Taxpayer Relief Act of 1997, **8:18**
- Tax rate and unified credit
 - applicable credit amount, **8:24**
 - computation of estate tax, **8:22, 8:23**
 - Economic Recovery Tax Act of 1981, **8:11**
 - estate and gift tax rate, **8:21 to 8:24, 8:36, 8:55, 8:98, 8:311**
 - generation-skipping transfer tax, **8:193**
 - lifetime transfers planning, **9:18**
 - reduction for tax on prior gifts, **8:23**
 - revocable trusts, **10:89 et seq.**
 - surcharge, **8:24**
 - Tax Reform Act of 1976, **8:7**
 - transfers after 1976, **8:22**
- Tax Reform Acts, **8:6 to 8:13**
- Tax Relief, Unemployment Insurance Reauthorization, Job Creation Act of 2010, the American Taxpayer Relief Act of 2012, and the Tax Cuts and Jobs Act of 2017, and the One Big Beautiful Bill Act (OBBBA) of 2025, **8:20.50**
- Technical and Miscellaneous Revenue Act of 1988, **8:15**
- Unified credit. Tax rate and unified credit, *supra*

UNIFORM COMMERCIAL CODE WARRANTIES

- Consumer issues, **4:40**

UNIFORM GUARDIANSHIP AND PROTECTIVE PROCEEDINGS ACT

- Generally, **34:4**

UNIFORM HEALTH-CARE DECISIONS ACT

- Living Wills (this index)

UNIFORM PROBATE CODE

- Guardians and conservators, **34:3**

UNIFORM TRANSFERS (GIFTS) TO MINORS ACT

- Lifetime transfers planning, **9:26**

UNIFORM VETERANS GUARDIANSHIP ACT

- Generally, **17:61, 34:5**

UNIQUE TRUSTEE POWERS

- Special needs trusts, non-tax design issues for supplemental trusts, **16:122**

UNIT

- SSI unearned income exclusion, dwelling unit assistance, **16:75**

UNITED STATES

- Generally, **Federal Matters** (this index)
- Civil service retirement system. **United States Civil Service Retirement System** (this index)
- Medicaid, **29:7**
- Medicare exclusion of items and services performed outside of, **27:74, 27:75**
- Savings Bonds** (this index)
- SSI eligible individual, United States residency, **16:7**

UNITED STATES CIVIL SERVICE RETIREMENT SYSTEM

- Generally, **20:1 to 20:18, 20:39 to 20:47**
- Administrative review, **20:44**
- Agency, disability application, **20:43**
- Age requirements, **20:6 to 20:11**
- Annuities, **20:1 to 20:18, 20:39 to 20:47**
- Appeal and review, **20:40, 20:41, 20:44, 20:46, 20:47**
- Applications, **20:42, 20:43**
- Benefits, **20:1 to 20:18, 20:39 to 20:47**

INDEX

UNITED STATES CIVIL SERVICE RETIREMENT SYSTEM

—Cont'd

Commencement of payment of annuity, **20:16**
Compromise of overpayment, **20:46**
Computation of annuities, **20:12, 20:13**
Contributions, **20:2**
Credits
 lump sum credit, **20:3**
 service creditable, **20:5**
Decisions. Determinations or decisions, *infra*
Deductions or reductions, **20:2, 20:13**
Deferred annuity, **20:10**
Determinations or decisions
 final decision, **20:41**
 initial determinations or decisions, **20:40, 20:47**
Disability
 annuity, **20:11 to 20:13**
 proceedings, **20:42 to 20:44**
Effect of reemployment, payment of annuity, **20:18**
Fiduciary, payment of annuity to, **20:15**
Final decision, **20:41**
Guardian, payment of annuity to, **20:15**
Immediate retirement annuity, **20:7, 20:9**
Increases in annuity, **20:13**
Initial determinations or decisions, **20:40, 20:47**
Judicial review, **20:44**
Lump sum credit, **20:3**
Mandatory separation, immediate retirement annuity, **20:9**
Medicare premiums, payment by deduction, **26:37**
Member of Congress, disability application, **20:42**
Notice of overpayment, **20:45**
Overpayments, **20:45 to 20:47**
Payment or payments
 annuity, **20:14 to 20:18**
 overpayments, **20:45 to 20:47**

UNITED STATES CIVIL SERVICE RETIREMENT SYSTEM

—Cont'd

Phased retirement, **20:8**
Proceedings, **20:39 to 20:47**
Reconsideration, **20:40, 20:46**
Recovery of overpayments, **20:45 to 20:47**
Reductions or deductions, **20:2, 20:13**
Reemployment, effect on payment of annuity, **20:18**
Request for reconsideration, recovery of overpayments, **20:46**
Review and appeal, **20:40, 20:41, 20:44, 20:46, 20:47**
Separation mandatory, immediate retirement annuity, **20:9**
Service, **20:5 to 20:11**
Survivor annuity, **20:4**
Termination of payment of annuity, **20:17**
Waiver of overpayment, **20:46**

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 assis-
tance programs, **4:49**

**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**

**VALUE AND VALUATION—Cont'd
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 mainte-
nance, **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**

INDEX

VERMONT—Cont'd

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**

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, **17:52 to 17:60, 20:64 to 20:66**

Application process for benefits, **17:7**

Apportionment, **17:48**

Attendance and aid, pension benefits, **17:28**

Attorney's fees, appeals, **17:60**

Basic family member allowance, dependents' and survivors' benefits, **17:45**

Benefits and beneficiaries

generally, **17:1 to 17:63**

amount, *supra*

VETERANS—Cont'd

Benefits and beneficiaries—Cont'd

Apportionment, **17:48**

health care benefits, beneficiary travel, **17:42**

pension and retirement benefits, **17:21 to 17:28, 17:49, 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, **17:55, 17:56, 17:57**

Burial benefits, **17:51**

Care

Domiciliary care, benefits, **17:38**

Mental Health Residential Rehabilitation and Treatment Programs (MH RRTPs), **17:38**

domiciliary care, benefits, **17:38**

Care

domiciliary care, benefits, **20:59**

health care benefits, **17:29 to 17:43**

medical care, dependents' and survivors' benefits, **17:50**

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**

Court of Appeals for Veterans' Claims, **17:58**

retirement benefits, **20:64 to 20:66**

Collection of overpayments, **17:62**

Compensation

dependency and indemnity compensation, **17:47**

dependents and survivors, generally, **17:44**

disability compensation, **17:10 to 17:20, 20:58**

Copayments, health care benefits, **17:33**

Cost of living adjustment, **20:59**

VETERANS—Cont'd

- Court of Appeals for Veterans' Claims, **17:58**
- Coverage, health care benefits, **17:31, 17:32**
- Creditors, exemption of benefits from, **17:63**
- Death
 - pension benefits, **17:49**
 - survivors' benefits, **17:44 to 17:51, 20:60 to 20:63**
- Dental benefits, **17:39, 17:41**
- Department of Veterans Affairs. Veterans' Administration, *infra*
- Dependents
 - benefits, generally, **17:44 to 17:51**
 - checklist for interviewing veteran's dependents, **17:6**
 - disability compensation benefits, **17:17, 17:19**
 - survivors' benefits, **17:47, 20:60 to 20:63**
- DIC (dependency and indemnity compensation), **17:47**
- Disability
 - compensation benefits, **17:10 to 17:20, 20:58**
 - pension and retirement benefits, **17:24, 20:58**
 - special allowance for disabled spouses, dependents' and survivors' benefits, **17:46**
 - special support for veterans with disabilities, health care benefits, **17:43**
- Discharge type, disability compensation benefits, **17:12**
- Disqualification. Eligibility or ineligibility for benefits, *infra*
- Disqualifying acts, **17:16**
- Domiciliary care, benefits, **20:59**
- Eligibility or ineligibility for benefits generally, **17:9**
 - disability compensation benefits, **17:11 to 17:17**
 - pension benefits, **17:22 to 17:28**
- Enrollment, health care benefits, **17:29**

VETERANS—Cont'd

- Exemptions or exclusions
 - creditors and taxation, exemption of benefits from, **17:63**
 - services not covered under medical benefits package, **17:31**
- Family benefits
 - generally, **17:10 to 17:28**
 - basic family member allowance, **17:45**
 - dependents, *supra*
 - survivors' benefits, **17:44 to 17:51, 20:60 to 20:63**
- Final basic pay method, military retirement, **20:52**
- Financial eligibility, pension benefits, **17:26**
- Form, decision review request, **17:54**
- Fraud and misrepresentation, **4:28**
- Health care benefits, **17:29 to 17:43**
- High Three method, military retirement, **20:53**
- Home care, hospices, and similar care alternatives, **22:37, 22:49**
- Homeless veterans, health care benefits, **17:36**
- Hospitals, benefits, **17:30, 17:37, 20:59**
- Housebound benefits, **17:28**
- Improved pension benefits, **17:21 to 17:28, 17:49**
- Ineligibility. Eligibility or ineligibility for benefits, *supra*
- Interviewing veteran or veteran's dependents, checklist, **17:6**
- Limited coverage, health care benefits, **17:32**
- Lump sum option, military retirement, **20:56**
- Making claim for benefits, **17:7**
- Medical benefits
 - generally, **17:29 to 17:43**
 - dependents' and survivors' benefits, **17:50**
 - services, **17:39, 20:59**
- Medical treatment in "civilian" hospitals, health care benefits, **17:37**

INDEX

VETERANS—Cont'd

- Minimum disability rating, disability compensation benefits, **17:14**
- Monthly cash benefits, disability compensation benefits, **17:10 to 17:20**
- Nonservice-connected pension benefits, **17:49**
- Number. Amount, supra
- Nursing homes/facilities benefits, **17:35, 20:59**
 - Veterans' Administration, **21:14**
- Outpatient care or services, health care benefits, **17:30, 17:40, 17:41**
- Overpayments, **17:62**
- Payment or payments
 - benefits payable to veterans and their families, **17:10 to 17:28**
 - copayments, health care benefits, **17:33**
 - overpayments, **17:62**
- Pension benefits, **17:21 to 17:28, 17:49, 20:51 to 20:66**
- Permanent and total disability, pension benefits, **17:24**
- Pharmacy services, health care benefits, **17:39, 17:40**
- Prescription drug benefits, Medicare Part D, **26B:18**
- Presumptions of entitlement, disability compensation benefits, **17:15**
- Private insurance, health care benefits, **17:34**
- Program benefits, disability compensation benefits, **17:18 to 17:20**
- Qualification. Eligibility or ineligibility for benefits, supra
- Rating of disability, disability compensation benefits, **17:14, 17:18**
- Records of military service, **17:8**
- Redux method, military retirement, **20:54**
- Representing veterans and claimants, **17:4**
- Reservist retirement system, **20:57**

VETERANS—Cont'd

- Retirement, generally, **17:21 to 17:28, 17:49, 20:51 to 20:66**
- Services
 - benefits, generally, **20:59**
 - dental services, health care benefits, **17:39, 17:41**
 - limited coverage, health care benefits, **17:32**
 - medical services, benefits, **17:39, 20:59**
 - not covered under medical benefits package, health care benefits, **17:31**
 - pharmacy services, health care benefits, **17:39, 17:40**
- Special allowances, benefits, **17:20, 17:46**
- Special needs trusts do not impact all public benefits, **16:100**
- Special support for veterans with disabilities, health care benefits, **17:43**
- States that have Uniform Veterans Guardianship Act, **17:61**
- Statutes, **17:1 to 17:63**
- Summary of benefits, **17:5**
- Supplemental claims, **17:53**
- Survivors' benefits, **17:44 to 17:51, 20:60 to 20:63**
- Survivors pension (formerly death pension) benefits, **17:49**
- Taxation, exemption of benefits from, **17:63**
- Total and permanent disability, pension benefits, **17:24**
- Treatment
 - causing disability, service-connected disability compensation, **20:53**
 - 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, **17:61, 34:5**

VETERANS—Cont'd

- Veterans' Administration
 - generally, **17:2**
 - collection of overpayments, **17:62**
 - 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)
- 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

INDEX

WAIVER AND ESTOPPEL—Cont'd

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, **2:23**

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**

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

Cash bequests, **10:51**

Charitable bequests, **10:52, 11:24, 11:47, 11:48, 11:58**

Children and grandchildren

adopted children, **10:58**

guardian of minor children, **10:68**

WILLS—Cont'd

- Children and grandchildren—Cont'd
 - per-stirpes or per capita distribution, **10:22, 10:37**
 - testamentary trust, **10:42, 10:59, 10:60**
- Closing, drafting and execution of simple will, **10:73**
- Community property, terminology, **10:33**
- Copy of document, retention by attorney, **10:77**
- Corepresentative, authority of personal representative to name, **10:65**
- Costs and expenses
 - administration expenses, **10:63, 10:69**
 - fiduciaries, compensation, **10:71**
 - funeral expenses, **10:61**
- Court, avoidance of accountings, **10:44**
- Death taxes, **10:63**
- Debt repayment, **10:61, 10:62**
- Definitions, **10:30 to 10:45, 10:72**
- Devisee and legatee, terminology, **10:35**
- Direct distributions to trust beneficiaries, **10:59**
- Disclaimers, drafting and execution of simple will, **10:57**
- Dispositive provisions, drafting and execution of simple will, **10:47**
- Doctrine of abatement, terminology, **10:40**
- Drafting and execution of simple will, **10:46 et seq.**
- Expenses. Costs and expenses, supra
- Federal estate taxes, **8:69**
- Fiduciaries
 - compensation, **10:71**
 - guardian of minor child, **10:68**
 - naming and granting powers to, **10:64**
 - powers and duties, **10:64, 10:70**
 - trustee, **10:67**
 - waiving security on fiduciary bond, **10:69**
- Form for simple will, **10:78**

WILLS—Cont'd

- Funeral expenses provision, drafting and execution of simple will, **10:61**
- Future incapacity of client, use of living trust, **10:45**
- Grandchildren. Children and grandchildren, supra
- Guardian of minor children, drafting and execution of simple will, **10:68**
- Identification of community property, terminology, **10:33**
- Incapacity. **Mental Capacity or Condition** (this index)
- Inheritance taxes, drafting and execution of simple will, **10:63**
- Intangible or tangible personal property, **10:48 to 10:50, 10:53**
- Inter vivos or living trust, **10:42 to 10:45, 10:55**
- Intestate, terminology, **10:31**
- Joint matters
 - bank account as substitute for will, **10:127**
 - debts of married couples, drafting and execution of simple will, **10:62**
 - tenancy as substitute for will, **10:119 to 10:121**
- Lapse and anti-lapse provisions, **10:36, 10:49**
- Legatee and devisee, terminology, **10:35**
- Life estates and tenants, drafting and execution of simple will, **10:54**
- Living trusts, **10:42 to 10:45, 10:55**
- Living Wills** (this index)
- Married couples. Spouses, infra
- Meaning of terms in will, clarification, **10:72**
- 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**

INDEX

WILLS—Cont'd

- 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**
- 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**

WILLS—Cont'd

- Spouses—Cont'd
 - 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**
 - 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**

WILLS—Cont'd

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**

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

WITHHOLDING—Cont'd
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, **4:31**

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)

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)

YEARS—Cont'd

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)