

## Habiger & Associates Elder Law Office

### “Obamacare” & Medicare

October 9, 2013

Those who do not have health insurance began signing up October 1, 2013 for coverage under the Affordable Care Act (popularly known as Obamacare). Most of those who don't already have insurance will have to buy coverage by March 31, 2014 or pay a penalty.

If you already have Medicare, you have nothing to worry about. Your Medicare coverage will continue (in fact, better than before); you don't need to do anything.

It may be somewhat confusing because Medicare's enrollment period for choosing or changing prescription drug or Medicare Advantage plans begins October 15 and ends December 7, overlapping with the Affordable Care Act's enrollment period. Moreover, scammers are taking advantage of the confusion to steal personal and financial information from Medicare recipients.

**Scumbag con artists**, claiming to be from Medicare, are calling Medicare beneficiaries and telling them that because of Obamacare they need to get “a new Medicare card,” which requires them to divulge personal and banking information, and, if they don't provide the information, the beneficiaries are told, their Medicare benefits will stop.

In fact, people age 65 and over who have Medicare don't need to do anything to continue getting their government benefits. Medicare coverage satisfies the new insurance requirement and a new “health care card” is not required. (And those under age 65



HABIGER & ASSOCIATES  
ELDER LAW OFFICE

#### Update on Marty Habiger Office Manager Emeritus & Stroke Survivor



Recently, attorney Richard Habiger was honored  
For his 40 years of service to the community



who already have health coverage don't need to do anything, either.) Moreover, Medicare, like the IRS, will never contact beneficiaries about any personal issues by phone or e-mail, but rather through regular mail.

It's against the law for someone who knows that you have Medicare to sell you a marketplace health plan (also called an "exchange" plan). Those who violate the law risk being fined up to \$25,000 or imprisoned for up to five years, or both. Suspicious call should be reported to <http://www.stopmedicarefraud.gov/preventfraud/smp/>

Medicare coverage will actually improve for many as a result of the Affordable Care Act. Those who receive prescription drug coverage through Medicare Part D and are stuck in the coverage gap known as the "doughnut hole" will get a 50 percent discount on brand-name prescription drugs. Some free preventive services also are now covered under Medicare.

The new health care marketplaces should be a big boon to the near-elderly -- those ages 50 to 64 -- one-fifth of whom went without health insurance for at least part of 2012. These individuals can sign up for coverage through the marketplaces without fear of being rejected for preexisting conditions, and the insurance should be more affordable than before. Many others in this age group are clinging to their jobs simply for health insurance. The availability of affordable, guaranteed health coverage could allow them to start their own business, change employers, or retire.

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## **FREE CONSUMER GUIDES**

## **Veteran Beware!**

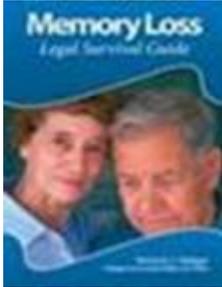
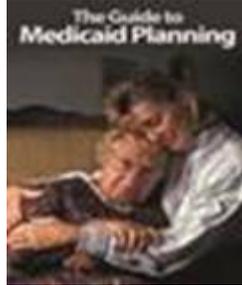
Recently, a 51-year-old woman in Illinois who was "helping" disabled seniors who could not manage their own affairs was charged with mail fraud. As representative payee for these individuals, she used more than \$500,000 of the seniors' Social Security and Veterans Benefits to pay her own bills. In 2012, the officers and directors of a non-profit organization, Help Hospitalized Veterans (HHV), were sued for misrepresentations in solicitations for funds. The lawsuit requested that the president and board members of the charity be penalized \$4,000,000. In addition to excessive compensation for board members, they also improperly use donations to pay for country club memberships and a condominium outside of Washington D.C. Less than one third of the donations received were actually used for veterans. According to tax records, HHV received \$31 million in 2011 and \$45 million in 2012.

In August, the Government Accountability Office (GAO) issued report on the VA's procedures affecting veterans. The GAO's concerns are that (1) many accredited agents are not trained competently to help veterans; and (2) there are numerous individuals assisting veterans who are not accredited.

When hiring an advisor (called a "representative" by the VA) to help with filing a VA claim, the consumer - the veteran - should check the advisor out thoroughly. Not all advisors representatives are created equal. Not all non-profits are what they purport to be. Not all people who "want to help" are altruistic.

To investigate an advisor to assist with a VA claim, use the following resources:

1. Go to <http://www.va.gov/ogc/apps/accreditation/index.asp> to see if the person is accredited by the VA. If the person is not accredited by the VA, stay away from him or her.
2. If the person is a lawyer, see if there are any complaints at <http://www.iardc.org/>.
3. If the person is a financial advisor or insurance (annuity) sales professional, check the Securities Exchange Commission or <http://insurance.illinois.gov/Complaints/Complaints.asp> for any negative history. If not accredited by the VA, ask if a lawyer is involved, who the lawyer is



and whether the lawyer is accredited by the VA. Also, go to the professional's website and verify any credentials.

4. Does the person assist with "planning" and preparation of the VA application or just refer you to a veteran service organization after completing the planning? If the latter, who is going to represent you if there is a problem with the application?

5. If the professional says, "I won't charge you anything" to help, ask more questions about compensation (i.e. from commissions or an annuity)? No one works for free.

6. Use people who have been personally referred to you by another person who has actually used that person. A referral from a senior community that sponsors seminars is not a referral - they may know the person, but they likely have not hired the person for their own planning.

7. Ask what organizations the person belongs to, and whether the organizations are reputable.

**HAELO is here for you:** My staff and I are here to help you and your loved ones.



**New Office Location  
More Convenient For You & Your Family**  
1808 Clark Street  
Carterville, Illinois 62918  
Habiger & Associates Elder Law Office  
(618) 985-4529 or (800) 336-4529

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