



*Helping older Ohioans with
legal & long-term care problems*

Pro Seniors, Inc.

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What is Pro Seniors?

- 1) Pro Seniors is a mission-driven public interest law firm
- 2) 2015 is Pro Seniors' 40th anniversary
- 3) Pro Seniors is the only Ohio non-profit exclusively practicing elder law
- 4) Though focused on elder law for low-income Ohioans, Pro Seniors is an integral part of the national, regional, state and local senior service providers

Who is Pro Seniors?

- 1) Pro Seniors is
 - a) One office in Cincinnati, Ohio
 - b) Funding 1.9 Mil.: 45% Federal, 25% State, 20% Local
 - c) 35 paid staff and 25 volunteers
 - d) 3 main programs
 - i. Legal Program
 - ii. Regional LTC Ombudsman Program for SW Ohio
 - iii. SMP (Senior Medicare Patrol) Program

Pro Seniors' Non-Legal Programs

- 1) Regional LTC Ombudsman Program (1978)
 - a) Butler, Clermont, Clinton, Hamilton & Warren counties
- 2) SMP Program – statewide (2002)
 - a) Teaching volunteers who can teach seniors to avoid and report Medicare fraud, waste and abuse
 - b) How to avoid becoming victims of scams and identity theft

Pro Seniors' Legal Programs

- 1) Mid-America Pension Rights Project (PRP)
 - a) Helping with Pension and Retirement Benefit Problems in Indiana, Kentucky, Michigan, Ohio, Pennsylvania and Tennessee
 - b) Funded by the US Administration on Aging
 - c) Unrestricted eligibility – 500 calls annually
 - d) Project began in 2002 in partnership with Elder Law of Michigan and has recovered over \$23 million in lifetime pension benefits

Pro Seniors' Programs

1) Mid-America Pension Rights Project

e) Services provided

- Pension benefit recovery
- Pension plan interpretation and eligibility determination
- Finding lost pensions for former employees of relocated, out-of-business or merged companies
- Determining rights and assisting widows, divorced and common law spouses (QDROs)
- Referral for actuarial review or pension litigation

Who is Pro Seniors?

2) Senior Legal Hotline

- a) Continuous statewide existence since 1990
- b) Funded primarily by UW, Title III-B & OLAF (IOLTA)
- c) Ohioans aged 60+ – 7,000 cases annually from all 88 Ohio counties – we will speak with non-clients
 - i. 1 Hotline Managing Attorney
 - ii. 8 Paid Part-Time Attorneys
 - iii. 4 Volunteer Attorneys
 - iv. 1 Intake Specialist
- d) Counsel & advice or brief services

Pro Seniors' Programs

2) Senior Legal Hotline

- e) 40+ pamphlets on various elder law topics
- f) Top 7 legal hotline issues (52% of total)
 - i. Medicaid – 15.5%
 - ii. Wills & Estates – 9.6%
 - iii. Homeownership/Real Property – 6.5%
 - iv. Collection – 6.3%
 - v. FPOA/Advance Directives – 5.5%
 - vi. Landlord/ Tenant– 4.7%
 - vii. HCBS – 3.9%

Pro Seniors' Programs

- 3) Hotline Referral Attorney Panel (HRAP)
 - a) Regulated by Ohio Supreme Court
 - b) 75 private attorneys
 - c) 850 annual referrals; 80% are reduced fee
 - d) Transactional documents; litigation for damages; Probate issues; consumer issues; Medicaid planning
 - e) Free 30 minute consultation

Pro Seniors' Programs

- 4) Equal Justice Works Veteran Legal Fellow
 - a) Handles various legal issues for low-income veterans

- 5) Anderson Legal Fellowship for the Prevention and Resolution of Financial Exploitation of Seniors
 - a) Handles financial exploitation cases and other issues that arise as a result of financial abuse

Pro Seniors' Programs

- 6) Federal Victims of Crime Act (VOCA) grant through the Ohio Attorney General's Office
 - a) Handles various legal issues for low-income seniors who are victims of crime or abuse, neglect and financial exploitation

- 7) In-House staff attorneys
 - a) Medicaid, Medicare and health issues
 - b) Public benefits
 - c) Housing, foreclosure, landlord/tenant, subsidized housing

Pro Seniors' Programs

- 7) In-House staff attorneys
 - d) Consumer, debt collection, FDCPA
 - e) HCBS, Assisted Living, NF resident rights
 - f) Social Security
 - g) Medicaid Estate Recovery
 - h) ADA & OCRC

- 8) Pro Seniors does individual service work, legislative advocacy and impact litigation

Pro Seniors' Programs

- 9) *Wheaton v. McCarthy*, 800 F.3d 282 (6th Cir., Sept. 1, 2015)
 - a) In a case of first impression, the federal 6th Cir. Court of Appeals held that spouses are part of the family when determining Federal Poverty Level and eligibility for Ohio's Medicare Premium Assistance Program (MPAP), aka Medicare Savings Program (MSP) – QMB, SLMB & QI-1, which helps low-income Medicare recipients pay their Medicare premiums, deductibles and co-pays

Pro Seniors' Programs

10) *Ledford v. ODJFS*, S.D. Ohio,
No. 1:10-cv-00706 (2012)

- a) Held that class members (veterans and their widows who are Ohio HCBS recipients) can keep the first \$90 of their monthly VA income rather than having it included in their patient liability
- b) This decision, which applies to seniors participating in PASSPORT and assisted living waivers, significantly increased their monthly disposable income, especially for ALW recipients

Pro Seniors' Presentations

- 1) In 2014, Pro Seniors had 24,767 attendees at 357 presentations across all of our programs
 - a) We present on various elder law legal topics nationally, regionally and locally to
 - i. Consumers
 - ii. Professionals that serve seniors and
 - iii. Attorneys

Pro Seniors' Services

Ohio's Senior Legal Hotline:

- 1) Staffed by experienced attorneys
- 2) Pre-set appointments
- 3) By telephone
- 4) 30 minutes
- 5) Free legal advice and counsel
- 6) Call 1.800.488.6070 or 513.345.4160.

