

New York StateWide Senior Action Council

MEMBER UPDATE

Spring 2012



Maria Alvarez

A Message from the Executive Director

Advocacy Works!

The State Legislature's budget conference sub-committee on health had been allocated a total of \$50 million for restorations or new spending in ALL categories of spending on health, aging, mental health and other related services. So, it was a major victory for seniors when it was announced that

\$30.6 million of that total would go toward restoring cuts to the EPIC program. (See page 7 for more on the State Budget.)

New Program: StateWide is the proud recipient of the **National Community Reinvestment Coalition's National Neighbor Silver** grant. This 3-year grant will enhance our participation in local, state, and federal campaigns dealing with such important income security topics as: age-friendly banking, fair lending, responsible practices under the Community Reinvestment Act, among other topics.

40th Anniversary Campaign: All of this success cannot be continued without the constant support and enthusiasm of our membership and supporters. Please contribute...

Our Success Depends on You!

Staff: We are happy to report two more additions to our StateWide family. Leslie Sierra is an outreach counselor working in Manhattan and Brooklyn. Leslie has an extensive background working on senior issues and has been conducting outreach and education throughout NYC.

We are also pleased that Joan Akpan has joined our team. Joan's background is Advertising and Communications and is focused on getting the StateWide message out to as many seniors as possible across NY State.

Inside this issue:

In Memory of Sister Bernadette Devlin	2
Senior Citizen Day	3
Get Informed	4-5
Hospital Observation Status	6
State Budget	7
Membership Dues	8
New Members and Contributors	9
Latest on EPIC	10
Medicare Update and Prescriptions Drugs	11
40th Anniversary	12

Events

StateWide's staff continues to make presentations across the state to educate seniors and professionals about the ever-growing changes in healthcare for seniors in NYS. Issues such as: Medicare, Medicare Part D, Medicaid, EPIC, the growing incidence of "observation status", the Affordable Care Act, and Care Transitions, are addressed by the top experts in the state. If you are interested in attending or in organizing an event in your community, call us. We want to reach as many people as possible!

Medicare Patient's Rights Helpline 1-800-333-4374



NY StateWide Senior Action Council's Board of Directors notes with sadness the passing of Board Member Sister Bernadette Devlin. Sr. Bernadette worked with StateWide since the 1970s and was serving on the Board of Directors from the Capital Region when she died on Feb. 21.

Born on November 22, 1922 in Norwich, CT., Sr. Bernadette was the third of four girls. Her father was a steel dye cutter and the Devlin family moved often as her father trained workers throughout the region. She entered the Daughters of Charity in 1940. After 35 years of teaching in elementary schools in the northeastern states including in the NY communities of Albany, Utica, Canastota and Syracuse, Sr. Bernadette left education and began her ministry in social services.

In 1978 she moved to Bedford Stuyvesant, Brooklyn and worked in Bayside, Queens where she helped form and direct about 115 Golden Age Clubs with 9000 seniors for the Catholic Diocese of Brooklyn and Queens. Sister Bernadette earned a Master's degree in Gerontology from Yeshiva University.

Sr. Bernadette participated fully with the seniors, in the Golden Age Clubs. She brought them information on senior issues from Statewide and urged them to take action to support campaigns for EPIC and other programs. She also worked with StateWide's legendary activist Rose Kryzak. Sr. Bernadette received awards for her work with StateWide and Catholic Charities. She also served on the Board of IPRO, and continued to be active there and with StateWide after she retired to the provincial house of the Daughters of Charity in the Albany area in 2006.

Sister Bernadette's leadership in StateWide will be missed. Those interested in contributing to her memory may choose to make a contribution to StateWide and will be listed as contributors on a page in our 40th Anniversary Journal dedicated to:

Sr. Bernadette Devlin.

Send checks payable to:
NY StateWide Senior Action Council
275 State St, Albany, NY 12210

Please indicate in a note that it is in memory of Sister Bernadette Devlin.

A Call to Action

- ◆ We are looking for the founders of StateWide at the local level
- ◆ We are looking for StateWide artifacts that were used for organizing over the years
- ◆ We are seeking an extra push in membership recruitment
- ◆ We are seeking funding for our Rose Kryzak Fund to continue our important advocacy work
- ◆ We want everyone to come help us celebrate in Saratoga Springs at StateWide's 40th Annual Convention and Gala Celebration

SENIOR CITIZEN DAY

In Albany on Monday, May 14th 2012

NY StateWide Senior Action Council urges you to attend a day of celebration, education and awards. Join us to learn about the latest federal & state policy and economic security issues of importance to seniors and their families.

Where:

1st floor lobby of
the Legislative
Office Building,
“The Well” of the
Empire State Plaza,
in Albany

When:

11:00 am*—3:00 pm
Speakers begin at
11 am. Exhibitors
available all day.

Agenda:

Updates on EPIC,
Medicare, Medicaid
and other benefit
programs. Awards
to distinguished
honorees.

Please call StateWide at
1-800-333-4374

There is no charge to participate. Arrangements can be made to coordinate transportation. Lunch will be provided

*Registration begins at 10:30 am. Please allow time to go through security check.

Medicare Patient's Rights Helpline 1-800-333-4374

Join Our Monthly Conference Calls on Consumer Issues



StateWide is conducting its series of monthly educational conference calls on the first Wednesday of each month. These calls focus on health and consumer issues featuring experts who share valuable information on topics such as EPIC, Long Term Care in the Community, in the Nursing Homes, Managed Long Term Care, Elder Abuse, and much more! The next three calls will be about:

- ♦ **May 2nd:** Education and Outreach about Medicare, Medicaid and Social Security during the 2012 election.
- ♦ **June 6th:** StateWide's new Hospital Kit which provides consumer information to seniors, families and caregivers.
- ♦ **July 11th (the date is moved due to the 4th of July holiday):** A discussion on How the Supreme Court's Decision will Affect the Affordable Care Act.

If you would like more information, please call 1-800-333-4374 or email us at swnys@aol.com

House Passes GOP Budget Crafted by Rep. Ryan that Includes Big Changes to Medicare

The US House of Representatives passed a budget resolution that would reduce tax rates to 25% and 10%, cut other taxes and cut Medicare expenditures by instituting a new system of "premium support".

Beginning in 2022 the plan would basically turn the rest of Medicare into a system similar to Part D except that there would remain a fee-for-service option paid by the government. That plan would have to compete with private plans in a "Medicare exchange."

The plan is like Part D in that it would subsidize a basic amount of insurance. Beneficiaries who choose a more expensive plan would have to pay the difference or they could keep any savings from a plan that costs less than the basic benchmark plan.

The idea is to save money by competition. Some experts worry that the private plans would attract healthier seniors thereby leaving the government plan to insure seniors in need of costlier care and thereby not being able continue to compete on cost.

No Democrats voted for the Ryan budget and ten Republicans, including one in New York State, Congressman Chris Gibson of Saratoga County, voted against it. The plan has no chance to become law this year because the US Senate which is currently controlled by Democrats will not be supporting it. Democrats denounced the plan for changing Medicare's defined benefit model.



StateWide joins the campaign to Restore the American Promise

Restore the American Promise is a coalition of New York State organizations, supporting and defending social safety net programs including Social Security, Medicare and Medicaid.

The latest report of the Trustees shows that Social Security can continue with minor adjustments to meet its obligations to beneficiaries without changing the structure of the program.

The coalition announced that it has asked a group of fiscal and economic experts to serve as a "Social Insurance Accuracy Committee" to provide the public and the media with factual information to counter what are expected to be questionable campaign statements by candidates and independent PACs (political action committees) in Congressional races throughout New York State.

"It is clear that those who oppose social insurance and want to privatize Social Security and Medicare and block grant Medicaid are going to try to twist facts in order to support their view that the only way to "save" these programs is to privatize them or let the states run them. We reject that notion and the panel of experts that is forming will provide for a debate between candidates that has to be based on facts with misleading statements and falsehoods exposed," said Mary Clark, chair of

the coalition. As an example, she cited a half page newspaper ad that ran in the *Albany Times Union* and several other newspapers last November paid for by a group identified as Retire Safe that said "President Obama's plan has put the seniors' prescription drug benefit in jeopardy by trying to force Medicaid-style price controls on the program which could raise seniors' premiums and reduce beneficiaries choices of treatments."

"This ad makes it sound as if the Medicare prescription drug program was in danger of being terminated. They have a right to their opinion and scare tactics but the public has a right to know that Retire Safe is funded in part by pharmaceutical companies who oppose better Medicare discounts in line with those paid by other government programs such as the VA and Medicaid. Those are facts the public has a right to know," Maria Alvarez, Executive Director of NY StateWide Senior Action Council added.

"The power of big corporations to spend large amounts of money to distort public debate is growing and we are seeking to educate the public about who is behind these groups that claim to have the interests of older persons in mind but are really corporations paying for a public relations campaign," she noted.

"The power of big corporations to spend large amounts of money to distort public debate is growing and we are seeking to educate the public about who is behind these groups..."



In mid-April the American Medical Association said doctors were concerned about “observation status” and urged Medicare officials to review the rules. If a patient is in “observation status” they are not admitted to the hospital and therefore Medicare Part B, not Part A will be paying for charges. Of most concern is that without an official three day inpatient stay, a patient who went to a nursing home for rehab would not be eligible for payment by Medicare.

StateWide's staff and members have heard reports of problems with several cases of persons designated as in “observation status” and, so, have begun holding meetings with hospital officials in Sullivan County, Troy and Buffalo to discuss how local hospitals are using observation status.

Real Life Situation:

Mrs. X, a 92 year old Albany County woman, who lived alone, fell and fractured both of her arms. On Friday, February 17th, she went to the hospital. The hospital was intent on sending her home **that day** even though she was immobile and in great pain. According to the hospital, her continued stay was “not medically necessary.” The patient felt that the discharge staff was uncaring and treated her like a business transaction.

Mrs. X’s family filed an appeal with IPRO, the agency which handles appeals for Medicare. By filing the appeal she was allowed to stay in the hospital pending IPRO’s decision. She stayed in the hospital until the following Tuesday. Initially, IPRO decided unfavorably for the senior, saying the hospital was correct in seeking to send her home. This meant that she would be financially responsible for the additional days she spent in the hospital. Also, since she was not formally “admitted” to the hospital, she was in “observation status,” and would have to pay for rehabilitation in a nursing home. **Medicare requires a 3-day hospital admission prior to nursing home rehab or it will not pay for the rehab stay.**

How StateWide Helped:

- ◆ **StateWide** provided assistance and counseling to Mrs. X’s family.
- ◆ **StateWide** contacted IPRO to seek a further review and of the case.

Update:

Mrs. X was transferred to a nursing home in Rennselaer County and remains there now. IPRO reviewed the first denial and determined that the woman should have been admitted due to the nature of the fracture and the pain she endured. **By reversing the decision, Medicare would pay for the extra hospital stay and rehab visit, saving Mrs. X thousands of dollars.**

StateWide received an e-mail from Mrs. X’s son who wrote:

"Thanks for even thinking about this. I can't tell you how stressful this is and how much I appreciate the help."

Call the Patient’s Rights Helpline with questions in regard to hospital issues.

Medicare Patient's Rights Helpline 1-800-333-4374

State Legislature Passes Budget Restoring EPIC Coverage with Maximum \$20 Co-Pay; NORC Cuts Restored Along with Added Funds to 39 Counties to Offset Census Changes

The New York State Legislature passed the new 2012-2013 by the end of March. It is the second year in a row the budget has been passed on time and Governor Cuomo, Assembly Speaker Sheldon Silver and Senate Majority Leader Dean Skelos lauded their achievements at a press event.

StateWide Advocacy Works

An agreement had been announced about added funds for senior programs including:

- ◆ **EPIC**— \$30.6 million for the EPIC program
- ◆ **NORCs**—\$485,000 to restore cuts to NORC
- ◆ **Medicaid "spousal refusal"** - Legislature rejected The Governor's proposal to end it. The Governor's Proposal called for not allowing spouses living at home to refuse to pay for Medicaid long term care costs for home and community based services and thereby protect their own assets. Seniors, disabled and advocates said this provision would impoverish the spouse and could lead in a worst case scenario for some to divorce to protect their assets.
- ◆ **CSE and EISEP**- The budget also included \$1.135 million in additional funds for the CSE and EISEP programs administered by area agencies on aging in local counties to make up for changes in allocations resulting from the

2010 US Census. 39 counties were slated to have their funding allocations for these two programs cut even though their population of age 60+ increased from 2000-2010. The new funds will reduce those losses. The remaining counties which had larger growth in their 60+ populations are slated to see increases in their funding from the state for these two programs.

- ◆ **LEGISLATIVE SUPPORT**—**Senate Aging Chairman David Valesky** led the effort to secure the additional funding and **Assembly Aging Chair Joan Millman** pushed for restoring the NORC funds. **Senator Kemp Hannon**, Chair of the Senate Health Committee, brokered the deal for the large increase in funds for EPIC. Senate Aging Chair David Valesky had also included the increase in his request to the Senate leadership but Hannon was co-chair of the Health budget conference committee that determined the program allocations and was able to secure the deal.
- ◆ **YOUR SUPPORT**— Thank-you StateWide members. These victories shows how **YOUR ADVOCACY** can make a difference in many people's lives!

NORCs—Naturally Occurring Retirement Communities

CSE—Community Services for the Elderly

EISEP—Expanded In-Home Services for the Elderly

Membership Dues Application

This may be your last newsletter! If there is an asterisk (*) next to your name on the mailing label you currently owe your 2012 dues. Membership dues are for the calendar year – January 1 – December 31.



By joining StateWide, you can have an impact on state and federal issues of importance to older New Yorkers. You can also help spur your peers to become more knowledgeable about issues including Medicare, Social Security, prescription drugs, long-term care, patient’s rights and NYS budget issues.

StateWide Senior Action is a not-for-profit, grassroots, advocacy organization of older New Yorkers, founded in 1972. With your membership, you will receive *Senior Action News*, information about our annual conference, local meetings and more! Updates are available on the Web at: www.nysenior.org.

Yes, Count me in! I want to join New York Senior Action Council.

Name: _____

(If Couple membership, please include both names)

Address: _____

City: _____ State: _____ Zip: _____

County: _____ Chapter (if known): _____

Phone: _____ E-Mail: _____

Affiliated Organization (if any): _____

Membership Categories

- ◆ Individual Membership - \$15.00/year
 - ◆ Couple Membership - \$20.00/year
 - ◆ Lifetime Membership/Individual - \$150.00
 - ◆ Lifetime Membership/Couple - \$200.00
 - ◆ Organizational Membership - \$75.00/year
 - ◆ Your organization will receive 20 copies of *Senior Action News*.
- I am a: New Member Renewing Member

Additionally, I would like to make a contribution of \$ _____ to the Rose Kryzak Legacy Fund to assist StateWide’s efforts in forwarding senior advocacy across New York State.

TOTAL ENCLOSED: \$ _____ Make checks payable to: **NY StateWide**

Senior Action Council, Inc.

sp12news

Please return this form, along with payment to: **New York StateWide Senior Action Council, Inc.**
275 State Street Albany, NY 12210

Welcome New Members and Contributors

New Individual Members:

Terry Alford	Buffalo
Debra E. Allen	Monticello
Anthony Barone	Amherst
Kathleen Bell	Auburn
Sarah Jane Blake	Brooktondale
Fred Brace	Buffalo
Louis Brehm	Hamburg
Kathleen Brighton	Brooklyn
Ann Brownlow	New York
Johanna Bucien	Auburn
Amy Button	Schenectady
Carole Campana	New York
Michael Cercone	Buffalo
Sharon Cohen	Kingston
Lucy Condelario	Buffalo
Richard Corbett	Rome
J.R. Drexilius	Kenmore
Rick English	Buffalo
Betty Evans	Canton
Louis Fasolino	Buffalo
Joyce Finkelmeier	Saratoga
Alice Garhartt	Auburn
Ruby V. Hodge	Brooklyn
Kathy Isch	Buffalo
Hellen Jeffs	Olivebridge
Kelly Johnson	Madrid
Toby Krawitz	Kingston
Jack Kupferman	New York
Sue Lamadue	Buffalo
Margaret Leavitt	New York

Contributors to the Rose Kryzak Fund:

Rich Mack	Buffalo
Christine Mason	Saugerties
Kat Massie	Buffalo
Richard McCumber	Amherst
Beverly Merkinger	Plainview
John Murphy	Buffalo
Peg Overdorf	Buffalo
L. Michael Page	Colton
Judy Peaks	Sparkill
Jon Pettit	Cottkill
Ben Porter	Canton
Art Robinson	Buffalo
Douglas Ruffin	Buffalo
Louis Santiago	Buffalo
Jane Sevey	Potsdam
Marie Shear	Brooklyn
James & Bernadette Sherman	Norwood
Erika Siedlecki	Liberty
Kathryn & John Skelly	Heuvelton
Doris Smith	Moravia
Bonnie Spears	Potsdam
Mary Jane Spiak	Troy
Annabelle Staber	Kingston
Kenneth Tirohn	Amherst
Assunta Ventresca	Buffalo
Eve Wagreich	Melville
Kelly Walters	Utica
Hilda Weinberg	Brooklyn
Linda Wilkinson	Potsdam

Muriel Beach	New York
Patricia Binzer	Glenmont
Sarah Jane Blake	Brooktondale
Barbara Boncek	Grahamsville
Ann Brownlow	New York
Amy Button	Schenectady
Carole Campana	New York
Marion Campbell	Brasher Falls
Margaret & Richard Corbett	Rome
Alfred Deleel	Richville
Claire Dockery	New York
Anne & Sidney Emerman	New York
Charles & Janet Fischer	Pearl River
Rosemary M. Florio	Malone
Marcella Fugle	Hamburg
Gay Garris	Canton
Louise Hardy	Gouverneur
Marcus Harazin	Delmar
Mario C. Henry	Flushing
Ruby V. Hodge	Brooklyn
Audrey Iszard	Bronx
Milton Kaplan	Delmar
Ed & Thelma Mager	Salem
Susanne Maloy	Ithaca
Ellen McGann	Corona
Betty Evans & Ken McMasters	Canton
Beverly Merkinger	Plainview
Harriet Myers	Cedarhurst
Roxanne Offner	Tuckahoe
Ethel Paley	New York
Kate Sheldon	Copenhagen
Ann Sheppard	Saratoga Springs
Edward Sidote	Norwich
Ruth Smutz	Potsdam
Elinor Spoor	Weedsport
Anna Stellwag	Orangeburg
Kathleen Sucich	New York
Edwina Thompson	E. Elmhurst
Arlene Tuff	New York
Sherry & Richard Watson	New York

New Organization Members:

Encore Community Services
Federation of Organizations
Johnstown Senior Center
Loch Sheldrake Senior Club, Inc.
Mercy Care for the Adirondacks, Inc.
Saranac Lake Adult Center

New Lifetime Members:

Franklin & Linda Clark	Williamson
Ed & Thelma Mager	Salem
Harriet Myers	Cedarhurst
Beth & John Van Bladel	Delanson

Thank-you

Thank-you for your support of **NY StateWide Senior Action Council**.
Your support is critical to achieving our goals for this year and the future.

Medicare Patient's Rights Helpline 1-800-333-4374

Seniors who are enrolled in EPIC will have to wait nine more months before they see the changes take effect on January 1, 2013. The changes will restore coverage for EPIC as a supplement throughout the Medicare Part D drug program after the Medicare Part D deductible is paid with a co-payment no higher than \$20. EPIC will also re-institute its premiums and deductibles. The EPIC program administration which is overseen by the Department of Health with a contract to Magellan Health will now have to spend several months re-developing the materials and guidelines for the program as well as make adjustments to its accounting systems.

EPIC Program	EPIC Final Enacted Budget April 1, 2012
THROUGH DECEMBER 31, 2012	Implementation January 1, 2013
EPIC is a single tier program	EPIC will again have two tiers of coverage similar to the program in 2010
<p>EPIC is free, with no fees or deductibles. EPIC pays Part D premiums, UP TO \$39.79/ mo for:</p> <ul style="list-style-type: none"> ◆ single seniors income up to \$23,000 ◆ married couples income up to \$29,000 	<p>FEE PLAN – Restored</p> <ul style="list-style-type: none"> ◆ These members will pay quarterly fees based on income ◆ EPIC will pay Part D premiums, UP TO the average benchmark plan premium/month directly to all Fee plan members’ Part D plan
<p>DEDUCTIBLE PLAN Eliminated DEDUCTIBLE PLAN</p>	<p>DEDUCTIBLE PLAN Restored</p> <ul style="list-style-type: none"> ◆ EPIC is free but these members will have to meet an annual deductible based on their income ◆ EPIC will Pay Part D premiums of UP TO the average benchmark/month directly to Deductible plan members’ Part D plan for: <ul style="list-style-type: none"> • Single seniors income \$20,001 - \$23,000 • Married couples income \$26,001-\$29,000
<p>Every enrollee must join a Medicare Part D plan, NO exceptions.</p>	<p>same</p>
<p>EPIC will ONLY provide secondary coverage in the “donut hole.” EPIC is not considered to be creditable coverage and covers only medications covered by the member’s Part D plan.</p>	<p>EPIC coverage begins after any Part D plan deductible is met and prevents prescription co-pays greater than \$20 in the Fee Plan OR after having met the EPIC Deductible. EPIC will still not be considered as creditable coverage and will cover only medications covered by the member’s Part D plan.</p>

Seniors who are having problems paying for their medications are urged to call 1-800-333-4374 to speak with StateWide’s Medicare Counselors.

Supreme Court Decision on Health Care Bill Could Greatly Affect Medicare

The Supreme Court heard arguments in late March on the constitutionality of the Affordable Care Act. Even though the central focus of the court is whether the government can mandate that individuals must purchase a health insurance policy, the Court could decide to throw out the entire law. If that is done, changes enacted in the law to enhance Medicare would be in danger. Those include the provision to provide up to 75% of Medicare Part D coverage in the "donut hole" coverage gap. Prior to the law's passage, there was no Medicare coverage for any cost of drugs in the donut hole. Other features of the law which could be jeopardized include requiring insurers to allow children age 26 and under to remain on their parents' health insurance policy and also the prohibition against denying insurance coverage for pre-existing conditions. Of course, the Supreme Court could rule the law is constitutional, or rule that only part of it, such as the individual mandate, is unconstitutional and allow the rest to stand.

Prescription Drugs

Price for Generic Versions of Lipitor, Caduet to Drop as More Competitors Come into Market



It's been almost six months since Lipitor lost patent protection and a generic version began to be marketed. Now that the six months is ending,

other manufacturers will be able to produce and market their own generic versions and prices should drop further. Another drug, Caduet, for high blood pressure is also ending the first six month period after the patent loss.

According to University of Minnesota economics professor Stephen Schondelmeyer, the price of a drug can drop by 50% after one year of generic competition, by 70% after two

years and by as much as 95% after three years. This will save consumers money as well as private insurers and government programs like Medicaid and Medicare.

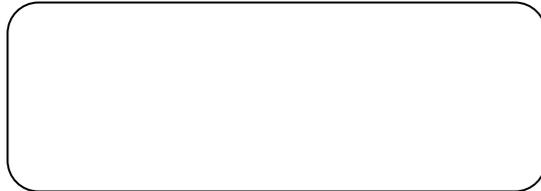
- ◆ Lexapro for depression, anxiety, March 2012
- ◆ Seroquel for schizophrenia, bipolar disorder, severe depression, March 2012
- ◆ Provigil for excessive sleepiness, April 2012
- ◆ Plavix for blot clot prevention, May 2012
- ◆ Tricor for high cholesterol, July 2012
- ◆ Singulair for asthma, August 2012
- ◆ Actos for Type 2 diabetes, August 2012
- ◆ Propecia for men's hair loss, January 2013

Source: *Consumer Reports Magazine* (May 2011)

Seniors who are having problems paying for their medications are urged to call 1-800-333-4374 to speak with StateWide's Medicare Counselors.

STATE **40th** WIDE ANNIVERSARY

New York StateWide Senior Action Council, Inc
275 State Street, Albany, NY 12210 • (518) 436-1006 • Fax (518) 436-7642
www.nysenior.org



Come join the celebration.
You're invited

to Our 40th Anniversary Gala on
October 10th in Saratoga Springs, NY

StateWide members and friends can place an ad in the Journal and buy tickets to the event. The Annual Convention and 40th Anniversary Gala will be held at the Holiday Inn in Saratoga Springs.

Ticket information and reservations will be available very soon. Please visit our Web site at www.nysenior.org for more information. Or you can call us at 518-436-1006.

Our success is counting on YOU!