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The Affordable Care Act: What You Need to Know - Part 1

by Jessica A. Hayes, Esq.

This is the first in a series of articles Hook Law Center will be publishing on the impact of the Affordable Care Act.

President Obama signed the Patient Protection and Affordable Care Act (the "Affordable Care Act") into law in March 2010. While some provisions of the ACA have already gone into effect, a number of new provisions are scheduled to take effect on January 1, 2014, impacting millions of Americans' health insurance coverage.

The Affordable Care Act was designed to increase the number of Americans with health insurance by providing more affordable and accessible options, as well as to ensure that health insurance satisfies minimum standards of coverage. Preliminary projections as to the effects of the Act are optimistic; the Congressional Budget Office has estimated that by 2023, the Affordable Care Act will reduce the number of uninsured nonelderly individuals from 55 million to 31 million, thereby increasing the percentage of nonelderly people with health insurance to 89%. The first Affordable Care Act health insurance plans will go in to effect on January 1, 2014, with open enrollment for these plans running from October 1, 2013 to March 31, 2014.

Under the Affordable Care Act, all individuals will be required to have health insurance, with financial incentives for those who enroll and penalties for those who refuse to do so. Individuals who will be exempt from this mandate are (i) those having a religious exemption; (ii) non-U.S. citizens or illegal immigrants; and (iii) incarcerated individuals. Small employers will be encouraged to provide coverage for their employees under the Act, with a tax credit for 2014 and 2015 and no penalties for failure to participate.

The Affordable Care Act: What You Need to Know - Part 1 (con't)

Large employers (those with 50 or more full-time employees) will be required to offer coverage to employees with financial penalties for noncompliance.

As a result of this legislation, Health Insurance "Marketplaces" will be available to assist low and moderate income individuals and families and small businesses in purchasing health insurance plans that are eligible to receive federal subsidies. As of August 1, 2013, Virginia's State Corporation Commission has recommended fifteen plans to compete in the Virginia health insurance Marketplace. Nine insurance carriers will offer health coverage for the individual market and six will sell coverage for small businesses, although the number of available offerings will vary across the state. Most regions of Virginia will have three or four plans available; however, several regions in southwest Virginia will have only one plan. The Department of Health and Human Services projects that on average, a Silver plan for an individual (one of the levels of coverage) will cost about \$320 per month in Virginia.

Under the ACA, several aspects of health insurance plans will be regulated. All health insurance plans must have no lifetime or annual limits, no potential rescission of coverage, extension of dependent coverage, no pre-existing conditions exclusions, no excessive waiting periods for eligibility to become covered by the plan, deductible limitations, and no cost sharing for preventive care. The plan provider must provide a summary of benefits and coverage to participants; plan enrollees must be allowed to select any available participating primary care provider; premiums can be based only on limited factors; and there must be an effective process for appeals from claims determinations. Each of these requirements are designed to improve the experience of the insured individuals and to ensure greater coverage than was previously provided by health insurance companies.

The impact of this legislation is far-reaching; we will examine the Affordable Care Act's impact on elder law in the next installment in this series of articles relating to the Act.



Cats Landing on Their Feet

Hook Law Center: Kit Kat, do cats always land on their feet?

Kit Kat: Well, that depends. The height from which the fall occurs can affect the outcome, but not in the way that you would suspect. Actually, the higher the fall, the more likely the cat will survive. In 1987, a study was done in New York City by the city's Animal Medical Center. While 90% of cats survived falls, it was found that those who fell from heights of 7 to 32 stories were more likely to survive than those that fell from heights of 2 to 6 stories. "How could that be?" you might ask. Well, those that fell from higher heights had time to "right" themselves. Cats have what is called the righting reflex. It has been observed in kittens as young as 3 weeks old, and it is fully developed at 7 weeks of age.

The righting reflex is due to a couple of factors. First, cats have a vestibular apparatus in their inner ears that let the cat always know which way is up. Then, their heads rotate to see where they are going. Next, their flexible spines assist. My mom always told us we had "flex-i-bods." It's true. We cats have 30 vertebrae; whereas humans only have 24. The flexible spine allows us to arch our backs, position our front paws to protect our faces, and then the legs take the brunt of the fall. Also, we do not have collarbones, which makes our bodies narrow; thus, allowing us to smoothly pass through space. Finally, we have a low body-volume-to-weight ratio which, like flying squirrels, allow us to slow our descent, once a fall is underway. So we cats are really quite marvelous creations, wouldn't you agree? In a small package, we pack a lot of unique features.

(<http://shine.yahoo.com/pets/cats-always-land-feet-131100295.html>) (7-29-2013)



The Norfolk SPCA is offering subscribers of Hook Law Center News **\$30 off of the regular dog adoption fee of \$150 or a \$20 off of the regular cat adoption fee of \$100** by bringing a copy of this ad at the time of the adoption. The adoption discounts lasts through Labor Day.

View all the adoptable pets and check out the hours of operation at www.NorfolkSPCA.org/adopt. The Norfolk SPCA is open seven days a week and has lots of loving, homeless pets in need of new, forever homes. The shelter is located just off I-264 at the Ballentine Blvd. exit. Phone: (757) 622-3319.

Upcoming Events

- Hook Law Center will be presenting at the Advanced Elder Law Seminar sponsored by Virginia Continuing Legal Education at The Place at Innsbrook, 4100 Cox Rd., Glen Allen, VA on **September 11, 2013**.
- Hook Law Center will be presenting a seminar on Providing for Pets in Estate Plans at Care-A-Lot Pet Supply, 5457 Indian River Road, Virginia Beach, VA on **September 19, 2013 at 6:30 p.m.** This event, hosted by the Norfolk SPCA and Care-A-Lot Pet Supply, is free and open to the public.
- Hook Law Center will be hosting a shred event at our Virginia Beach office on **September 21, 2013 from 9 a.m. - 12 p.m.**
- Hook Law Center will be presenting a seminar on Guardianships, AMDs and Long-Term Care Planning at Compassionate Care Hospice, 920 Ventures Way, Suite 6, Chesapeake, Virginia on **October 2, 2013 from 2 p.m. - 3 p.m.**
- Hook Law Center is participating in the Alzheimer's Association Walk to End Alzheimer's on **October 13, 2013** to raise funds and awareness. We know **Team Hook Law Center** can make a difference with your support! It's easy to give online using this link: http://act.alz.org/site/TR/Walk/VA-SoutheasternVirginia?team_id=87329&pg=team&fr_id=3766. If you would like to join **Team Hook Law Center**, raise funds and walk with us, please email **Jennifer Woods-Pagano, CECC**, our team captain, at pagano@hooklawcenter.com for more information.
- Hook Law Center will be presenting on Estate and Long-Term Care Planning at the Medicare Health Fair at the Virginia Beach Convention Center, 1000 19th Street, Virginia Beach, VA on **November 16, 2013**. This event, hosted by Senior Services of Southeastern Virginia, is free and open to the public.
- Hook Law Center will be presenting a webinar on the Affordable Care Act and Elder Law and Special Needs Planning on **December 4, 2013**. This webinar will be hosted by Interactive Legal.
- Hook Law Center will be presenting a live webinar on POAs, AMDs and the Ethics of It All in Charlottesville, VA on **April 10, 2014**. This webinar will be hosted by Virginia Continuing Legal Education.



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