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15TH ANNUAL CHANGES AND TRENDS AFFECTING

SPECIAL NEEDS TRUSTS

A Guide for Attorneys, Financial Advisors and Trust Officers

February 7–8, 2019
DoubleTree by Hilton Hotel Austin ▪ Austin, Texas

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SPECIAL NEEDS TRUSTS

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THURSDAY MORNING, FEB. 7, 2019

Presiding Officer:
Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler, La Vernia, TX

8:00 a.m. Registration Opens
Includes continental breakfast.

8:35 a.m. Welcoming Remarks

8:45 a.m. 1.00 hr | .50 hr ethics

Maximizing Public Benefits
Make note of top tips for establishing and maintaining public benefits, especially SSI, Medicaid, Medicare Savings Programs, Disabled Adult Child; and an update on the latest and greatest recent changes in public benefits.

H. Clyde Farrell, Farrell, Burdett & Johnson PLLC, Austin, TX
Christina Lesher, The Law Office of Christina Lesher, PC, Houston, TX

9:45 a.m. .75 hr | .25 hr ethics

Special Needs Trusts Overview and Third-Party SNTs
An overview of Special Needs Trusts, defining the different types of SNTs and explaining how these trusts are used to benefit individuals with disabilities. Special emphasis is given to how Third-Party SNTs are utilized in both lifetime and testamentary estate planning.

Randy Drewett, Attorney at Law, Beaumont, TX

10:30 a.m. Break

10:45 a.m. .75 hr | .25 hr ethics

Self-Settled SNTs
Balancing the needs and managing the expectations of beneficiaries, courts, trustees, personal injury attorneys, ad litems and beneficiaries' families, all while meeting the requirements of the Social Security Administration and HHSC can be a monumental task. Gain insight in the complexities of drafting self-settled trusts and navigating the relationships of the parties involved.

Elisa Dillard Rainey, Rainey & Rainey, Attorneys at Law LP, Waco, TX

11:30 a.m. .50 hr | .25 hr ethics

The (c)(2)(B)(iii) Sole Benefit SNT
Discuss what to look for when using this "cousin" of the (d)(4)(A) trust for sanction-free Medicaid transfer planning.

Marilyn G. Miller, Marilyn G. Miller, Attorney at Law, Dripping Springs, TX

12:00 p.m. Pick Up Lunch
Included in registration.

THURSDAY AFTERNOON

Presiding Officer:
Terry Lynn Garrett, The Garrett Law Firm, PLLC, Austin, TX

LUNCHEON PRESENTATION

12:20 p.m. .50 hr

30 More Apps in 30 Minutes
Hear an updated survey of new, useful apps, and tech tips for lawyers, trust officers, and caregivers.

Leah Cohen, arrangeCARE, Austin, TX
Michael J. Curran, Michael Curran, PC, Austin, TX

12:50 p.m. Break

1:05 p.m. .50 hr

Pooled Trusts: A Creative Solution for Thorny Problems
Situations come up where a traditional special needs trust isn't the best option and Pooled Trusts can provide a beneficial alternative. Not sure if there is a trustee available? Too much for an ABLE account? No viable family members available to serve? Pooled Trusts can serve as a your solution! Learn about the creative solutions The Arc of Texas and other pooled trusts can provide.

Haley D. Greer, The Arc of Texas, Austin, TX

1:35 p.m. .75 hr

Case Law and Legislative Update
An analysis of recent Texas, regional, and national cases involving special needs trusts.

Mary Alice Jackson, Mary Alice Jackson, P.C., Austin, TX
Rebecca C. Morgan, Stetson University College of Law, Gulfport, FL

2:20 p.m. .50 hr

A View from the HHSC
A discussion of current issues and trends from the Texas Health and Human Services Commission.

Shari L. Nichols, Texas Health and Human Services Commission, Austin, TX
Leslea Tate Pickle, Texas Department of Health and Human Services, Austin, TX

2:50 p.m. Break

3:00 p.m. 1.00 hr

SNT Practitioner and ABLE Programs: Working Together
With many ABLE programs now available across the nation, how does an SNT Practitioner know which one(s) to work with and how to gain the best advantages for you and your client? Hear the perspectives of ABLE experts as they answer questions about the considerations and best practices for SNTs and ABLE plans to work together.

Moderator:
Tresi Weeks, The Weeks Law Firm, PLLC, Plano, TX

Panelists:
Stephen W. Dale, The Dale Law Firm, PC, Pacheco, CA
Linda Fernandez, Texas Comptroller of Public Accounts, Austin, TX
Doug Jackson, STABLE Accounts, Columbus, OH

4:00 p.m. .50 hr

Trust Reformation in Texas: The Do's and Don'ts, Hows and Whys, Whens and When Nots for Trust Reformation
Confusion abounds about the differences between trust modification, trust amendment, and trust reformation. Learn about trust reformation, how to do it, and when to do it.

Bryn A. Poland, Mayo & Poland PLLC, Baytown, TX

4:30 p.m. 1.00 hr

Medicaid Appeals

Medicaid has gone to managed care for medically fragile children and adults over the age of 21. This change in how services are delivered impact how our clients access care, and their ability to qualify medically for the benefits. Hear a discussion of denials based on medical necessity, and learn how practitioners can prepare their clients for assessments and appeals.

Moderator:
Christina Lesher, The Law Office of Christina Lesher, PC, Houston, TX

Panelists:
Peter Thomas Hofer, Disability Rights Texas, Austin, TX
Hannah Mehta, Protect Texas Fragile Kids, Dallas, TX

5:30 p.m. Adjourn to Reception

THANK YOU TO OUR RECEPTION SPONSOR

Frost BANKING INVESTMENTS INSURANCE

5:30 p.m. – 6:30 p.m.
Join program faculty and attendees for drinks and hors d'oeuvres.

FRIDAY MORNING, FEB. 8, 2019

Presiding Officer:
Peyton Taylor, Texas Bankers Association, Austin, TX

8:00 a.m. Conference Room Opens
Includes continental breakfast.

8:15 a.m. .75 hr | .25 hr ethics

Supplemental Security Income: It's All About Work!

The amount of SSI one receives when working is determined by a formula, and Medicaid continues until a recipient earns significant income. Understanding the work incentive programs associated with SSI that allow the recipient informed choice about how to manage employment opportunities, SSA disability cash, and medical benefits lead to successful employment outcomes.

Sara Kendall, Texas Workforce Commission - Vocational Rehabilitation Division, Austin, TX

Commentator:
Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler, La Vernia, TX

9:00 a.m. .50 hr

The Working Medicaid Waiver Recipient (CLASS)

There are times when an individual may have CLASS but not SSI. Explore the ways to work in the workforce while maintaining CLASS eligibility.

Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler, La Vernia, TX

9:30 a.m. .75 hr

A Walk through the POMS: Section by Section Updates

Review and explore how to search for specific issues in the Social Security Administration's (SSA) Program Operations Manual System (POMS), which is the operational reference used by SSA staff to conduct SSA's daily business. The presentation will also examine the POMS that are specific to special needs trusts, with a special focus on recent revisions that were issued March of 2018.

Stephen W. Dale, The Dale Law Firm, PC, Pacheco, CA
Renée C. Lovelace, The Lovelace Law Firm, P.C., Austin, TX

10:15 a.m. Break

10:30 a.m. 1.00 hr

SSA Regional Trust Leads Presentation Regarding SSI Trusts

A discussion with the Regional Trust Leads on the regional centralization of the SSI trust review business process, including the effect of updated trust policy on trust reviews. In addition, hear about the types of trust cases that require second-level review, drafting errors, and statistics regarding the number of trust cases SSA processes.

Amanda Flood, U.S. Social Security Administration, Dallas, TX
Dana Marquez, U.S. Social Security Administration, Dallas, TX

11:30 a.m. .75 hr

Working with SSA: Tips on How to Avoid the Appeal

Gain tips on how to submit your trust for review so that you can get it approved and avoid a need for an appeal.

Pi-Yi Mayo, Mayo & Poland PLLC, Baytown, TX

12:15 p.m. Pick Up Lunch
Included in registration.

FRIDAY AFTERNOON

Presiding Officer:
Renée C. Lovelace, The Lovelace Law Firm, P.C., Austin, TX

LUNCHEON PRESENTATION

12:35 p.m. .75 hr ethics

Outstanding Debts vs. Medicaid Payback: Does Death Kill the Debt?

Discuss how a trustee should handle a variety of claims, debts, or expenses of the trust, or of the deceased beneficiary, before Medicaid payback. Can a trustee pay for funeral expenses, outstanding caregiving expenses, legal expenses, reimbursements to family members, etc. before reimbursing state Medicaid agencies, or does Medicaid reimbursement trump all?

Scott Stebler, Stebler & Sulak, PLLC, Austin, TX

1:20 p.m. Break & Vendor Annoucements

1:50 p.m. 1.00 hr

Divorce Actions and SNTs

Explore what to expect when counseling clients and/or their children with disabilities when parents' divorce, and when alimony or child support awards place public benefits in jeopardy. What do the courts think? What are the SSA rules?

Mary Alice Jackson, Mary Alice Jackson, P.C., Austin, TX
Keith D. Maples, Noelke English Maples St. Leger Blair, LLP, Austin, TX

2:50 p.m. .75 hr ethics

SNT Trustee Obligations and Trust Administration Best Practices

Discuss the challenges facing fiduciaries when navigating complex public benefits issues and regulatory oversight. "Best practice" tips that will assist with managing SNT beneficiary expectations while simultaneously limiting professional liability and providing the utmost in service to clients with disabilities will also be provided.

Peter J. Wall, BOK Financial, Denver, CO

3:35 p.m. 1.00 hr | .25 hr ethics

Ask the Experts: Trustee Obligations and Administration

Trustees, bring your questions because the experts will be addressing concerns about Trustee obligations and administrations issues while administering a trust.

Moderator:
Nancy Sosa, Cadence Bank, Austin, TX

Panelists:
Haley D. Greer, The Arc of Texas, Austin, TX
Hortencia Villarreal, Texas Regional Bank, Harlingen, TX
Peter J. Wall, BOK Financial, Denver, CO

4:35 p.m. Adjourn

ACCREDITATION

CLE CREDIT

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 15.00 hours, of which 3.25 credit hours will apply to legal ethics/professional responsibility credit.

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Earn up to 18.00 credits in Specialized Knowledge and Applications.

Delivery Method: Group-Live
Program Level: Overview
Advance Preparation: None

CFP CREDIT

Certified Financial Planner (CFP) CE Credit approval expected.

CTFA CREDIT:

This course has been approved for 12.75 hours continuing education credits by American Bankers Association (ABA) Professional Certifications for the CTFA designation.

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Questions? 512.475.6700

If you have dietary requirements or would like to request accommodations under the ADA, please contact Customer Service at 512.475.6700 or service@utcle.org at least 10 business days prior to the Conference.

REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in "Your Briefcase" approximately 48 hours before the event.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in "Your Briefcase."

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Can't Make the Conference? Pre-Order the Accredited eConference Today

While nothing can replace the experience and networking opportunities of the live event, you can still catch up on all the latest developments in SNT trends with the eConference.

The online eConference includes papers, slides and video –and CLE credit (TX and CA) – from this year's live conference. Available in "Your Briefcase" through the user's account at www.utcle.org 4-6 weeks after the live event.

REGISTRATION FORM

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Special group registration rates available. Call 512.475.6700.

Select Registration Type
❑ Individual registration by January 30 . . . . $525
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AUSTIN

February 7–8, 2019

CONFERENCE LOCATION

DoubleTree by Hilton Hotel Austin
6505 N. Interstate 35
Austin, TX 78752-4346
512.454.3737
800.347.0330 (reservations)

Special Room Rate: $169
Good through January 16, 2019
(subject to availability)

Parking:
Daily or overnight self-parking: $8
Valet parking: $18
(subject to change)

KEY DATES

January 30, 2019
Last day to order a printed binder

January 30, 2019
Last day for early registration
Add $50 for registrations
received after this time

February 1, 2019
Last day for full refund cancellation

February 4, 2019
Last day for partial refund cancellation
$50 processing fee applied

February 7, 2019, 8:35 a.m.
Conference begins

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