

# 15<sup>th</sup> Annual Changes and Trends Affecting Special Needs Trusts

## February 7-8, 2019 • DoubleTree by Hilton Hotel Austin • Austin, TX

### Thursday Morning, Feb. 7, 2019

**Presiding Officer:**

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

8:00 am	<b>Registration Opens</b>  Includes continental breakfast.
8:35 am	<b>Welcoming Remarks</b>
8:45 am 1.00 hr 0.50 hr ethics	<b>Maximizing Public Benefits</b>  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 Leshner, The Law Office of Christina Leshner, PC - Houston, TX
9:45 am 0.75 hr 0.25 hr ethics	<b>Special Needs Trusts Overview and Third-Party SNTs</b>  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 am	<b>Break</b>
10:45 am 0.75 hr 0.25 hr ethics	<b>Self-Settled SNTs</b>  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 am 0.50 hr 0.25 hr ethics	<b>The (c)(2)(B)(iii) Sole Benefit SNT</b>  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 pm	<b>Pick Up Lunch</b>  Included in registration.

## Thursday Afternoon, Feb. 7, 2019

### Presiding Officer:

**Terry Lynn Garrett**, The Garrett Law Firm, PLLC - Austin, TX

### LUNCHEON PRESENTATION

12:20 pm 0.50 hr	<b>30 More Apps in 30 Minutes</b>  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 pm	<b>Break</b>
1:05 pm 0.50 hr	<b>Pooled Trusts: A Creative Solution for Thorny Problems</b>  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 pm 0.75 hr	<b>Case Law and Legislative Update</b>  An analysis of recent Texas, regional, and national cases involving special needs trusts.  Mary Alice Jackson, Mary Alice Jackson, P.C. - Austin, TX
2:20 pm 0.50 hr	<b>A View from the HHSC</b>  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 pm	<b>Break</b>
3:00 pm 1.00 hr	<b>SNT Practitioner and ABLE Programs: Working Together</b>  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 pm 0.50 hr	<p><b>Trust Reformation in Texas: The Do's and Don'ts, Hows and Whys, Whens and When Nots for Trust Reformation</b></p> <p>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.</p> <p>Bryn A. Poland, Mayo &amp; Poland PLLC - Baytown, TX</p>
4:30 pm 1.00 hr	<p><b>Medicaid Appeals</b></p> <p>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.</p> <p>Moderator: Christina Leshner, The Law Office of Christina Leshner, PC - Houston, TX</p> <p>Panelists: Peter Thomas Hofer, Disability Rights Texas - Austin, TX Hannah Mehta, Protect Texas Fragile Kids - Dallas, TX</p>
5:30 pm	<p><b>Adjourn to Reception</b></p> <p>Join program faculty and attendees for drinks and hors d'oeuvres.</p> <p><b>Thank You to Our Reception Sponsor</b> Frost Wealth Advisors</p>

## Friday Morning, Feb. 8, 2019

### Presiding Officer:

**Peyton Taylor**, Texas Bankers Association - Austin, TX

8:00 am	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
8:15 am 0.75 hr 0.25 hr ethics	<p><b>Supplemental Security Income: It's All About Work!</b></p> <p>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.</p> <p>Sara Kendall, Texas Workforce Commission - Vocational Rehabilitation Division - Austin, TX</p> <p>Commentator: Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler - La Vernia, TX</p>
9:00 am 0.50 hr	<p><b>The Working Medicaid Waiver Recipient (CLASS)</b></p> <p>There are times when an individual may have CLASS but not SSI. Explore the ways to work in the workforce while maintaining CLASS eligibility.</p> <p>Nehtra Davis, Texas Health and Human Services Commission - Austin, TX</p> <p>Commentator: Patricia F. Sitchler, The Law Office of Patricia Flora Sitchler - La Vernia, TX</p>

9:30 am 0.75 hr	<p><b>A Walk through the POMS: Section by Section Updates</b></p> <p>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.</p> <p>Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX</p>
10:15 am	<b>Break</b>
10:30 am 1.00 hr	<p><b>SSA Regional Trust Leads Presentation Regarding SSI Trusts</b></p> <p>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.</p> <p>Amanda Flood, U.S. Social Security Administration - Dallas, TX Dana Marquez, U.S. Social Security Administration - Dallas, TX</p>
11:30 am 0.75 hr	<p><b>Working with SSA: Tips on How to Avoid the Appeal</b></p> <p>Gain tips on how to submit your trust for review so that you can get it approved and avoid a need for an appeal.</p> <p>Pi-Yi Mayo, Mayo &amp; Poland PLLC - Baytown, TX</p>
12:15 pm	<p><b>Pick Up Lunch</b></p> <p>Included in registration.</p>

## Friday Afternoon, Feb. 8, 2019

### Presiding Officer:

**Renée C. Lovelace**, The Lovelace Law Firm, P.C. - Austin, TX

### LUNCHEON PRESENTATION

12:35 pm 0.75 hr ethics	<p><b>Outstanding Debts vs. Medicaid Payback: Does Death Kill the Debt?</b></p> <p>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?</p> <p>Scott Stebler, Stebler &amp; Sulak, PLLC - Austin, TX Co-Author: Sarah Sulak, Stebler &amp; Sulak, PLLC - Austin, TX</p>
1:20 pm	<b>Break and Vendor Announcements</b>

1:50 pm 1.00 hr	<p><b>Divorce Actions and SNTs</b></p> <p>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?</p> <p>Mary Alice Jackson, Mary Alice Jackson, P.C. - Austin, TX Keith D. Maples, Noelke Maples St. Leger Bryant, LLP - Austin, TX</p>
2:50 pm 0.75 hr ethics	<p><b>SNT Trustee Obligations and Trust Administration Best Practices</b></p> <p>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.</p> <p>Peter J. Wall, True Link Financial - Denver, CO</p>
3:35 pm 1.00 hr 0.25 hr ethics	<p><b>Ask the Experts: Trustee Obligations and Administration</b></p> <p>Trustees, bring your questions because the experts will be addressing concerns about Trustee obligations and administrations issues while administering a trust.</p> <p>Moderator: Nancy Sosa, Cadence Bank - Austin, TX David Estes, Texas Regional Bank - McAllen, TX Panelists: Haley D. Greer, The Arc of Texas - Austin, TX Peter J. Wall, True Link Financial - Denver, CO</p>
4:35 pm	<p><b>Adjourn</b></p>