

Medicare Updates: Same-Sex Couples and Transgender Older Adults Webinar

January 4, 2017

Welcome!

SHIPs

- State Health Insurance Assistance Program

SMPs

- Senior Medicare Patrol

MIPPAs

- Medicare Improvements for Patients and Providers Act

ACL = Administration for Community Living

Webinar Resources: Today's PowerPoint Presentation and Recording

SHIPs

- Step 1: Login at www.shiptacenter.org/login.
- Step 2: Go to the Resource Library and view the "Recent" list or conduct a search.
 - *Tip: Search for keyword "LGBT*."*

SMPs

- Step 1: Login to the SMP Resource Library at www.smpresource.org/resourcelibrary.
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MIPPAs

- Resources will be emailed to the MIPPA listserv.

* **LGBT = Lesbian, Gay, Bisexual, and Transgender**



Medicare Update for Same-Sex Couples and Transgender Older Adults

Presented by

Georgia Burke, Directing Attorney, Justice in Aging
Sherrill Wayland, Manager of National Projects, SAGE



*SAGE's Senior Medicare Patrol and State Health Insurance Assistance
Program LGBT Beneficiary Project is funded by the Administration on Aging
(Grant # 90SM0016-01-0).*

Your Presenters for Today

Georgia Burke
Justice in Aging - Directing Attorney



Sherrill Wayland
SAGE - Manager of National Projects





Services & Advocacy for GLBT Elders (SAGE) is the country's largest and oldest organization dedicated to improving the lives of lesbian, gay, bisexual and transgender (LGBT) older adults. Our [mission](#) is to lead in addressing issues related to lesbian, gay, bisexual and transgender (LGBT) aging.

Headquartered in New York City, SAGE is a national organization that offers supportive services and consumer resources for LGBT older adults and their caregivers, advocates for public policy changes that address the needs of LGBT older people, and provides training for aging providers and LGBT organizations. SAGE also leads the National Resource Center on LGBT Aging and coordinates a growing network of 30 local SAGE affiliates in 20 states and the District of Columbia.

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.

Topics Covered Today

Overview of LGBT Older Adults & Resources Available

Same-sex marriage

- Basic Medicare benefits

- Low income programs

- Medicaid benefits

Transgender beneficiaries

- Medicare coverage

- Discrimination protections

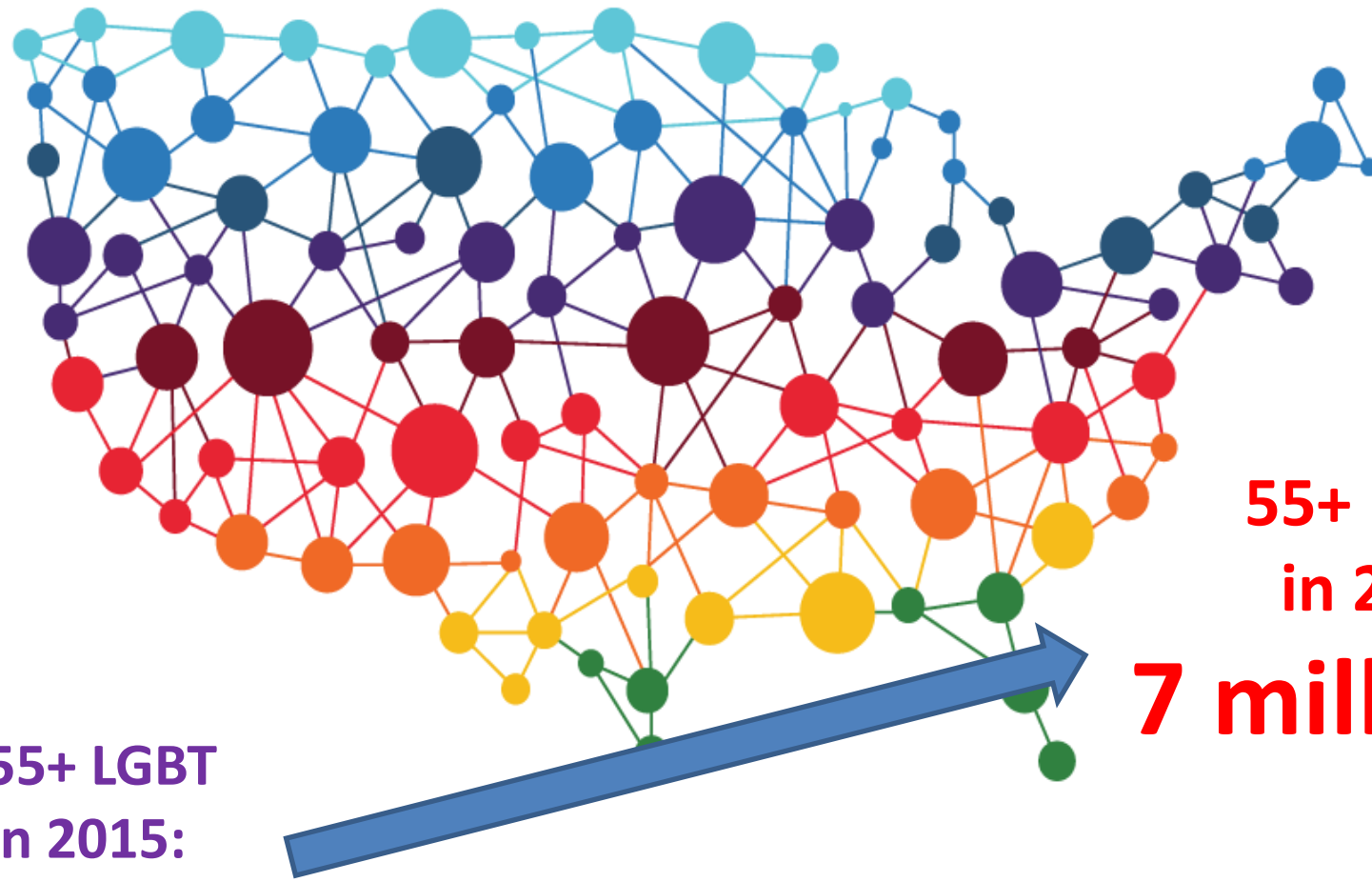
- Medicaid issues

SAGE SMP and SHIP LGBT Beneficiary Project

- 1) provide SMP programs with materials for understanding LGBT older adults' unique needs, and for use when outreaching/presenting to LGBT Medicare beneficiaries;
- 2) develop materials to help SHIP programs understand Medicare benefits for LGBT people.
- 3) provide SHIP staff and volunteers with training on issues of importance to Medicare beneficiaries, while accounting for the SCOTUS marriage equality ruling

U.S. Older Adult Population Growth: 2000-2030

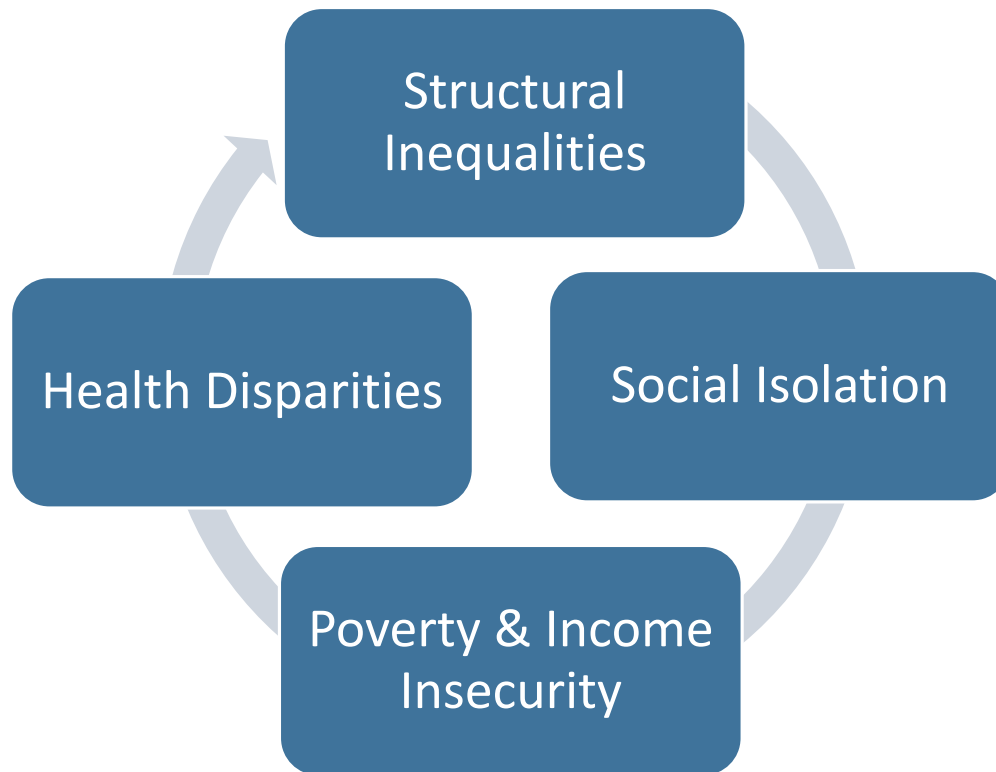
35 million to **75** million = **20%** of the U.S. population



55+ LGBT
in 2015:
3 million

55+ LGBT
in 2030:
7 million

Unique Needs & Barriers Experienced by LGBT Older Adults




Policy & Legal Changes Related to Medicare Benefits & LGBT Older Adults

Medicare Benefits for Same-sex Married Couples

ACA Nondiscrimination

Medicare Coverage for Transgender Related Care




Tips for same-sex couples who are married or thinking about marriage so you can understand how marriage affects Medicare and Medicaid rights.

Marriage, Medicare and Medicaid

What Same-Sex Couples Need To Know



Accessing Information on Medicare Benefits for LGBT People



Until recently, Medicare has not had specific guidance about how to address the unique needs of transgender older adults. That is changing.

Medicare Changes for Transgender Older Adults

Fact Sheets Available at:

- www.shiptacenter.org
- www.smpresource.org
- www.lgbtagingcenter.org



Same-Sex Marriage



Landmark Supreme Court Cases

U.S. v. Windsor (2013): Defense of Marriage Act is unconstitutional

Medicare impact depended on where you were married

Obergefell v. Hodges (2015): Same-sex marriage is a constitutional right

Medicare rules are the same no matter where you were married

Medicare treats
same-sex marriage
EXACTLY the same as
opposite-sex
marriage

- In every state
- In every part of the Medicare program



Medicare Part A

Getting Coverage

- No premium if you or your spouse has 40 quarters of work history
- Registered domestic partners not covered; civil unions not covered

Medicare Part A

Getting Coverage

- You must be married one year
- If divorced, you must have been married 10 years
- If your spouse is alive, your spouse must be at least 62
- If your spouse is deceased, the age at which your spouse died does not matter

Medicare Part D

Qualifying for the Low Income Subsidy

- If married, spousal income and assets count
- If unmarried, you are treated as an individual

Impact: It depends

Michele, age 68

Income \$1,000/mo < \$1485/mo LIS cut-off for single

Assets \$15,000 > \$13,640 LIS cut-off for single

No LIS -ASSETS TOO HIGH

Michele marries Molly, 62, income \$750/mo and assets \$4000

Michele + Molly

Income \$1750/mo < \$2,002.50 LIS cut-off for a couple

Assets \$19,000 < \$27,250 LIS cut-off for a couple

Impact: Michele qualifies for LIS

Joe, age 66

Income \$900/mo < \$1,010/mo QMB cut-off for single

Assets \$5000 < \$7,280 QMB cut-off for single

Joe qualifies for QMB

Joe marries John, 60, income \$2500/mo and assets \$3000

Joe + John

Income \$3400/mo > \$1,355 QMB cut-off for a couple

Assets \$8000 < \$10,930 QMB cut-off for a couple

Impact: Joe loses QMB

Medicare Part B and Part D premiums

Liability for premium surcharge

- Higher income tax filers pay higher Part B and Part D premiums
- If married and filing jointly, your joint income is counted

Impact: It depends

Marriage and Medicaid

- Eligibility: Counting income and assets
Impact: It depends
- Estate Recovery: Your spouse is protected
Impact: Positive
- Spousal Impoverishment: Your spouse can keep some assets and income
Impact: Usually positive

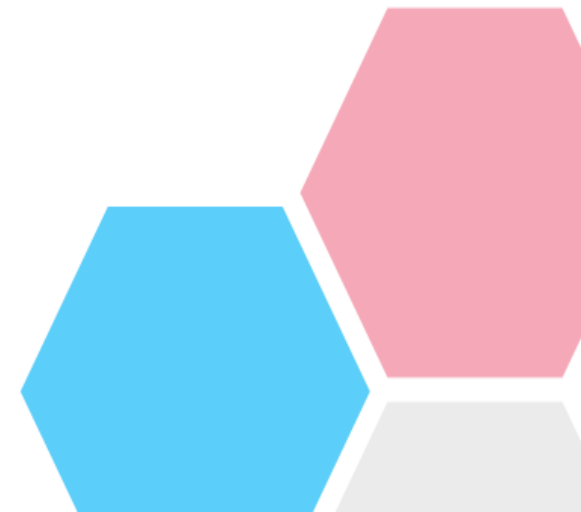
Look before you leap

- Medicare and Medicaid benefits are important
- Marriage affects eligibility
- Impact varies greatly from person to person

Think it through
Work out the numbers
Consult financial advisors



Transgender Older Adults



Transgender defined

“A transgender individual is an individual whose gender identity is different from the sex assigned to that person at birth.”

“Gender identity means an individual’s internal sense of gender which may be male, female, neither, or a combination of male and female, and which may be different from an individual’s sex assigned at birth.”

HHS, Office of Civil Rights

Surgeries

- Medicare coverage of gender reassignment surgeries (GRS) began in 2013
- Several different types of surgeries
- Available either through Fee for Service Medicare or Medicare Advantage

Surgeries

- Determination of medical necessity has been on a case-by-case basis

Issue: Limited experience of Medicare contractors and Medicare Advantage plans in determining coverage criteria

- Provider access has been a challenge

Issue: Medicare reimbursement rates do not reflect the complexity of surgeries

Transition-related drugs

- Medicare Part D does not pay for most transition-related hormone therapy
- Medicare won't cover off-label use unless the use is supported in certain publications

Note: Some state Medicaid programs routinely cover hormone therapy.

Protection against discrimination

- Civil rights protections in the Affordable Care Act—
Section 1557

- Sex discrimination includes discrimination based on
gender identity and gender stereotyping

Protection against discrimination

- Insurers and providers cannot deny services based on gender stated on Medicare card or other ID
- Insurers cannot categorically deny coverage of gender transition services

Issue: Many state Medicaid programs do not current cover GRS. Look for changes.

Protection against discrimination

Enforcement

- HHS Office of Civil Rights
- Private lawsuits

Medicare Updates Same-Sex Couples & Transgender Older Adults



Topics Covered Include:

- Overview of LGBT Older Adults
- Medicare - same-sex married couples
 - Basic Medicare Rights, Low Income Programs & Medicaid Benefits
- Transgender Beneficiaries
 - Medicare Coverage, Discrimination Protections & Medicaid Issues

Webinar Recording

Available in the SMP and SHIP Resource Libraries and through the MIPPA listserv.

Questions & Follow Up

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www.SAGEUSA.org



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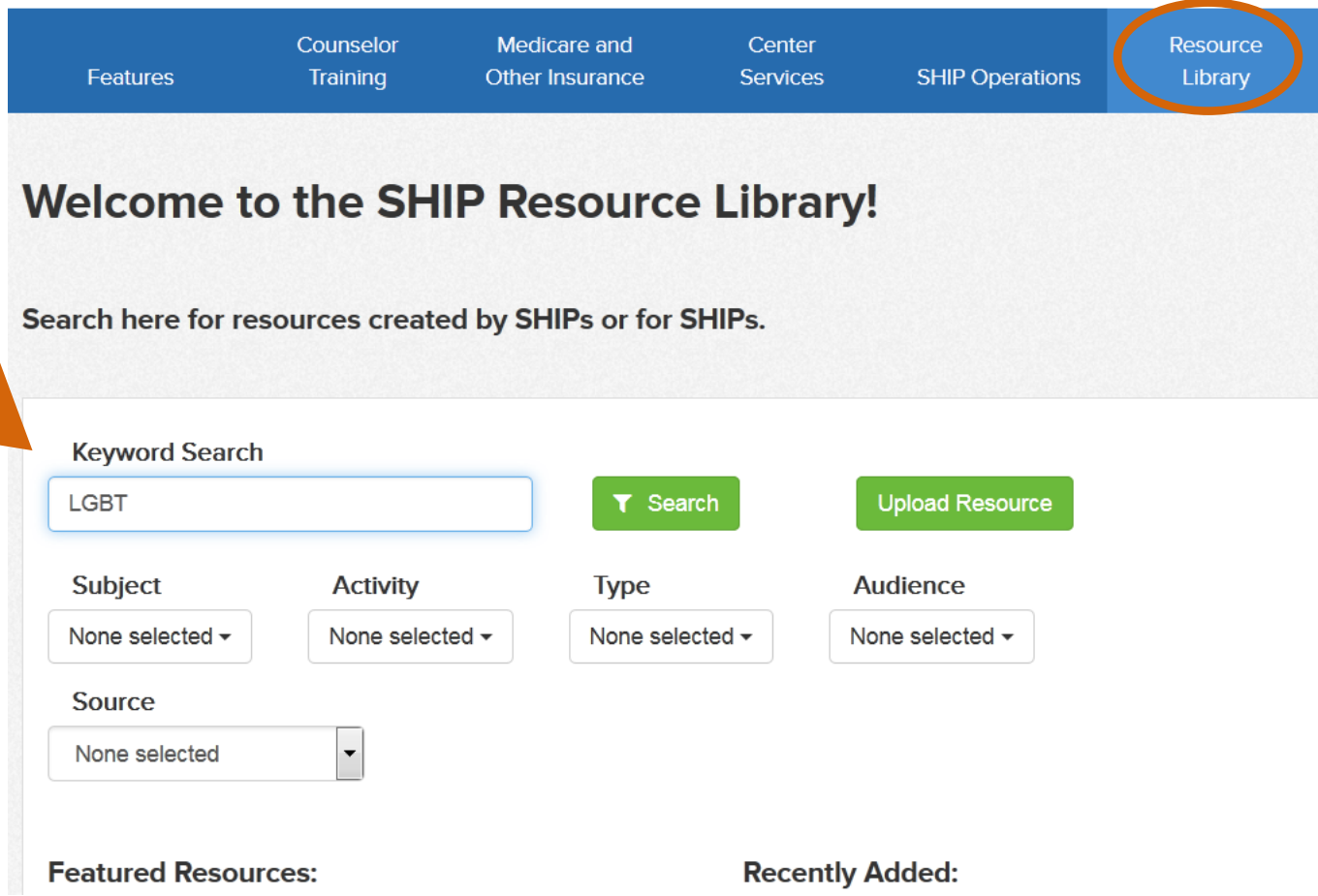
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SHIPs: Find Resources in the Library

Step 1: Log in at www.shiptacenter.org

Step 2: Search in the SHIP Resource Library **by keyword**, or use the additional search options.



Features Counselor Training Medicare and Other Insurance Center Services SHIP Operations **Resource Library**

Welcome to the SHIP Resource Library!

Search here for resources created by SHIPs or for SHIPs.

Keyword Search

LGBT

Subject **Activity** **Type** **Audience**

Source

Featured Resources: **Recently Added:**

SHIPs: Use the Master Search

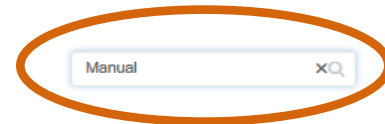
Step 1: Login at
www.shiptacenter.org

Step 2: Enter a keyword in the master Search bar to search the entire site.

In this example, the master search tool has been used with the keyword "Manual."



SHIP



Logged in: gr



Web Page Matches

About The Center

The SHIP National Technical Assistance Center (SHIP TA Center) serves as a central source of information for and about the national State Health Insurance Assistance Program (SHIP). The center provides training, technical assistance, and promotional ...

CMS Manuals

The approximately two dozen CMS Internet Only Manuals (IOMs) are CMS' program issuances, day-to-day operating instructions, policies, and procedures that are based on statutes, regulations, guidelines, models, and directives. Medicare payment contrac ...

Fraud and Abuse

Senior Medicare Patrols (SMPs) Like SHIPs, the SMPs are funded by the U.S. Administration for Community Living (ACL) and are managed by ACL's Office of Healthcare Information and Counseling. SMPs are specifically tasked with addressing fraud, errors, ...

Social Security Administration

Below are links to key areas of the Social Security Administration website, useful for conducting SHIP work. Social Security Administration Services for Beneficiaries Medicare Benefits page Apply online Extra Help Life changing event form (Form SSA- ...

Staff and Partners

The SHIP TA Center is a collaborative effort, involving staff at the headquarters of Northeast Iowa Area Agency on Aging (NEI3A) and partners at the Medicare Rights Center, Technical Frontiers Inc., consultant Mike Klug, consultant Steve McCurley, an ...

Volunteer Engagement

Resources currently available from the SHIP TA Center about engaging volunteers within SHIPs are outlined below. SHIP Volunteer Program Management Manual This manual is intended to support SHIP personnel responsible in any way for SHIP volunteer prog ...

Resource Library Matches

SHIP Volunteer Program Management Manual

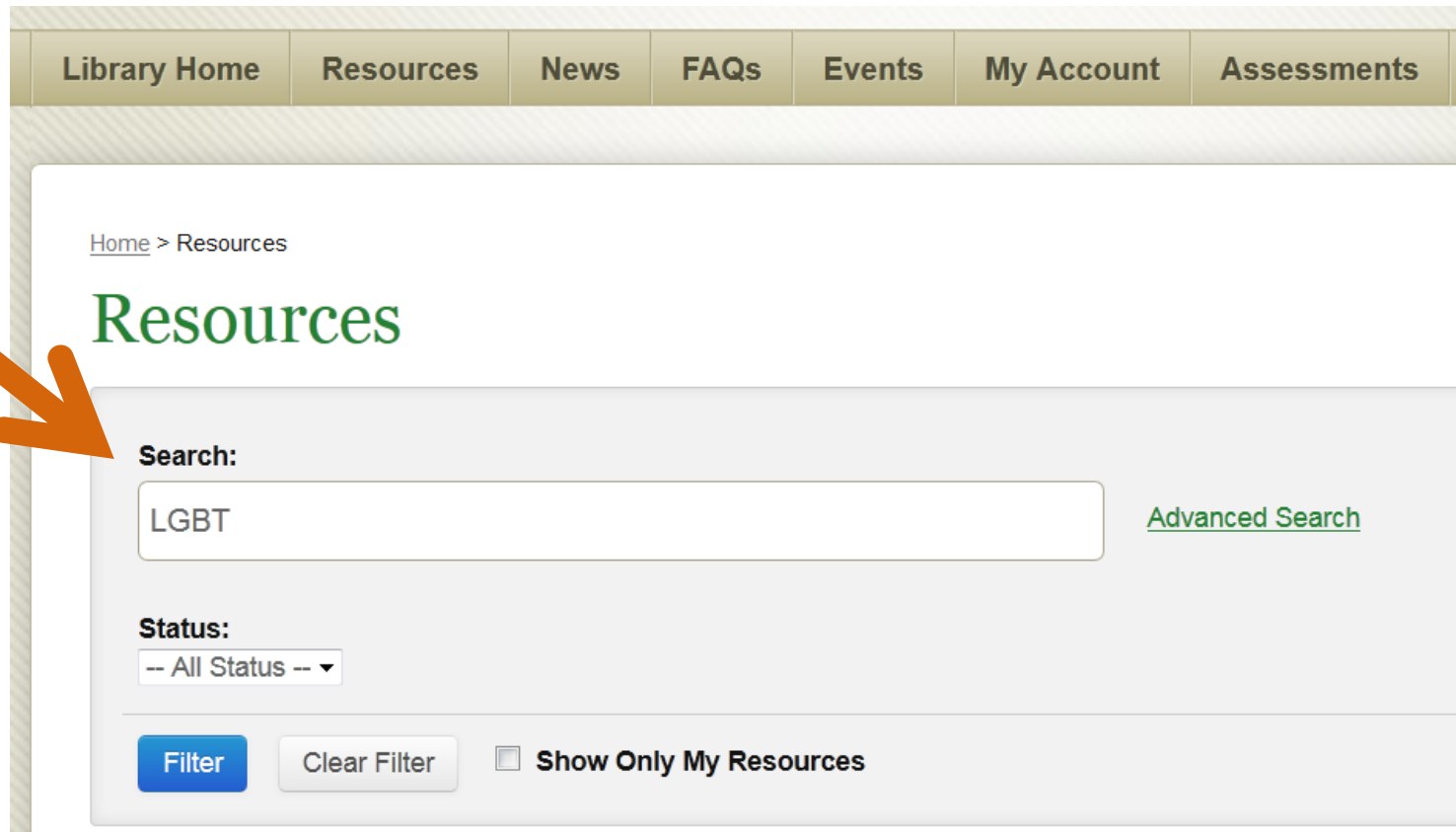
This manual is a comprehensive guide to SHIP volunteer program management. It covers recruitment, retention, role development, supervision, corrective action, recognition, and more. Hard copies are available from the SHIP Center (email info@shiptacen...



SMPs: Find Resources in the Library

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Step 2: Search the SMP Resource Library **by keyword**, or use the advanced search.



Library Home Resources News FAQs Events My Account Assessments

[Home](#) > Resources

Resources

Search:

 [Advanced Search](#)

Status:

-- All Status -- ▾

Show Only My Resources

Thank you for participating
in today's webinar!