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## LEGAL BRIEFS

### 2007 General Assembly Wrap Up

The 2007 session for Maryland's General Assembly is now completed. As we entered this session back in January, we anticipated so much. We had a new governor, and both the Senate and the House of Delegates were poised to enter a time of unparalleled cooperation. After four years of struggle, all the pieces for a creative and positive outcome for this year's General Assembly were in place.

I guess the members of the General Assembly didn't get the script. Instead, there was almost no progress, especially on those issues that affect our seniors, such as estate planning, long-term care planning and taxes.

What we did get, perhaps, are promises for the future. We got the Baby Boomer Initiative Act and the Statewide Empowerment Zones for Seniors Commission, as well as a new study due from the Department of Health and Mental Hygiene.

The Baby Boomer Initiative Council will be formed to explore the needs of the Boomers as they age, and to understand how this generation can be tapped as a resource to help address the diverse social, economic, and other needs of Maryland.

The purpose of the Statewide Empowerment Zones for Seniors Commission is to explore incentives for communities that support aging in place for our aging population. These such communities will need to include in their planning objectives the inclusion of aging-related services, social activities, and opportunities for civic engagement. The Commission is to report its recommendations to the General Assembly by January 1, 2009.

There was a third study that was mandated by the General Assembly, but no catchy name for this study group was provided. The Department of Health and Mental Hygiene, in conjunction with other health and long-term care providers for seniors, will be investigating a variety of nursing home issues, such as electronic monitoring in

nursing homes, patients' rights, family councils, and diverse safety issues.

These are the bills that passed. What didn't get addressed by the General Assembly?

There was a lot of hope that the General Assembly would finally take action to tackle the concerns about general powers of attorney that have been described in this column in the past. No such luck. Maybe next year.

Also, there was hope that, with a new administration, the Medicaid waiver program for long-term care would be better funded. This is the program that allows for persons to receive Medicaid benefits in settings other than nursing homes, such as group homes and assisted living facilities. Although the waiting list for this benefit has several thousand people, no additional funding was authorized.

Likewise, providing Medicaid long-term care benefits for persons who are solely afflicted with dementia, such as Alzheimer's disease, was delayed for another time. It is truly baffling how Maryland does not treat someone with Alzheimer's disease as being eligible for long-term care benefits.

And, there was no relief provided for those persons who do not have estates large enough to be affected by the Federal Estate Tax, but do surpass \$1 million. Currently, Maryland requires these estates to go through the expensive process of preparing a federal estate tax return, even though it is never filed with the IRS, just so that it can be used as a basis for computing the Maryland Estate Tax.

So, we have some promises for the future. There is just not much to report for the present.