

RETIRED SERGEANTS ASSOCIATION, INC. OF THE NYC POLICE DEPARTMENT

THE CHEVRON

OFFICIAL PUBLICATION - SEPTEMBER '22

POLICE DEPARTMENT, CITY OF NEW YORK

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Photo by Jeff Mendoza on Unsplash

Keeping Retirees Informed

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Vice President

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2nd Vice President

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Secretary

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Michael Kushner
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Thomas King
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GRAPHIC DESIGNER

Jason Siegel

*deceased

From the desk of

the **President**



As Fall fast approaches, I hope all had a healthy, enjoyable, and relaxing summer. I want to thank those who were able to attend our June General Membership meeting which was held at the American Italian Club in Westchester County. It was great to see so many new faces. I want to thank the SBA for attending and taking questions from our members. In attendance was the SBA Fund Administrator, Errol Ogman; who addressed our members and spoke about the upcoming SBA Dental improvement, SBA Health and Welfare Secretary, Donald Kipp and SBA Treasurer, Edward Geary. POPPA's Kevin Goghan, training director, addressed the membership in regards to resources available to our members, Retired Helpline# **(800) 599-1085**. In attendance was special guest, author of **"Circle of Six"**, Randy Jurgensen.

It is essential for the RSA and the membership to be involved. I am pleased to report that the RSA has increased our retiree presence among numerous organizations and are working closely with all fraternal organization. To have accomplished this, our number one priority was to establish an improved communication system. Having achieved a successful phone system we are now focusing on website improvements and instituting an electronic newsletter.

Over these past 8 months, the RSA has accomplished so much and our partnership with the SBA continues to grow. In the past the norm was always the SBA supporting the RSA. We believe that our partnership with the SBA is a two-way street. For the first time ever, the RSA provided entertainment for the children including face painting, slime, and Lego making at the SBA Family Picnic. Many RSA Board members were present at the picnic and had an opportunity to socialize with our members. The RSA also sought to include the SBA to participate in a Christmas in July BBQ for the children and families, battling cancer at the

Ronald McDonald House of Long Island. Participating were the FOP Lodge 69, and NYPD Policewomen's Endowment Association. At this event, the RSA was personally acknowledged by CBS2, ABC7 and Long Island Channel 12 News. The RSA's Sergeant at Arms, Norman Horowitz was interviewed and acknowledge for his volunteer services. Great job Norm, keep up the hard work! This year, the RSA Scholarship was a tremendous success, providing \$4,000 each to three children/grandchildren of our members entering college. I am also excited to report that by modifying the process of our JetBlue raffle we were able to raise additional funds. This enabled us to make much needed donations. Including POPPA, Police Relief Fund, and Police Centurion Car Show for the MOS's, Wilbert Mora and Jason Rivera, who were killed in the line of duty. We plan on making additional donations as we move forward. Please see photos on the back cover.

We will be having our September meeting on Wednesday, September 28th at 6:30pm. It will be held at the Irish American Hall in Mineola. The RSA Executive Board's 4-year term is coming up. I am happy to report that the entire current Executive Board will look to be re-elected. I believe that in the last (8) months, this current board has served the membership well and has made tremendous strides in the functionality and service provided to the membership. Because of their efforts, membership has grown to record numbers. I urge all members whom do not furnish us with an email address to please consider supplying us with a family or friends email who could pass along the important information. We look forward in continuing our services to this great organization and in Keeping Retirees Informed!

It is our pleasure to serve you,
Fraternally,

Bobby

FROM THE DESK OF THE RECORDING SECRETARY

Michael Kushner



Photo by Caleb Wright on Unsplash

Greetings fellow retirees. It is hard to believe Summer is almost gone and Fall will soon be upon us. With the Fall and holidays forth coming, many of us may face the possibility of various changes in our lives. Many times, these changes can lead to serious mental health issues and even the thoughts of suicide. Many say “not me!” Can be true, can be false. Then we find ourselves in a dark place with nowhere to turn, feel it’s too late and the only option may be the thought of ending it all.

The Police Organization providing Peer Assistance otherwise known as POPPA is here to help. Poppa was created in 1996 by a former Trustee of the PBA who grew alarmed at the rising suicides of active members at the time. Moving forward, the POPPA organization now services **ALL RANKS**, active **AND** retired. It is there to provide help to members with referrals to licensed mental health professionals for help dealing with things in life which can be considered normal reactions to abnormal events. **It is free. It is Confidential. It Works!**

The best way to contact them should the need arise is through the **Retiree Helpline: 1-800 599-1085**. Just leave any name and a valid phone number and someone will get back to you.

You survived a difficult career, please don't give up your life for the difficult moments in retirement that can occur! Suicide is a short solution to a long term problem – **GET THE HELP YOU NEED!**

SCHOLARSHIP RAFFLE WINNERS

Tony Nostramo - 2nd Vice President

As in years past, this newsletter informs the membership of the winners of this year's scholarship drawing. This year's winners are:

KAYLEIGH O'NEILL

*granddaughter of RSA member James Kenny
attending Boise State University*

PATRICK MCGINLEY

*grandson of RSA member Patrick McGinley
attending Penn State University*

CATHERINE ELLEN ENGLISH

*granddaughter of RSA member Timothy O'Callaghan
attending University of South Carolina*

Each winner received \$4,000 to help them pay for their higher education. Inside this newsletter you will find three raffle tickets for the scholarship drawing. The tickets are \$10 each, 3 for \$15 and 6 for \$25. Each year we strive to raise more money than the year before for our children and grandchildren. The RSA membership has been very generous in years past and we hope to keep that going in the future.



Left to Right: Retired Sgts. George Kozak; Michael Ryder, Personnel Bureau delegate; John Henkel, SBA board member & Douglas Almskog hit the links at Eisenhower Park after a recent monthly 75 Pct retiree breakfast. They all worked together in the 75 as PO's during the early 70's. Great time had by all.



UPCOMING NOMINATIONS FOR RSA BOARD.

From the Desk of the Marshal: Dominick Petruccelli

Photo by visuals on Unsplash

Dear Members – This is a reminder to everyone that nominations for the Retired Sergeants Association Board Officers are to be held at our upcoming General Membership meeting on Wednesday, September 28, 2022 @ 6:30 PM. The current term of office of your Board of Directors expires this fall. Consequently, nominations will be held at the meeting. Nominations may be submitted and postmarked seven (7) days prior to the September meeting date via US mail and addressed to the attention of the RSA Vice President or in person from the floor at the meeting. The meeting will take place at the Irish- American Hall at 297 Willis Ave, Mineola, NY 11501. As usual there will be sandwiches and beverages provided.

We urge all members to attend this meeting as we will be providing updated and current information relevant to our retiree benefits. In addition, the SBA Board will be present and together we will have a question-and-answer session.

We are proud to present the current Executive Board of Officers running for re-election:

Robert Cotumaccio *President*

| | |
|------------------|----------------------------|
| Anthony Amato | <i>Vice President</i> |
| Anthony Nostramo | <i>2nd Vice President</i> |
| Maria Valdez | <i>Treasurer</i> |
| John Foster | <i>Secretary</i> |
| Michael Kushner | <i>Recording Secretary</i> |

| | |
|----------------------|--------------------------------|
| Nicholas Canepa | <i>Corresponding Secretary</i> |
| Thomas King | <i>National Secretary</i> |
| Herbert Valdez | <i>Director of Operations</i> |
| Norman Horowitz | <i>Sergeant At Arms</i> |
| Dominick Petruccelli | <i>Marshal</i> |



Photo by Element5 Digital on Unsplash

All current board members are running for re-election. We strongly recommend you re-elect the current Executive Board of Officers for the following reasons:

1. Board officers act as a liaison with the SBA board and have a solid and collegial relationship with the SBA.
2. The SBA organization has confidence that the existing board is dedicated to serving our retirees.
3. The existing Board functions seamlessly within the ranks to bring effective communication/assistance to all retirees requiring information about their specific issue.
4. This Board has established on-line communications, phone, email and mail that is handled expeditiously.
5. Under this Board's leadership the newsletter and website have been improved and made more informative; many members have responded favorably.
6. President Bobby Cotumaccio is the duly recognized President and the SBA Lifetime Representative.
7. Vice President Tony Amato is the duly recognized Vice President and the SBA Health & Welfare Fund Manager.
8. This Board also has a presence in Florida with two Board members who reside there and the January 2022 meeting was a resounding success based on comment received from members.
9. This Board is proactive and transparent in conducting its business and has operational controls in place to ensure the focus is retirees and retiree benefits.
10. The existing Board officers bring a range of professional and business experience to their position that enhances the synergy this organization requires being effective.

To be eligible, a candidate and the member making the nomination must be a member of the RSA in good standing for the current year and previous year. A person being nominated must state their acceptance or refusal at the September meeting.

Feel free to contact us with any questions.

In Memoriam



SGT. FRED BROWN

End of Watch - 05.02.22

SGT. ROBERT BURKE

TB DT33 | End of Watch - 05.15.22

SGT. JOHN GIBBONS

033 DET | End of Watch - 07.22.22

SGT. BERNARD BELFIORE

End of Watch - 05.20.22

SGT. WARREN SULMASY

End of Watch - 07.25.22

SGT. RALPH AMBROSIO

SP INV | End of Watch - 06.27.22

SGT. JOHN MARIANI

End of Watch - 07.28.22

SGT. DANIEL SPINELLI

End of Watch - 07.01.22

SGT. JAMES MASTRICOVO

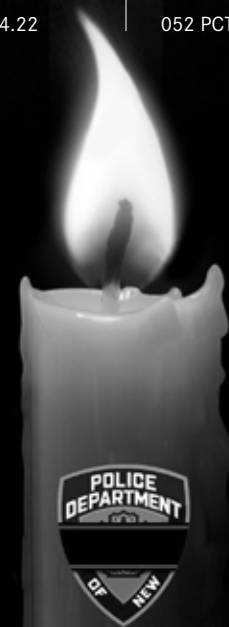
I.A.B | End of Watch - 07.28.22

SGT. ROY LUGRIS

End of Watch - 07.04.22

SGT. HENRY COLEMAN

052 PCT | End of Watch - 07.29.22





TEETH ARE IMPORTANT

Effective October 1, 2022, the Sergeants Benevolent Association Health and Welfare (SBA H&W) is launching a comprehensive new dental program administrated by EMPIRE DENTAL (Empire BCBS). With Empire Dental, we will be offering the following two plans for dental benefit selection:

**Preferred Provider Organization plan, Dental Complete network
Managed Care plan, Dental HMO (DHMO) Enhanced Care**

These plans together offer active and retired members a tremendous amount of provider choices across the U.S.A. In total, Empire Dental provides 137,585 “individual dental provider locations” nationwide. In addition, it significantly enhances the availability of Dental Specialists who provide for such popular procedures as Implants and Orthodontics.

Sample Provider Counts:

New York 9,036

Florida 9,348

New Jersey 6,143

North Carolina 3,261

South Carolina 1,721

Plan participants are strongly encouraged to use the below website to locate the multitude of providers near you.

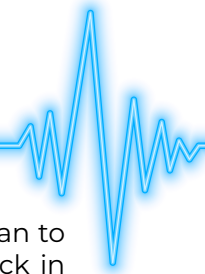
<https://www.empireblue.com/find-care/>

Once on the site, follow the following steps:

1. Located in the middle of the web page, Click “Select a plan for basic search”
2. For Select the type of plan or network, choose from the dropdown: “Dental Plan or Network”
3. For Select the state where the plan or network is offered, choose from the dropdown: your State.
4. For Select how you get health insurance?, choose from the dropdown: “Dental”
5. For Select a Plan or Network, choose from the dropdown: “Dental Complete” for the Preferred Provider Organization plan or “Dental HMO (Managed Care)” for the Managed Care plan
6. Click “Continue” and enter the requested information to search.

You will be receiving additional correspondence regarding this new dental benefit design/coverage from both the SBA and Empire BCBS via emails and US mail. Please do not discard these communications, they will contain important Plan information in assisting you in selecting your dental plan option.

COPAYS ADDED TO THE GHI SENIOR CARE PLAN (EFFECTIVE 1/1/2022)



In 2020, the MLC and the City had agreed to increase copays in the GHI Senior Care Plan to be effective January 1, 2021, but those changes were delayed due to COVID. Then back in December 2021, retirees were mailed a letter regarding changes to the GHI Senior Care Plan.

These changes were effective January 1, 2022. The RSA has sent out email blasts regarding these changes and the anticipation of a NYC Medicare Advantage Plus Plan. Lately, the RSA has been getting inquiries from members who are on Medicare and have the GHI/Empire Senior Care Plan regarding these changes and especially on the copays. Let me explain how these copays work: After you have met your annual \$233 Medicare Part B deductible, Medicare Part B will pay 80% of your covered medical expenses. For EmblemHealth GHI Senior Care to pay the remaining 20%, you must pay your \$50 Senior Care deductible. Once your deductibles are met, a \$15 copay will apply. Your copay is the set dollar amount you pay for health services each time you use them. Below is a list of commonly used services that will have a \$15 copay.

- PRIMARY CARE PROVIDER (PCP) VISITS
- SPECIALIST & URGENT CARE VISITS
- X-RAYS & LABORATORY TESTS
- ALLERGY TESTING/INJECTIONS
- CHIROPRACTIC SERVICES (MEDICARE COVERED)
- PODIATRY (MEDICARE COVERED)
- MENTAL HEALTH/SUBSTANCE ABUSE TREATMENT
- PHYSICAL, OCCUPATIONAL, & SPEECH THERAPY
- CARDIAC & PULMONARY REHAB SERVICES
- COMPLEX DIAGNOSTIC TEST AND RADIOLOGY
- RADIATION THERAPY
- VISION CARE (MEDICARE COVERED)

While this is not a full list of services with a copay, I've included the most used services for your convenience. Your Medicare Part A hospitalization coverage will continue to be covered by Medicare and Empire BlueCross BlueShield. For questions, call GHI Senior Care representative at **800-624-2414**. You can also visit <https://www.emblemhealth.com/resources/city-of-new-york-employees>

NYC Medicare Advantage Plus Plan

Via email, the RSA has been keeping members updated on the NYC Medicare Advantage Plus Plan. As previously reported, New York City was notified on July 15, 2022 that Anthem/Empire Blue Cross Blue Shield has withdrawn its participation from the NYC Medicare Advantage Plus Plan. The following was the City's response:



BEFORE THE CITY AND THE MUNICIPAL LABOR COMMITTEE CONTINUE TO BELIEVE THAT A CUSTOMIZED MEDICARE ADVANTAGE PLAN PROVIDES RETIREES, THE CITY, AND ITS TAXPAYERS WITH THE BEST OPPORTUNITY FOR HIGH QUALITY HEALTHCARE. WE REMAIN COMMITTED TO MOVING FORWARD WITH THE PROGRAM AND ARE EXPLORING ALTERNATIVE OPTIONS. ALL RETIREES WILL REMAIN IN THEIR CURRENT PLANS UNTIL FURTHER NOTICE."

It's obvious by their statement that this endeavor is far from over. We believe the City will pursue another Healthcare provider or attempt to persuade Anthem to reconsider. We believe the City is determined to force Medicare retirees into a Medicare Advantage Plan and revamp the Health Plan for all NYC Actives and Retirees. The City's pending appeal with the Supreme Court of the State of New York Appellate Division is slated for the September 2022 Term. The City is still hoping for a January 1, 2023, start date. On July 27, 2022, the NYC Organization of Public Service Retirees held a meeting regarding this plan. RSA President, Bobby Cotumaccio and 2nd VP, Anthony Nostramo were in attendance. However, there was no new information that wasn't already previously reported by the RSA. We will continue to keep our members updated as new information becomes available. Thank you - **Tony Amato**




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L.E.O.S.A. HR 218 WEEKLY QUALIFICATIONS ON STATEN ISLAND

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Self-defense coverage off duty and into retirement.

DO I NEED IT??

by Gary Eastridge

Photo by iStrfy - Marcus on Unsplash



Most of us in law enforcement rely on our union or police association to provide coverage for on-duty self-defense coverage. What happens when we are off duty or retired? If still active, what happens if we are in another state on vacation?

Those of us who have been involved in officer-involved uses of force rely on union/association representation. For CCW Safe CEO Mike Darter, it was FOP Lodge 123. After Mike was cleared criminally, family members of his attackers filed a federal civil suit. The FOP spent well over \$100,000 in defense fees and successfully argued for summary judgment. Once Mike left law enforcement, he knew that he would want similar coverage while carrying under LEOSA/HR218. Not finding a coverage he found adequate, he joined forces with Kyle Sweet and Stan Campbell to create CCW Safe.

After retiring, we are on somewhat of an island, left to defend our actions at our expense. How much will a good defense cost? CCW Safe knows, as we have funded a worst-case scenario defense. We are still the only company in the industry to have defended a member charged with murder from incident through trial. In our defense of member Stephen Maddox, CCW Safe spent over \$400,000.00 resulting in a not guilty verdict after a short jury deliberation. The weaknesses the founders saw in the other coverage companies resulted in a comprehensive service product at a reasonable price. Not all companies are created equally, so it is up to you to read the fine print and make an informed decision.

CCW Safe encourages everyone to shop and compare offerings from all companies in the industry. When you are done, you will see why CCW Safe is the best option. Created by cops for cops.

THINGS TO CONSIDER WHEN SHOPPING FOR COVERAGE

Is there a defense cost limit? At CCW Safe, we pay 100% of criminal, civil, and administrative defense costs.

What is considered a defense cost? We consider private investigators, expert witnesses, trial presentation, and other costs. Many of our competitors charge extra for or limit these costs. In Stephen's case, CCW Safe spent over \$65,000 on private investigators and over \$20,000 on expert witnesses. Their findings were crucial to Stephen's not guilty verdict.

What weapon will the coverage allow me to use to defend myself? With CCW Safe, the answer is **ANY** legal weapon. Some competitors limit the covered weapons to

firearms, including one that only covers the weapon you are certified with at your department.

Is bond coverage included? CCW Safe covers the fees on bonds set at \$500k with a \$1m bond option at no extra cost.

Is there a recoupment clause? A recoupment clause allows the coverage provider to recoup or take back any funds expended on your defense if you are found guilty. As a membership plan, CCW Safe does not have a recoupment clause. Members never pay back any defense cost regardless of the outcome of their case.

CCWSAFE

NYPDRSA PROTECTOR BASIC

- \$500,000 Bail Coverage
- 24-hour emergency hotline patched through to attorney
- Critical Response Team on site for all deadly force incidents
- Appeals/Mistrials/Retrials
- Vetting of hired Attorneys by National Trial Counsel
- No caps on Attorney Retainer/fees
- No caps on Investigators costs/fees
- No caps on Expert Witnesses expenses
- All trial fees and costs covered up front
- Firearm Replacement during trial/Loss of Primary CCW Weapon Covered
- Up to \$250 a day work loss while in criminal or civil trial
- Up to 10 sessions (\$150 each) for a licensed counselor
- \$3k crime scene clean-up (home)
- Criminal Record expungements

* Spouses that are also LE Officers can be added through support@ccwsafe.com

\$134 ANNUALLY

NYPDRSA PROTECTOR PLUS

- DEDICATED STMM CIVIL LIABILITY COVERAGE
- \$500,000 Bail Coverage
- 24-hour emergency hotline patched through to attorney
- Critical Response Team on site for all deadly force incidents
- Appeals/Mistrials/Retrials
- Vetting of hired Attorneys by National Trial Counsel
- No caps on Attorney Retainer/fees
- No caps on Investigators costs/fees
- No caps on Expert Witnesses expenses
- All trial fees and costs covered up front
- Firearm Replacement during trial/Loss of Primary CCW Weapon Covered
- Spouse and children under 18 covered in home only
- Up to \$250 a day work loss while in criminal or civil trial
- Up to 10 sessions (\$150 each) for a licensed counselor
- \$3k crime scene clean-up (home)
- Criminal Record expungements

* Spouses that are also LE Officers can be added through support@ccwsafe.com

\$335 ANNUALLY

SELF-DEFENSE LEGAL SERVICES MEMBERSHIP

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FLORIDA GENERAL MEMBERSHIP MEETING

WEDNESDAY – JANUARY 25, 2023 AT 5:00 PM
THE HILTON PALM BEACH AIRPORT HOTEL
150 AUSTRALIAN AVE., WEST PALM BEACH, FL 33406

PLEASE VISIT OUR WEBSITE FOR THE LATEST DETAILS

The SBA will be in attendance in the form of our very special guests and good friends

SBA PRESIDENT VINCENT VALLELONG | **SBA VP EDMUND SMALL**

Along with members of their Front Line Team

Once again, we will draw the two (2) winners for our 50/50 SCHOLARSHIP ENHANCEMENT RAFFLE. It would be fantastic if our winners were present!

1st prize = 75% of winners portion

2nd Prize = 25% of winners portion

In recent years, first prize was in excess of \$6,900.00

WE ARE IN TALKS WITH REPRESENTATIVES OF THE VARIOUS HEALTH PLANS AND WE HOPE THEY WILL BE ON HAND TO ASSIST ATTENDEES WITH ANY QUESTIONS OR ISSUES THEY MAY HAVE.

WE WILL BE ACCEPTING ID CARDS FOR RENEWAL & WILL PROVIDE THE NECESSARY FORMS.
You will need a check in the amount of \$7.95 to cover priority mail return of the card.



OUR MEETING IS A FAMILY EVENT, SPOUSES & SIGNIFICANT OTHERS ARE URGED TO ATTEND AND ENJOY. **OUR RSA WIDOWS/WIDOWERS ARE REMINDED THAT THEY ARE WELCOME AS SPECIAL GUESTS.** AT THE CONCLUSION OF OUR MEETING, DINNER AND DRINKS WILL BE SERVED IN THE BALLROOM.

For those wishing to stay over, which is encouraged, Hilton has offered our RSA attendees a special rate of \$199.00/night. The hotel is located near the Palm Beach International Airport.

FOR HOTEL RESERVATIONS CALL (561) 684-9400 AND STATE THAT YOU ARE BOOKING FOR “RETIRED SERGEANTS NY” | **GROUP NAME: Ser23**
YOU MAY ALSO USE OUR PERSONALIZED WEB PAGE: [bit.ly/ 3QzR0iN](https://bit.ly/3QzR0iN)

BE SURE TO BOOK NO LATER THAN MONDAY - JANUARY 9, 2023
After that date, rooms will be released and subject to availability at regular price.

THERE ARE NUMEROUS AMENITIES AVAILABLE AT THE HOTEL INCLUDING:

- Complimentary parking • Complimentary hi-speed internet • No resort fee • Complimentary fitness center
- Complimentary shuttle to and from Palm Beach International Airport • Complimentary shuttle to Rosemary Square • Outdoor Tiki bar overlooking Lake Cloud • Tony Romas restaurant • Veranda Restaurant • 20% discount on guest meals in our property outlets (Tony Romas, The Grind, and Tiki bar) • RSA Board members will be at the hotel and available to assist attendees.

RSA general meetings are open to dues paid members, RSA widows/widowers, and guests approved by the President only. Non-member retired Sergeants are welcome to join the RSA at the reception desk outside the meeting room.



NYPD ID CARD RENEWAL

In 2016, the RSA reached an agreement on an NYPD ID Card renewal procedure for our "out-of-town" members. This procedure needs to be followed exactly as presented below:

- Proxy renewal is available **ONLY** to members living outside the five (5) boroughs of New York City and the six (6) counties in which active members are permitted to live.
- **ONLY** cards issued after November 1, 2002 can be renewed this way. In all other circumstances, members will have to personally visit 1 P.P. Prior to November 2, 2002, cards were not digital and therefore photos cannot be reproduced.
- Cards may be renewed within six (6) months of expiration.
- A completed PD form **MUST** accompany the card. The form is on the accompanying page and can also be downloaded on our website.

Additionally, the expiration date will be increased from five (5) years to eight (8) years.

THE RSA IS AUTHORIZED TO DELIVER MEMBERS' CARDS TO 1 P.P. AND RETURN SAME TO MEMBERS.

To insure security in the transfer of cards to and from members, the following procedure **MUST** be adhered to:

- Item **MUST** be set to the RSA in a USPS Flat Rate Priority Mail envelope. You will receive a tracking number from the post office. **DO NOT REQUEST SIGNATURE OF RECIPIENT**. The postage is \$7.95.
- In the envelope, place your PD ID card, the complete PD form and a check in the amount of \$7.95 made out to Retired Sergeants Association (to cover the cost of priority mail return of your new card) and address the package to:

**RSA ID CARD DESK
392 COLON AVE., STATEN ISLAND, NY 10308**

Please allow for up to a thirty (30) day turnaround time and please do not deviate from the above instructions. Please note that this RSA service is available **ONLY** to dues paid RSA members.



PERSONNEL ORDERS DIVISION
Retiree/Non-Member Identification Card Worksheet
PB Revised 12/8/2020

PLEASE PRINT CLEARLY

Please Indicate: New Applicant Lost ID Card Renewal, Card # _____

Last Name: _____ **First Name:** _____ **MI:** _____

Date of Birth: ____/____/____ **Phone Number:** (____) ____-____

Social Security Number: ____-____-____ **Gender:** _____

Home Address: _____ **Apt.** _____

City: _____ **State:** _____ **Zip Code:** _____

RETIREE INFORMATION ONLY

Rank: _____ **Retirement Date:** ____/____/____

Tax # _____ **Shield #** _____

I certify that the information I provided on this worksheet and on any supporting documentation is true and complete. If I am applying for a retiree identification card, I further certify that since my retirement date, I have not been convicted of a crime.

Signature

____/____/____
Date

FOR OFFICE USE ONLY

Member Processing Request: _____ **Tax #** _____

Case # _____ **Firearms Code:** _____ **New ID Card #** _____

Approved

Disapproved

Authorizing Supervisor Rank/Name

Signature

(Authorizing Supervisor is to ensure there is a copy of newly issued Identification Card attached to this worksheet)

AUTHORIZED INDIVIDUAL RECEIVING IDENTIFICATION CARD

Name: _____ **Signature:** _____



Photo by Joe Hepburn on Unsplash

This edition of our RSA Legal Update series will address some of the most important Elder Law issues that members and their families face every day. It is safe to say that every person reaching the age of 50, and many before that age, will certainly encounter each of these issues in their lives.

ESTATE PLANNING

The most inevitable and certain issue is planning for your death. We know it is going to happen, but most of us don't get much warning as to when or how. Sadly, some of us who have experienced life threatening illnesses, diseases, or trauma still fail to heed the warnings and don't plan for the inevitable.

Everyone over the age of fifty – really, anyone over the age of 18 - should have a basic estate plan, which consists of four key documents: a Last Will and Testament (which prescribes what happens to our property when we die, and who will manage our estate), Power of Attorney (which designates an Agent to handle our affairs if we become disabled, incapacitated, or simply are unable to handle our affairs while we're alive), Health Care Proxy (which designates a person to convey to our doctors our wishes for end of life treatment), and a Living Will (which articulates those wishes).

Some of us may also need a bit more complex or specialized planning, such as one or more trusts, to help address certain circumstances in our lives, and/or to achieve our planning goals. A trust is a separate legal entity – sort of like a business – that is created by a person (called the Grantor) executing a trust agreement, drafted by a qualified elder law attorney, with the person they appoint to manage the trust (called the Trustee).

Trusts are created for many reasons. Some of the more common reasons are: to qualify a person for Medicaid benefits; to create tailored succession plans for the Grantor's property; to help a person with special needs maintain their government benefits; and, to avoid the need to go through the probate process (see below). In certain cases, trusts are required as part of a person's estate planning, as they are the best or only means to accomplish important planning goals.

A qualified elder law attorney can also help you avoid the need to have your estate probated, which is the court process whereby a Will is proven valid and a person called an Executor is appointed to manage the estate. Probate can take well over a year, delaying the receipt of your assets by your beneficiaries. In fact, due to covid, many estates have taken several years to process, because the courts have been unable to keep up with the workload. Probate also incurs expenses, including attorney's fees, court fees, accountant's fees, fees for process service, etc., etc., and, it creates opportunities for disgruntled family members to obstruct and prolong the process and increase costs. With some minimal effort, an experienced elder law attorney can help you to change the titling of your assets, or to place assets into a trust, to avoid probate process and all of its costs.

MEDICAID/LONG TERM CARE PLANNING

In addition to planning for our eventual demise, it is critical to plan for the rest of our lives, including what is known as long term care planning. Although we are living much longer than our parents and grandparents, often we do so with serious illnesses or disabilities that require either specialized care in a nursing home or assisted living facility, or sometimes in a home care setting. This care is not covered by our regular health insurance, and often only minimally or not at all by Medicare. Ideally, we obtain Long Term Care Insurance (LTCI) to cover the need for long term care. We advise all of our clients who qualify for LTCI and can afford it to get it as soon as possible. We work with several LTCI experts who help our clients determine if they are qualified and if they are, obtain this essential coverage.

However, some clients either have conditions that make them unqualified for LTCI, or they just can't afford it. LTCI is not cheap, and it gets more expensive the older we are when we first obtain it, but it is virtually always cheaper than paying out of pocket for long term care. Nursing homes on Long Island and in the NYC area cost upwards of \$15,000 per month. That cost will only increase over time. Assisted living facilities are usually a bit less, but still expensive.

Medicaid is LTCI for poor people, but they allow individuals and couples with considerable assets to qualify as well. As mentioned above, one of the primary strategies to qualify for Medicaid is to use specialized trusts to transfer assets out of the individual's name to essentially make them 'poor' to meet the Medicaid guidelines. Medicaid rules currently use what is referred to as a look back period, where they look back for the last five years from the day you apply for Medicaid to review your financial records. Since none of us know when we may need long term care until a serious medical or mental condition manifests itself, it is critical to plan for Medicaid well before the need actually arises. We help clients plan to qualify for Medicaid, so they are well positioned to qualify if and when the need actually arises. This requires clients to be realistic about the likelihood that they will need long term care at some point, and to take the initiative to begin to plan, even when it may seem the need may never arise.

SPECIAL NEEDS PLANNING

Almost every client we encounter has a family member who has some special need, whether it be Down Syndrome, Autism, psychiatric diagnosis, dementia, or some other condition that makes them eligible for some sort of government benefit, such as SSI or Medicaid. These government benefits are essential to their livelihood and well being, and their loved ones rely on those benefits to be able to provide the critical special services their family members require. Unfortunately, government rules will disqualify those people from those services if they receive some influx of funds, such as an inheritance, gift, or lawsuit settlement. As mentioned above, a special type of trust called a Supplemental Needs or Special Needs Trust can be created to permit the recipient of government benefits to receive and utilize funds under certain conditions. These trusts can be created by the parents, grandparents, or other family members to plan to make funds available for their loved ones for services supplemental to those provided by the government.

In addition to creating the Supplemental Needs Trust, it is absolutely essential that all of the family members create or modify their own estate planning documents to make sure they do not intentionally or inadvertently leave an inheritance or gift directly to the person receiving the government benefits. They must name the trust, and not the individual, as the beneficiary in their Wills. Even if they don't intend to name the individual directly, their plans, or lack of a plan, can lead to a problematic inheritance for the benefits recipient. Planning and coordination is required.

SELLING THE FAMILY HOME

Whether due to scaling down, moving out of state, or due to illness or disability, we will all eventually sell our homes. Or, our estates will sell them for us. This also requires advanced planning to be sure the sale is not rushed and that we obtain the best price and timing for the sale. When I use the term sale, I also mean leaving the house to our heirs, or keeping it "in the family." This is referred to as succession planning. Often, as mentioned above, a trust is the best means to accomplish the succession planning required to achieve your goals for

who will buy or inherit your house. If done far enough in advance, putting your house in a trust can also be part of preparing you for qualifying for Medicaid. It also helps to avoid the need to include the house in the probate of your estate, which saves time and money in getting the house into the name of the person you designate to receive it.



Photo by Scott Graham on Unsplash

There are many other nuances to each of these examples of elder law issues, as well as other elder law issues, that can't be addressed in this article, but which are essential to explore with a qualified elder law attorney. Like going to your physician for an annual checkup, a visit to an experienced elder law attorney – even when nothing is "wrong" or urgent – will help to identify issues you may have that even you are not aware of, that can and should be addressed before they become problems.

We at Callaghan Parente LLP are experienced elder law attorneys, and are standing by to assist you with your elder law planning. Please let me know if I can be of assistance. Stay safe!

*Best,
Leo*

*Leo G. Callaghan, Esq.
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Retired NYPD Sergeants

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A \$10+ billion federal program permanently extended and fully funded by the U.S. government which offers tax-free compensation to anyone who is certified with **any of the 68 cancers or respiratory illnesses linked to the World Trade Center toxins.**



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