

SOCIAL & SECURITY & YOU

FROM THE OFFICE OF ATTORNEY WILLIAM CRAWFORTH

SPRING 2010

Message From Attorney Crawford

HEALTH CARE OVERHAUL STALLED

Last fall I speculated that, despite making it a priority in his first year in office, President Obama's goal of meaningful healthcare reform wasn't likely anytime soon. The intervening months have proven that prediction to be on the money.

The replacement of the late Massachusetts senator, Ted Kennedy, by Republican, Scott Brown, eliminated the filibuster proof majority in the Senate. With mid-term elections only a few months away the Republicans are smelling blood. The recent televised "summit" between the President and Republican members of Congress was a dog & pony show: nothing more.

The only possibility for a meaningful healthcare bill to come out of Congress this involves using the so-called "nuclear option" reconciliation rule which only requires a simple majority to bring a bill on for vote. At press time the President is finally talking about going this route rather than trying to build consensus. Nevertheless, I won't look for anything of any significance to come out of Congress regarding healthcare this year.

What has been interesting, however, is how we got to this point. Despite poll numbers showing Americans want healthcare reform and support from major players such as AARP & the American Medical Association, the Congress got bogged down in the details. Labor unions aren't interested in losing their "Cadillac"

policies. Say "single payer" and you are treated like you uttered an obscenity. And debate over how abortion would figure into the mix caused some Democrats, led by Bart Stupak of Michigan, to balk at the proposals.

We've been treated to the ironic argument that Medicare would be jeopardized by a national healthcare system. A perfectly reasonable debate on when women should have routine mammograms somehow led to a fear of "death panels". Statistics regarding access to healthcare in Canada and European countries have been massaged to somehow indicate lack of satisfaction with what are perceived as socialist healthcare systems.

How's this for a statistic? Despite per capita health care spending double that of Germany, Great Britain, Canada and Japan the World Health Organization reports the U.S. has the highest rate of preventable deaths of the 5 countries.

What is clear to this observer is this: any healthcare system that has over 40 million people uninsured is a failure. In my practice I see the results of deferred & delayed healthcare all the time. One of the primary reasons persons wind up on Social Security disability and, especially, SSI is because their health deteriorated due to a lack of treatment. How much is that costing America?

Like Bill Clinton before him, it appears President Obama's ambitious goal of health care reform isn't going anywhere anytime soon.

SOME GOOD NEWS

Remember early last fall when the news was full of stories regarding the impending flu season? Because the vaccine last year wasn't effective and a shortage of H1N1 vaccine extended well into fall dire predictions of a pandemic were everywhere.

What happened? Hand sanitizers are in public buildings. Everybody who wanted a flu shot, either seasonal or H1N1 got one by Thanksgiving. And the flu season has been remarkably benign.

President Harry Truman once said "The buck stops here." If everything that goes wrong is the fault of the President he ought to get some credit when things go right.

For further information on the flu, go to www.flu.gov.

DSI LOOKS DEAD

The much ballyhooed Disability Service Improvement (see Fall 2006 & Spring 2008 issues of SS&Y) process initiative is all but finished. Rolled out with much fanfare in 2008 in the Boston region, the program's goal was to streamline the disability process and minimize the rights of Claimants to appeal decisions. Among the most controversial proposals were limitations on the power of ALJs to review earlier determinations and post-hearing appeal rights.

Consumer groups, including the National Organization of Social Security Claimant Representatives, lobbied Congress extensively to help kill the program.

SAVE MONEY EAT BETTER

The past few issues of *SS&Y*, have focused on penny pinching strategies. Among them have been many internet sites offering coupons. Sites such as www.grocerycouponcenter.com, www.couponcart.com, and www.coolsavings.com offer coupons which can help lower grocery bills.

There are other strategies as well. Did you know that products on the lower and higher shelves of grocery stores are generally cheaper than those at eye level? Check it out. And rather than starting your shopping at the edge of the store where the fresh produce, meat and dairy products are stocked, try starting in the center aisles where the discounts are greater on canned and boxed products.

When buying produce, those prepackaged in bags have a lower unit cost than that sold individually. Buying meat in family packs and frozen seafood over fresh can save a lot, if you have a freezer. And teaming up with neighbors to buy a whole cow from a farmer can drastically lower meat bills, if you have that freezer. Call it "cow pooling".

Joining a warehouse club can also help when buying in bulk. Avoid buying non-grocery items at grocery stores and look to stores like Target and the warehouse clubs for those items. And most people know store brands are cheaper than national brands and prepared foods are more expensive (and often less healthy) than fresh food.

For those that qualify, food banks can be a big help. However, you are unlikely to get the variety needed for a balanced diet solely at a food bank.



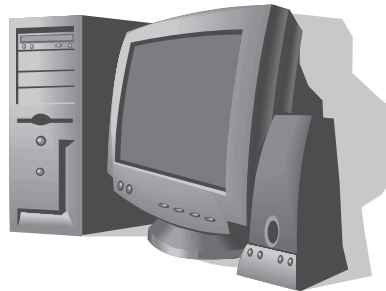
MEDICARE FRAUD ON THE RISE

Many people don't know that, in addition to the Social Security appeals process handled by the ODARs, Medicare also has ALJs who hear Medicare cases. Among those are cases involving fraud on the government.

Traditionally those cases involve fraud by medical providers. However, fueled perhaps by the economic downturn and the loss of health insurance by those losing jobs, fraud by individuals is on the rise.

A recent National Public Radio piece noted that persons needing urgent or emergent care are giving false names, SS numbers and Medicare numbers when seeking treatment. Not only is this costing Medicare money, but can lead to healthcare problems as well.

For example, differing blood types, ages and medical histories can lead to dangerous consequences both for the true patient and the fraudulent one



ALJ ALLOWANCE RATES AVAILABLE ON-LINE

Curious as to how your ALJ rates in terms of allowances and denials? This information is now available on-line, at least for the years 2005-2008. While not much help for those assigned to newly appointed judges, this information is invaluable in deciding whether or not to accept a video hearing.

Go to <http://php.delawareonline.com/federal/alj.php> and visit the database accessed through the Freedom of Information Act by the Wilmington, DE News Journal newspaper.

A wealth of other Social Security statistics, along with other government agencies, are available at www.data.gov.

2010 BUDGET INCREASE GOOD NEWS FOR SSA

President Obama signed an appropriations bill in December which contained a 10% increase in spending over 2009 for the Social Security Administration. In addition to opening 13 new ODARs in 2010 (including Mt. Pleasant & Livonia, Michigan) and an additional National Hearing Center in St. Louis, these funds will allow the planned hiring of 226 new Administrative Law Judges and other additional staff to go forward. And the President's budget for fiscal year 2011 has a proposed 8% increase.

This should be good news for those awaiting hearings at Michigan ODARs, whose waiting times are among the nation's highest, as has been well documented in previous issues of *SS&Y*.

MICHIGAN SENIOR TAX BREAKS IN JEOPARDY?

Because of Michigan's projected budget deficit lawmakers and the next governor will have to be creative in finding ways to raise money and cut costs. Undoubtedly, the tax-breaks received by Michigan seniors and disabled, the most generous in the nation, will enter into the discussion.

Currently Michigan exempts all Social Security and public pension benefits from state income taxes. Up to \$45,120 for an individual and \$90,240 for a married couple filing a joint return is exempt as well. These amounts are adjusted annually for inflation.

Taxpayers aged 65 and older also can deduct up to \$10,058 on a single return and \$20,115 on a joint return in interest, dividends and capital gains.

Those 65 and older also get double the standard deduction of \$2,300 other taxpayers get.

Seniors are also eligible for a larger credit for the homestead property tax credit and low income seniors get extra exemptions that increase the home heating credit.

Time will tell if these benefits will survive.



STUDIES, STUDIES, STUDIES

Once again, it is Attorney Crawford's pleasure to bring you his latest compilation of health-related studies released in the past few months. Some are interesting and thought provoking. Some are just silly.

A study published in the journal, *Cancer*, reports that more than 70% of cancer patients use complementary and alternative (CAM) medical therapies. Those may include prayer, acupuncture, meditation, supplements and hypnosis. Most patients use CAM to help with side-effects from more conventional treatments, such as radiation or chemotherapy.

Indeed, The American Cancer Society recently released its *Complete Guide to Complementary & Alternative Cancer Therapies*. Most CAM therapies are deemed safe, whether effective or not. An exception is the taking of supplements, which can interfere with the way the body breaks down chemotherapy drugs.

The New England Journal of Medicine released the results of a study last fall calling into question the wisdom of starting dialysis on older patients. Patients 75 years and older were much more likely to die within a year or have a significant decline in functioning, such as feeding themselves. Of course, without dialysis they would have died anyway but palliative care, hospice care and end of life planning would seem to be warranted.

A study reported in one of Attorney Crawford's favorite resources, *Parade* magazine, of post-menopausal women concluded that those who exercised the most lost far less weight than predicted and less than those who exercised more

moderately. The theory is the hunger and diet respond to exercise and those who burned more calories tended to ingest more.

For the golfers out there come these 2 studies. One from Sweden found that men and women aged 40-79, who play golf regularly, have a 40% lower incidence of mortality. And a study from the Rose Center for Health & Sports Science in Denver found that walking 36 holes of golf per week burns 2900 calories which could lead to a 40 lbs. weight loss in a year. In addition, golfers who walked had lower scores, on average, than those who rode a cart.

There have been many studies done on the link between stress and illness. *Nevertheless, The Journal of the American College of Cardiology* reported last fall that job stress increases cardiovascular risk by up to 50%.

Curious as to which state's residents get the least and most sleep? North Dakota residents reported the fewest problems sleeping while residents of Tennessee, Kentucky & Oklahoma reported far more than average. But West Virginians get the least, sleep, perhaps due to worrying the University of Michigan will steal more its coaches.

Food and drink are always fertile ground for studies. According to a study published in the online journal, *Addiction*, children are more likely to have an intense sweet tooth if there is a family history of alcoholism. (How do they think of this stuff?) And a huge study of 60,000 people over 14 years found that persons drinking 2 or more soft drinks a week have an 87% higher risk of developing prostate cancer, according to the journal, *Cancer Epidemiology, Biomarkers & Prevention*. But all is not lost! A study done by Johns Hopkins University concluded that eating a small amount of chocolate everyday could be beneficial as it is rich in flavonoids, which lower blood pressure and loaded with other antioxidants.

A study reported by the Harvard Medical School noted that pork, alcohol in moderation and coffee are among the foods that lower the risk of developing type 2 diabetes in adults.

The University of Michigan Medical School & Boston University School of Public Health teamed up to conduct a study which informs that hangovers are more severe if one drinks bourbon rather than vodka. And speaking of drinkers, the previously mentioned journal, *Addiction*, reports that drinkers have a lower risk of depression than those who never drink at all. In fact, the highest risk was with those who labeled themselves as abstainers. The teetotalers had fewer social ties and also had more illnesses, which may be the reason they were abstaining in the first place!

And a study the Oregon University School of Health & Science found that runners who drank tart cherry juice before a long distance run experienced less muscle pain than those who drank a placebo. Again, it's because of the flavonoids & other antioxidants.

LIST OF FREE AND REDUCED FEE MEDICAL CLINICS AVAILABLE

While too large to fit in this newsletter, Attorney Crawford's office has a list Detroit area medical clinics that are either free or offer a sliding scale, depending on income and resources. These clinic will accept uninsured patients.

Simply call Caroline in Attorney Crawford's office and a copy will be sent to you.

NO COLA FOR 2010

As forecast in the Fall 2009 issue of *SS&Y*, there is no cost of living increase for Social Security recipients for 2010.

SSI benefits remain \$674 per month for an individual and \$1,011 for a couples.

For those drawing early retirement benefits, \$1 is reduced for every \$2 earned over \$14,160. And for those at full retirement age, \$1 is deducted for every \$3 earned above \$37,680 in the year they reach full retirement age until the month they reach full retirement age. There is no reduction for employees at full retirement age no matter how much they earn. This is not to be confused with taxability of Social Security benefits.

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**WIN ATTORNEY CRAWFORTH'S TIGER TICKETS
CONTEST BACK**

Although discontinued in the Fall 2009 issue of SS&Y, the popular Win Attorney Crawford's Tickets contest is back for the 2010 Detroit Tiger baseball season. Attorney Crawford grew disgusted with "efforts" of the Detroit Lions and dropped his season tickets after 20 years. However, he remains committed to the Tigers.

Because of his busy schedule Attorney Crawford cannot possibly attend all of the Tiger games. You can win a shot at his upper deck box seats directly behind home plate by completing and returning enclosed entry form.

*Yes, I would like to enter to win
Tiger Tickets*

Name _____

Address _____

Telephone _____

Mail to:

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