

ELDER LAW *Update*

NEWS AND IMPORTANT INFORMATION FOR SENIORS AND THEIR FAMILIES



A New Treatment for Alzheimer’s Disease and the Controversy Surrounding It

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The Food and Drug Administration (FDA) has approved a drug purported to slow the progress of Alzheimer’s disease. However, the decision is not without controversy. A recent article by AARP explores this subject in some detail. Here is a synopsis.

The drug, Aducanumab (brand name Aduhelm), was approved on June 7th. While it does not cure Alzheimer’s, it is the first Alzheimer’s medication available in almost 20 years and the only drug that could slow the progression of the disease. How? Testing indicates the drug can break up sticky plaques of protein that accumulate in the brains of many people suffering from Alzheimer’s. Health officials believe that by removing these plaques, Aducanumab may slow the rate of cognitive decline associated with Alzheimer’s.

Other drugs currently on the market focus only on addressing symptoms, not causes, of the disease.

The FDA’s approval is conditional, however. Biogen, which developed the drug with Eisai, must conduct additional studies to prove Aducanumab works the way it is intended. If the drug fails to do so, the FDA can withdraw its approval. Other issues surrounding the drug include its price. Biogen estimates that therapy will cost approximately \$56,000 per year and it is unclear whether private insurance or Medicare will cover it.

Even so, advocacy groups such as the Alzheimer’s Association have applauded the FDA’s decision, calling it a landmark moment.

Cont.





A New Treatment for Alzheimer's Disease and the Controversy Surrounding It (Cont.)

“We know that slowing decline, particularly with early diagnosis, could add days, weeks, months, maybe even years of active life for individuals and families,” said Kristen Clifford, chief program officer at the Alzheimer’s Association.

DISAGREEMENTS WITHIN THE FDA OVER THE DRUG’S APPROVAL

In November of last year an FDA advisory committee voted against the approval of Aducanumab. Why? Two identical studies produced quite different results. In one study, participants with early onset or mild forms of Alzheimer’s saw their symptoms diminish after being given high doses of the drug. These folks showed signs of improved memory and were better able to manage activities like paying bills and shopping. Unfortunately, participants in the other study did not exhibit similarly positive outcomes.

Of the 11 members on the FDA’s advisory committee, 10 voted against the approval of Aducanumab. After it was approved anyway, three members of the committee resigned. While the FDA does not have to accept the recommendations of advisory committees, it typically does so. In this case, the agency used an accelerated approval process designed for new drugs that offer significantly better results than existing treatments in situations involving life-threatening or serious illnesses.

INSPIRING HOPE FOR THE FUTURE

In addition to the contention over approval and the high cost of treatment, there are other challenges associated with Aducanumab. For example, not everyone with Alzheimer’s disease will qualify for treatment. Only about two million of the six million Americans currently living with Alzheimer’s are in

early stages of the disease and show signs of the sticky plaques that Aducanumab attacks. Determining the presence of these plaques requires costly brain scans and spinal taps that are unavailable to some patients, and the infusion therapy itself may be difficult to access if a patient does not reside near an infusion center. There have also been some troubling side effects, such as tiny brain bleeds or temporary swelling of the brain, which must be closely monitored.

However, according to Jeffrey Cummings, a research professor in the Department of Brain Health at the University of Nevada, Las Vegas, Aducanumab’s approval will foster additional research. “Seeing the fact that we can sort of crack the code of Alzheimer’s disease is just so meaningful, because it will attract funding, which will allow us to test more drugs, which will allow us to eventually make more approvals.”

A recent analysis authored by Cummings notes that there are currently 126 different therapies being tested in clinical trials. Some of these therapies, like the new drug aducanumab, attack the sticky plaques of protein. Others go after different aspects of the disease. Meanwhile, researchers have made great strides in understanding how to preserve brain health and cognitive functioning throughout the aging process using nonpharmacological strategies such as exercise, diet, and controlling blood pressure.

Let us hope that one of the new drugs, or a combination of therapies, will be the key to ending Alzheimer’s disease. Soon!

If you would like to read the entire AARP article, go to <https://www.aarp.org/health/brain-health/info-2021/fda-biogen-alzheimers-drug.html>.

A Change to the Rules Governing Reverse Mortgages Provides Greater Protection for Non-Borrowing Spouses



A reverse mortgage is a loan that allows homeowners age 62 or older to borrow against the equity in their homes and receive a lump sum, a fixed monthly payment, or a line of credit. Reverse mortgages are often used by seniors to augment their income in retirement.

Federal laws governing reverse mortgages have evolved over the years. In May, the Federal Housing Authority (FHA) issued a new rule increasing protection for non-borrowing spouses—that is, the spouses of individuals with reverse mortgages who are not named in the loan itself. Let's take a brief look at the recent history of reverse mortgages to understand why this change is important and how it will benefit non-borrowing spouses.

In the past, if one spouse was under 62 years of age, he or she could not be named in the loan if the couple wanted to get a reverse mortgage. This had the potential for financial catastrophe. If only one spouse was on the mortgage, and that spouse passed away, the surviving spouse would have to repay the loan or be faced with eviction from the family home.

The Department of Housing and Urban Development made a change to this rule in 2014 that offered greater protection for some surviving spouses. The change stipulated that a couple with one spouse under the age of 62 could get a reverse mortgage if the underage spouse was classified as a “non-borrowing spouse.” Then, if the older spouse passed away, the non-borrowing spouse could remain in the home as long as he or she established, within 90 days, his or her “right” to do so. This right could be established in a number of ways, such as through a lease, a court order, or an ownership document.

Unfortunately, the 2014 change only applied to reverse mortgages taken out after the law became effective and it did not protect the spouses of borrowers who were forced to leave the family home due to medical problems.

The FHA's new rule corrects these shortcomings and increases protection for the following:

- All non-borrowing spouses rather than just those whose reverse mortgages went into effect after 2014
- Non-borrowing spouses of borrowers who resided in a care facility for 12 consecutive months or more
- Spouses who were in a committed relationship with the borrower when the reverse mortgage was initiated but could not marry because of same-sex marriage prohibition... as long as the couple married before the borrower passed away

In addition, the new rule eliminates the requirement for non-borrowing spouses to show they have a title or legal right to stay in the family home.

Sadly, the new rule fails to protect spouses who weren't married to the borrower when the reverse mortgage was initiated (with the exception, again, of same-sex couples who were unable to marry legally). Nor can the non-borrowing surviving spouse receive a reverse mortgage's remaining balance.

RUSO LAW GROUP, P.C.

Estate Planning, Elder Law & Special Needs



100 Quentin Roosevelt Blvd. | Suite 102
Garden City, NY 11530

RUSO LAW GROUP, P.C.

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It's Never Too Early to Start Planning for the Future

We have all heard those stories where we stop and say, wait, but he was a runner and took great care of himself. He was only 52. She was only 55. If there is one thing that we have learned from this pandemic it is that everyone is vulnerable to something and just because we “appear” to be healthy, doesn’t mean we are. Anyone over the age of 18 should have at least the basic documents. It is NEVER too early to start planning for the future.

If you can’t answer yes to the simple questions “Do you have a Durable Power-of-Attorney and Health Care Proxy?” You should be contacting an attorney.

DURABLE POWER-OF-ATTORNEY

The Durable Power-of-Attorney is needed when you are either physically or mentally unable to handle your own finances.

With the proper Durable Power-of-Attorney, your named agent can step in to pay your bills, with your funds, until you are able to handle this responsibility on your own again, if ever. Spouses do not automatically have the authority to handle financial affairs for their spouse, especially in the case of accessing a traditional IRA or changing ownership of a home.

HEALTH CARE PROXY

A Health Care proxy is needed when you are unable to make your own medical decisions. This document names a person to speak to the doctors to express your desires with regard to Medical treatment if you are unable

to express those wishes on your own. Parents do not have the automatic right to get private medical information for their child once that child is over the age of 18.

Often times the Health Care Proxy is supplemented with a Living will. This document explains your medical desires to your agent named under your health care proxy. For Example, the Living Will directs the agent under the Health Care proxy to authorize conform care instead of extreme measures if that is your desire under a terminal medical condition.

REVOCABLE TRUST

Another great planning tool is a revocable trust. Assets owned by this trust are often completely available to the creator of the trust (as if they owned it in their name alone). Any assets owned in this trust will avoid the probate. This trust is also extremely helpful if you own multiple properties (especially if they are in multiple states).

The benefits of planning early are that you are prepared for unforeseen circumstances and gives you the flexibility of adjusting as your life changes.

At Russo Law Group, we are well aware of the benefits of an informed consumer, which is why we provide a comprehensive website with an abundance of information, as well as free seminars and webinars to educate the general public. It’s never too early to start planning for the future.

Please join us at one of our many upcoming seminars and webinars.

For more information check the calendar of our website: www.vjrussolaw.com/seminars-and-events/