



YOUR ESTATE PLAN CHANGED JANUARY 1, 2010 BECAUSE CONGRESS DID NOTHING

By: James A. Stroud, CPA, of Warren, Averett, Kimbrough & Marino, LLC

If you have a well-drawn set of estate planning documents, those wills and trusts may now result in an unintended financial disaster if you were to die this year. Oddly enough, this is a result of a Congressional failure to act. It is imperative that many wealthy individuals take personal action to counteract this Congressional inaction.

Most well-drawn wills are designed to accomplish the transfer of wealth to the next generation with a minimum of estate tax being paid. To achieve this optimal transfer, the dispositive provisions in the will typically award the children, family or a family trust *as much of the deceased's wealth as can be left without the imposition of an estate tax*. The remainder is given to the spouse or placed in a marital trust. Because the maximum amount which could be left free of estate tax has changed periodically over the last several years, good estate planning attorneys incorporated flexibility into the documents so that revisions would not be required each time the estate tax exempt amount changed. This flexibility was found in language which did not specify an amount to be placed in the family or marital trusts but funded them through wording which passed all assets and avoided any estate tax.

That was a fine plan until January 1, 2010. On that particular day the Federal estate tax ceased to exist by virtue of a law passed during the Bush administration and one which everyone thought would be revised prior to it becoming effective. Depending upon the exact phrasing of your documents, the result may cause the family trust to now receive ALL of the decedent's estate and leave nothing directly to the spouse or marital trust. Thus, many wills now disinherit the surviving spouse. Depending upon the language chosen by your estate planner certain wording could even result in the exact opposite, and equally unintended, direction of all assets being given to the surviving spouse with nothing given to the family share.

If a family trust receives all the assets, the surviving spouse could be limited in their access to the income and principal of the trust. This could be further complicated by the makeup of the family at the time of death and could even create tension if the beneficiaries of the family trust.....

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UPCOMING EVENTS

- April 20 The Wayne Finley 811 Breakfast Club Meeting – Dr. John J. Gleysteen will speak on “Surgical Training in the African Continent” at 8:30 a.m. in the JCMS Board Room
Executive Committee Meeting – 5:30 p.m.
- April 22 ENT—How to Improve Audiology Payments Coding Class –
1:30 p.m. to 4:30 p.m.
- May 18 The Wayne Finley 811 Breakfast Club Meeting – Dr. Bayard S. Tynes will speak on
“The Illness of the U.S. Presidents” at 8:30 a.m. in the JCMS Board Room
Executive Committee Meeting – 5:30 p.m.
Board of Directors Meeting – 6:30 p.m.
- May 20 Procedural Codes vs. E and M Coding Class / E/M Documentation and Coding Class
– 1:30 p.m. to 4:30 p.m.
- June 2 Ethics Committee Meeting – 5:00 p.m.
- June 15 Jefferson County Foundation Trust Meeting – 5:00 p.m.
Executive Committee Meeting – 5:30 p.m.
- Aug. 1 The JCMS Annual Barons Baseball Outing

Contact Juanita Pruitt at 933-8601 or jpruitt@jcmsalabama.org for more information regarding any of the above events.

In Memoriam

The JCMS wants to acknowledge the recent passing of the following JCMS members:

Walter B. Evans, M.D.

January 15, 2010

Wood S. Herren, M.D.

February 5, 2010

Constance S. Pittman, M.D.

January 15, 2010

Herman Evan Zeiger, Jr., M.D.

March 6, 2010

Ralph Z. Levene, M.D.

March 30, 2010

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are children by a marriage other than children of the surviving spouse. This potential crisis can be averted by reviewing your wills or having them reviewed by estate planning advisors. A simple amendment in the form of a codicil may serve as a patch until Congress restores the estate tax in some form.

An additional issue for consideration is to review your current beneficiary designations on life insurance and retirement plans. Many people do not realize that their will is powerless with regard to insurance proceeds and retirement assets if an individual is named as the beneficiary. This same estate plan powerlessness is true as to bank and investment accounts where the deceased held the account in a "joint with right of survivorship" (JWROS) fashion. Ultimately, there is no need to be concerned about Congress neutralizing the effect of your will, if you have already done so by holding assets in a joint account.

This incorrect asset holding is just one of many problems we find when helping clients update their estate plans. Because many of these documents are several years old, they name trustees or guardians who would no longer be appropriate and may no longer be living. They provide for children in ways which now seem inappropriate to the parents or do not reflect some special need which may have surfaced in the intervening years. All estate plans need periodic review and revision, but even if yours' are reasonably fresh, Congress may have outdated them on January 1, 2010. Because many economic, tax and other matters seem to prioritize the Congressional agenda, everyone who took the time to plan for their estate, needs to now consider reviewing that plan.

James Stroud is a Certified Public Accountant and has been with Warren, Averett, Kimbrough & Marino, LLC since 1988. He specializes in working with service businesses and medical practices in matters such as compensation and incentive plans, ownership and management succession, staff training and motivation, and implementation of continuous practice improvement mechanisms.

JCMS Participates in MGMA/Alabama Meeting

By: Lisa Oliphant Beard, Executive Director, of MGMA/Alabama

The Jefferson County Medical Society and Medical Foundation Trust recently participated in MGMA/Alabama's annual conference held at The Wynfrey Hotel in Birmingham. Over two hundred and fifty medical practice managers and more than sixty-five exhibitors attended this year's conference. The conference, titled **March Madness, Skills to Take Your Practice to the Elite Bracket**, covered topics such as: Overhead Reduction, Marketing Your Medical Practice, Coding, Appropriate Staffing, Physician Compensation Plans, Credentialing and Best Practice Approach to EHR and Technology.

Medical Group Management Association (MGMA) is the oldest and largest membership organization for professionals in the field of medical practice management. MGMA/Alabama, which was founded in 1976, is an affiliate chapter of the national MGMA. MGMA/Alabama currently has more than seven hundred members representing over 14,000 physicians throughout the state of Alabama. MGMA/Alabama's membership is comprised of administrators, managers, supervisors and other health care professionals representing practices of all sizes and specialties. These practices range from solo, group and rural practices to university-based practices and multi-specialty clinics.

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MGMA/Alabama's mission is to advance the art and science of medical practice management to improve the health of our communities. It provides valuable resources for medical practice managers through professional education, the exchange of ideas and information among members and by informing administrators of current healthcare issues, trends and laws. MGMA/Alabama also sponsors an annual Medical Office Staff Salary Survey that is a great resource for your practice. Members who participate in the salary survey receive the results at no cost. In addition, members have access to two annual conferences, informative webinars, forms, articles, a free job board to post your open positions and networking with colleagues. In addition, MGMA/Alabama has a Blue Cross and Blue Shield of Alabama Liaison Committee. This committee meets with BCBSAL representatives quarterly to address global issues for providers and to serve as a sounding board for new BCBS ideas.

As a physician, you belong to professional organizations to network with your peers and stay updated on the latest trends in your profession. MGMA/Alabama provides these same benefits to your practice manager. Active member dues are just \$100 annually; if your office manager/administrator is not a member of MGMA/Alabama you may want to consider the small investment that can produce great dividends in your practice. For more information, you can visit the MGMA/Alabama website at www.almgma.com or contact the office at (205) 981-0011.



Volunteer Doctors Needed in Shelby County Clinic

The Community of Hope Health Clinic in Shelby County desperately needs more physicians and other health care providers to volunteer at the clinic. The clinic meets on Thursday nights in the Shelby County Health Department in Pelham. Only uninsured adult patients between the ages of 18 and 64 are seen at the clinic.

Please contact Chris Monceret at chris.monceret@adph.state.al.us or at 205-685-4154 for more information. You can also get more information by visiting the clinic's website: www.communityofhopeclinic.org/index.html

"I have volunteered there on several occasions and found it to be quite gratifying. There is a big unmet need. Some of the volunteers work there only once a month, or once every other month, or PRN, so it's not a big commitment."

Mark E. Wilson, M.D.



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In The News



Alabama Allergy and Asthma Center is pleased to announce the association of **Dr. Maxcie Sikora**. Dr. Sikora is a Board-Certified Allergist who has recently joined our practice and relocated to Birmingham from Ochsner in New Orleans, LA. Dr. Sikora graduated from The University of South Alabama Medical School and completed her residency in pediatrics at the University of South Florida College of Medicine in Tampa, FL. She completed her allergy and clinical immunology fellowship at Tulane University School of Medicine in New Orleans, LA. She is currently practicing with Alabama Allergy and Asthma Center in three locations: Homewood, Hoover and the The Narrows at Highway 280. You may contact Dr. Sikora by dialing 205-871-9661 or by email at msikora@alabamaallergy.com.

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(See ad on page 3)



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