November 2026

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Medicare Open Enrollment By Beth A. McDaniel, JD, CELA

We are now within the Medicare Open Enrollment period, which is from October 15, 2026, to December 7, 2026. Any changes go into effect on January 1, 2027. During the open enrollment period, Medicare beneficiaries can do the following:..

Cont. on pages 2-3

2027 Social Security Cost-of-Living-Adjustment (COLA)

By Beth A. McDaniel, JD, CELA

On October 14, 2026, the Social Security Administration announced that in 2027 the Social Security benefits for 76 million Americans will increase by 3.6%. By law, federal benefits increase when the cost of living arises, as measured by the Department of Labor's Consumer Price Index for Urban Wage Earners and Clerical Workers. Prior to 1975, Social Security benefit increases occurred by legislation.

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Other Articles By Beth A. McDaniel, JD, CELA

Court: Washington's Adult Protective Services has no duty to protect vulnerable adults - ***Pages 3-6***

Washington State Attorney Sentenced for embezzling over $1.5 Million from Estate - **Pages 6-9**

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CONT: 2027 Social Security Cost-of-Living-Adjustment (COLA)

Since 1975, the highest COLA increase was 14.3% in 1980. The highest COLA increase in recent history was 8.7% in 2022.

The increase will be effective for Social Security benefits received in January 2027. Increased SSI payments will begin with the December 31, 2026, payment.

CONT: Medicare Open Enrollment

- ...Plan back to Original Medicare.
- Join, drop, or switch from Medicare Part D prescription drug plan if you receive Original Medicare

<u>Key Details for 2026/2027 Coverage:</u>

- If you are happy with your current Medicare coverage and it is still offered next year, you do not need to do anything as your plan will renew automatically.
- Some insurers are scaling back or dropping specific Medicare Advantage or Part D plans; meaning, some beneficiaries need to select a new plan.
- The Medicare Advantage Open Enrollment Period is January 1, 2027, to March 31, 2027. If you are already in a Medicare Advantage Plan, you have a one-time opportunity during these three months to switch to a different Medicare Advantage plan or return to Original Medicare.

Please let Margo know if you would like a referral to a specialist who can best advise you regarding your options. You can also direct questions to the SHIBA...

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CONT: Medicare Open Enrollment

Program (Statewide Health Insurance Benefit Advisors), which provides callers with the opportunity to talk to trained volunteer advisors who do not sell insurance: 1-800-562-6900.

Call 1-800-MEDICARE (1-800-633-4227) to receive direct assistance.

CONT: Court: Washington's Adult Protective Services has no duty to protect vulnerable adults

In our September newsletter, I mentioned that I had been interviewed by a reporter who sought my perspective regarding a recent Washington court case involving a vulnerable adult. The resulting article is attached.

The court case involved Raymond Bell, a 71-year-old Renton man living with dementia who had no immediate family. Between February 2020 and July 2021, Adult Protective Services (APS) received nine reports raising concerns that Mr. Bell was being financially exploited. One of the reports advised APS that the individual allegedly exploiting Mr. Bell had sold his home and pocketed the proceeds.

To my knowledge, no criminal charges have been filed against Mr. Bell's alleged exploiter.

In 2023, Mr. Bell's conservator, who became his executor following his death, sued the state of Washington on Mr. Bell's behalf. The Court found that

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Cont: Court: Washington's Adult Protective Services has no duty to protect vulnerable adults

under Washington law, APS has no statutory mandate to investigate reports of abuse or exploitation involving a vulnerable adult. As a result, the state could not be held liable for negligently failing to adequately investigate the nine reports made to APS regarding the suspected financial exploitation of Mr. Bell.

The judges found that under Washington state law, APS has the duty "initiate a response," to reports it receives but not necessarily to "investigate" those reports.

Although the Court found APS had no statutory duty to investigate reports of abuse involving Mr. Bell, it is important to know that state law does impose a duty to report on certain professionals and individuals to report abuse or exploitation involving a vulnerable adult. These individuals are known as mandatory reporters, mandated under state law to make reports to APS where there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred.

Under Washington law, mandatory reporters include the following:

- Employees of the department or the department of children, youth, and families;
- Law enforcement officers;
- Social workers;
- Professional school personnel;
- Individual providers;
- operators of facilities or certified residential services and supports agencies under chapter 71A.12 RCW;
- Employees of facilities;
- Employees of a social service, welfare, mental health, adult...

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- ...day health, adult day care, home health, home care, hospice, or certified residential services and supports agency;
- County coroners or medical examiners;
- Christian Science practitioners; and
- Health care provider.

Under state law, if any of these individuals fail to report abandonment, abuse, financial exploitation, or neglect of a vulnerable adult to APS, they are guilty of a gross misdemeanor.

Washington also recognizes a category of individuals known as permissive reporters. This group includes, but is not limited to, employees of financial institutions, attorneys, or volunteers in a facility or program that provides services for vulnerable adults. Unlike with mandatory reporters, there is no criminal penalty or legal consequence if a permissive reporter fails to report suspected abuse, neglect, exploitation, or abandonment to APS.

The court's decision in Mr. Bell's case is currently unpublished, meaning that it does not serve as binding precedent in for other Washington cases and only applies to the parties in that case. However, as reported in the article, the state has asked the court to publish the case, which means the ruling could become legally binding on all state courts, potentially limiting the legal options available to vulnerable adults and their families when APS's failure to adequately respond to a report of abuse or exploitation causes further harm.

The law needs to be changed as, in my opinion, it is nonsensical that individuals can be criminally...

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prosecuted for failing to report abuse to an agency who is not required to do anything with their reports.

In the meantime, it is critically important for Washington adults who have legal capacity to put proper protections in place. This includes appointing trusted individuals who can assist with medical and/or financial affairs if the need arises. This planning is particularly important for individuals who are single and do not have appropriate, immediate family members in close physical proximity. Otherwise, sadly, these individuals may be at greater risk of financial exploitation, abuse, or neglect.

Cont: Washington State Attorney Sentenced for embezzling over $1.5 Million from Estate

On October 8, 2026, former Port Townsend attorney Duncan Connelly was sentenced to 24 months in federal prison, followed by three years of supervised release, and ordered him to pay restitution of $1,369,426.00 due to convictions for wire fraud and theft.

According to various news reports, in July 2020, Connelly was retained by the personal representative of a Port Townsend woman's estate, valued at

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$3.7 million. The women had left her estate to six nieces and nephews, along with nine specific bequests to various entities. All six nieces and nephews, including the personal representative, lived overseas and were unfamiliar with the requirements and procedures involving a Washington estate. The personal representative initially hired Connelly because he worked at a large, prestigious law firm.

At first, Connelly apparently handled the estate appropriately. In 2021, Connelly was terminated by the law firm and subsequently started his own solo law practice. Following this transition, Connelly began delaying distributions to the beneficiaries and failed to timely respond to their inquiries.

By February 2023, Connelly began misappropriating funds from the estate. He did so by writing checks from the estate account and tried to make them appear like payments to the estate beneficiaries. Rather than delivering the checks to the beneficiaries, Connelly deposited the checks in his law firm's bank account and then transferred the funds to his personal account. During this same period, he also wrote checks to himself for his legal services.

In August 2023, Connelly misappropriated $1.5 million from the estate account, labelling the withdrawal as 'transfer for investment' to make the transaction appear legitimate. Connelly used the money towards personal investment activities, including online day trading, where he lost the funds.

Although Connelly had made partial

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distributions to the beneficiaries, by July 2024, there was only $500 left in the estate account, despite the beneficiaries being entitled to receive an additional $1 million. Around that time, Connelly stopped communicating with the beneficiaries.

Connelly reported the theft to the FBI and agreed to relinquish his law license as part of his guilty plea.

"Mr. Connelly not only stole from his victims, he lied to them about his embezzlement for nearly two years," said Acting U.S. Attorney Neil Floyd. "His crime was predatory, prolonged, and planned. The victims will likely not be made whole and will have to live the final years of their lives without the financial security that was rightfully theirs."

Some important takeaways:

- **The importance of a proper estate plan and carefully selecting your fiduciaries.** It is essential to have an appropriate, current estate plan and to carefully select the individual or entity who will administer your estate or trust. In this case, the decedent had an estate plan, as there were specific bequests to entities. Although an out-of-state individual can serve as a personal representative or trustee, that person must be prepared to handle the responsibilities involved. This could include travel, establishing an estate account in person, and most important, retaining appropriate counsel to advise them of their fiduciary duties and assist them with the proper administration of the estate.

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- **The importance of safeguards when the fiduciary is not someone you know and trust**. I find it troubling that Connelly had unfettered access to the estate account. In contrast, I currently serve as the personal representative of an estate in which all three named personal representatives declined to serve and nominated me to serve. The court ordered me to obtain a $100,000 fiduciary bond prior to serving. A fiduciary bond provides important protection for the estate beneficiaries by providing a potential source of recovery should the personal representative breach their fiduciary duties. In Connelly's case, as he was the personal representative's attorney versus a fiduciary, he would not have been required to obtain a fiduciary...
- ...bond.
- The importance of attorney malpractice insurance. Washington attorneys are not required to carry professional liability (malpractice) insurance. However, attorneys who do maintain malpractice insurance are required to disclose to clients at the beginning of their representation that they do not obtain minimum malpractice insurance and to obtain informed consent from the client. I do not know whether Connelly maintained malpractice insurance; however, it would potentially provide another source of recovery for the estate beneficiaries.

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If you have questions about anything in this newsletter, or would like to update your estate plan, please contact our client care specialist, Margo Passeau at 425-296-3121 or margo@bethmcdaniel.com.

Disclaimer: this newsletter is informational only and should not be construed as legal advice.