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ELDERCARE RESOURCE SERVICES



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"HELPING YOU HELP YOUR LOVED ONES"

JANUARY 2016
A FREE PUBLICATION ON ELDER ISSUES
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REVIEW FINANCIES WITH AN ELDER LAW ATTORNEY

It is highly recommended that families review their legal and financial accounts with an Elder Law Attorney yearly. Mass Health regulations continue to be updated and existing plans put into effect may not go accordingly due to changes by Mass Health.

Recently the Superior Court in MA rejected a Mass Health application of a gentleman who, with his wife, put their condominium in an irrevocable trust for long term planning.

This case is the Daley vs. Sudders which was recently ruled on in the Superior Court. The litigants in this case may appeal the decision.

This case can affect what is counted in trusts which has never been a problem before. And it also brings up the discussion of what is a countable asset.

It may not affect everyone however to avoid problems it is wise to review documents with the Elder Law Attorneys yearly and make changes as needed. This avoids a crisis when it is time to apply for Mass Health.

Mass Health has accepted irrevocable trusts in the past but it is possible that may change which could affect long term planning going forward, and may affect people who have trusts in place.

We defer to the Elder Law

Attorneys to best explain the case and the ramifications on Seniors.

We feel it is important to be aware of possible changes as it can affect your long term plans.

Many Seniors could not go into long term care facilities with Mass Health as the payer source. It is important to be aware of the regulations at all times prior to applying for the benefits.

If anyone would like a recommendation of an Elder Law Attorney please give us a call. We have worked with and will be happy to give you names of attorneys in your local area.

ABOUT US

ElderCare Resource Services is a certified aging care management company co-owned by Linda Sullivan RN, CMC, and Debbie Gitter LCSW, C-SWCM. Our unique Nurse/Social Worker team is able to provide both psychosocial and medical consultation to our clients. Linda and Debbie work together on each case. Families can consult with either of us. We are strong advocates for our clients giving them information to make them better consumers; getting their relative the best care. Together we are able to assist our clients and their families with information on Community Services, Home Care, Assisted Living, and Nursing Homes. Linda and Debbie have over 35 years working with the geriatric population. Now is the time to plan for the future. Call us if you have a question about our services. We'll be happy to chat. Look for our monthly column in the Metro West News '[Senior Questions and Answers](#)'

VETERAN'S ADMINISTRATION

There is a program called Aide and Attendance that offers financial payment to Seniors who served at least one day during a declared war, or their spouse. This benefit is for the Senior who is paying for help outside of the home, or in an Assisted Living. This benefit can help Seniors stay in their home longer or help

someone who is short on cash to move into an Assisted Living. The application is lengthy and it can take months for approval. Contact your local Veteran's Office to inquire about this program.

There are attorneys and consultants able to help with this process. Before

you hire someone, ask if they are certified by the VA. Anyone able to assist with the application needs to have taken a course(s) through the VA as per the VA regulations.

http://www.benefits.va.gov/pension/aid_attendance_housebound.asp



Certified Members:

Aging Life Care Association

HOME CARE AGENCIES

How do you find a good Home Care Agency? There are many good companies so it is important to ask the right questions to find the best agency that can fit the needs of the Senior.

Questions to ask are:

1. How does the agency recruit caregivers?
2. What happens if there is a scheduling problem, are there other trained caregivers that can step in?:
3. Are background checks and screening backgrounds done on staff and how often?
4. Does the company provide training and require on-going education to the caregivers and staff?
5. Who is responsible if a caregiver is injured on the job?
6. Does the company respond to your inquiries in a courteous and timely manner?
7. Are the caregivers employees of the company and who handles payroll and other taxes for the caregivers?
8. Are the caregivers bonded and insured?
9. Are you able to request a male or female aide as a caregiver?
10. Are all the costs and payment options clear and understood?
11. Is there a nurse who supervises the aides?
12. Is there someone on call 24/7?
13. Ask what happens if the caregiver is not a good match for the Senior. Sometimes personalities do not match. How does the agency handle this situation?
14. Ask about necessary notice if the

Senior goes to the hospital. When does the billing stop—is the Senior responsible for the entire shift if they go to the hospital within the first hour of the caregivers shift?

The staff background checks are important. Some agencies go beyond the Criminal Offenders Record Information or CORI and complete Social Security Skip Trace, Sex Offender and Nurse Registry checks. If the caregiver will be a driver ask the agency if they check their auto insurance policy and if there is any background check or drug testing.

Consistency of aides is important however there are times that agencies will use two or three aides. If any of the aides becomes ill there is a person familiar with the home and the Senior?

FREQUENTLY ASKED QUESTIONS

Q: My father is remarried after being divorced from my mother. His current wife is a widow. They have been married for 20 years and now my father had a heart attack and cannot return to their home. The house is in his wife's name. Throughout the years I have called my father and visited not very often. His wife and I do not always agree on many subjects. His wife is making medical decisions on behalf of my father and will give me updates. According to his wife I am not allowed to call my father's doctor to ask questions. Do I have a legal right?

A: If your father is competent in the eyes of the law then he is still in charge of his medical decisions. Assuming your father is competent then he can decide what he wants. If your father is not competent (meaning he is unable to make medical decisions

on his own behalf) as stated and recorded by his physician, then the next question is; did your father complete a health care proxy? If the answer is yes, then who did he designate as decision maker if he could not make decisions on his own behalf? If he named his wife then she is in charge. If your father named you then you are in charge. Sometimes people name two; one primary and an alternate if the primary is unable to make decisions. Doctor's will call the primary for decisions if there is a proxy in place.

Q: My brother is single and asked me if my children will take care of him if he should ever need care? I said yes to my brother and when I discussed it with my daughter and son they were surprised they were not asked. They would like my

brother to ask them and they would like to sit with my brother to discuss their exact role. They want to know what is expected of them. Should I plan a meeting?

A: Your daughter and son are smart people to want a meeting with your brother (their uncle) to discuss their role, what is expected of them, what your brother's wishes are etc. They can only do a good job knowing what your brother expects from them and then putting everything in writing. Will their names be placed on a health care proxy, will your brother complete a living will with his choices, who will manage the financial piece etc.? There is a lot to discuss.

Tell your brother to call his niece and nephew to talk. They need to schedule a meeting to talk everything out among themselves.