



The Anchor

ELDER LAW PRACTICE OF TIMOTHY L. TAKACS ♦ 201 WALTON FERRY ROAD, HENDERSONVILLE, TN
Serving Middle Tennessee and the Upper Cumberland Region

Spring 2010

Issue 34

Health Care Reform Bill Passes Congress

Coming Events

May 13: Is It Too Late?

Tim Takacs addresses a caregivers seminar hosted by Alzheimer's Association at Motlow College, Tullahoma. 12:30 p.m. Open to the public. Call (615) 824-2571 for more information.

June 14: MorningLine

Tim Takacs takes viewer calls. 8 a.m. Newschannel 5+ (Check your cable provider for channel details.)

July 8: OpenLine

Tim Takacs takes viewer calls. 7 p.m. Newschannel 5+ (Check your cable provider for channel details.)

Community Spouse Workshops

Monthly educational programs for Elder Law Practice clients. Call (615) 824-2571 for dates, times and topics.

Early Stage Memory Loss Support Group

Call (931) 526-8010 for dates, times and locations in the Upper Cumberland area.

Mental Health Association Education & Events

Call (615) 269-5355 for dates, times and locations.

Alzheimer's Family Care Network

Call (615) 292-4938, ext. 15 for dates, times and locations closest to you.

What's in it for Seniors?

In March the House of Representatives passed health care reform legislation. Over the next ten years, this legislation will stimulate the biggest expansion of coverage since Medicare and Medicaid were created in 1965. It is also the most ambitious attempt ever made to curb rising health-care costs.

What's in the new law for seniors?

Better Prescription Coverage

Under the new legislation, the Medicare prescription-drug benefit would be improved substantially. This year, people on Medicare who enter the Part D coverage gap, also known as the "doughnut hole," would get \$250 to help pay for their medications. Medicare will automatically send a

\$250 check to individuals when they reach the coverage gap in 2010. According to the Centers for Medicare and Medicaid Services, checks will begin in June and will include those who have already reached the coverage gap. Checks will continue to be issued throughout the year to individuals as they meet the coverage gap limit.

Effective July 1, the law will provide a 50 percent discount on brand-name drugs for low-income elderly. In 2011, all Medicare beneficiaries would receive a 50 percent discount on brand name drugs. Thereafter, drug-company discounts, federal subsidies, and discounts for all drugs would gradually reduce the gap. The prescription coverage gap will be totally

closed in 2020. At that point, seniors will be responsible for 25 percent of the cost of their medications until Medicare's catastrophic coverage kicks in, dropping their copayments to 5 percent.

Health care reform expands coverage while attempting to contain rising costs.

Medicare

Advantage Plans Cut Hardest hit will be Medicare Advantage plans – the private-plans under contract with the federal government to provide benefits to 11 million persons on Medicare who have opted out of traditional “fee-for-service” Medicare and accept Medicare from a private company.

In the 2003 Medicare Modernization Act (the same law that created Medicare Part D prescription drug coverage), the federal government

Continued on Page 2

Questions & Answers

Q *If I decide to delay receiving social security benefits because I am working, should I still sign up for Medicare?*

A It depends. If your employer has 20 or more employees and offers group health insurance with creditable drug coverage, you have a choice. In some cases, it is better to defer Medicare enrollment, but only after you have compared benefits and understand your available enrollment periods under Medicare.

Q *How do I report the death of a beneficiary?*

A Notify Social Security of the beneficiary's death by calling Social Security Administration at (800) 772-1213. If monthly benefits were being paid via direct deposit, notify the bank or other financial institution of the beneficiary's death. Request that any funds received for the month of death and later be returned to Social Security as soon as possible. If benefits were being paid by check, do not cash any checks

received for the month in which the beneficiary died or thereafter. Return the checks to Social Security as soon as possible.

A one-time payment of \$255 is payable to the surviving spouse if he or she was living with the beneficiary at the time of death, OR if living apart, was receiving Social Security benefits on the beneficiary's earnings record. If there is no surviving spouse, the payment is made to a child who was eligible for benefits on the beneficiary's earnings record in the month of death.~



"When the heart weeps for what it has lost..."

Health Care Reform Bill Passes Congress

Continued from Page 1

increased payments to Medicare Advantage plans. The new law rolls back some of these increases.

Over the next ten years, Medicare Advantage plans will lose almost \$120 billion. Medicare beneficiaries are therefore likely to see elimination of many of the extra benefits that these plans offer, such as gym memberships, free eyeglasses and hearing aids. In high-cost areas of the country such as New York City and southern Florida, the cutbacks will

be stretched out over seven years.

More Preventive Care

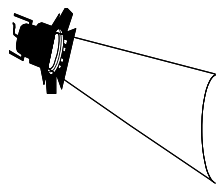
The legislation improves preventive care and puts a new emphasis on trying to keep seniors struggling with chronic diseases in better overall health.

Medicare provides coverage for the following preventive services: abdominal aortic aneurysm screening, bone mass measurement, cardiovascular screenings, colorectal cancer screenings, diabetes screenings, diabetes self-

management, flu shots, glaucoma tests, hepatitis B shots, screening mammograms, medical nutrition therapy services, Pap tests and pelvic exams, one-time "Welcome to Medicare" physical exams, pneumococcal shots, prostate cancer screenings and smoking cessation counseling.

Beginning this year, the bill would make all Medicare preventive services free of any co-payments and deductibles to Medicare beneficiaries.~

GUEST COLUMN



Communication Tips for Dementia Caregivers

Dementia is characterized by the loss of or decline in memory and other cognitive abilities. It is caused by various diseases and conditions that result in damaged brain cells. While there are different types of dementia, Alzheimer's is the most prevalent. Approximately 5.3 million individuals in the United States currently have a diagnosis of Alzheimer's disease.

Symptoms of dementia include difficulty with once-familiar tasks, problems with language, disorientation to time and place, poor judgment, misplacing things, mood and behavior changes, and changes in personality. Each of these symptoms creates unique behavior challenges.

The most common behavioral disturbances related to dementia are psychosis, agitation, sleep disturbance, compulsive rituals, apathy, anxiety, mood swings, sundowning, impulsivity and catastrophic reactions. Anytime a situation overwhelms a person with limited ability to

think, he or she may overreact. Often a person is seen as being "defiant, overemotional or critical."

What should caregivers do when loved ones with dementia become agitated?

DO

- ♥ Back off
- ♥ Ask permission
- ♥ Reassure
- ♥ Slow down
- ♥ Redirect to pleasant events

DO NOT

- ♥ Raise Voice
- ♥ Corner
- ♥ Rush or restrain
- ♥ Ignore
- ♥ Demand
- ♥ Confront
- ♥ Force
- ♥ Make sudden movements
- ♥ Teach

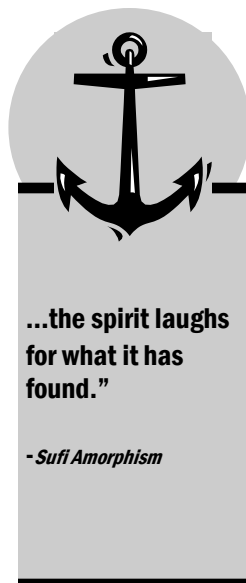
Quality of communication is key when dealing with a person with dementia. Remember to always speak in a calm voice. Use short sentences that offer

simple instructions. Be patient. Allow completion of one task before presenting another. Give instructions close to the time the task is to be done and speak slowly. If needed, supplement your message with gestures, pictures and written messages.

As a caregiver, it is vital that you understand the course of the disease and treatment options. One of the best ways to do this is to develop a positive relationship with your loved one's primary care physician.

A comprehensive multidisciplinary evaluation, led by a psychiatrist who specializes in geriatrics, is the first step in developing the right treatment plan for your loved one's dementia.

Melissa Pippin, LMSW is the Outreach Coordinator at The Senior Life Center at Skyline Madison Campus. The Senior Life Center is an inpatient acute geriatric psychiatry program designed for adults 60 and over. Contact Melissa at (615) 769-5677, melissa.pippin@hcahealthcare.com. For more information about The Senior Life Center, visit www.skylinemadison.com.



...the spirit laughs
for what it has
found."

-Sufi Amorphism

Health Reform Includes Provisions for Long-Term Care Insurance

Buried within the new health care overhaul is the first-ever federal insurance program to help Americans meet the often crushing costs of long-term care.

The Community Living Assistance Services and Supports Act, better known as the CLASS Act, provides enrolled individuals who need help in later years with activities of daily living with a daily cash payment.

Individuals may begin paying a monthly premium and then, after five years' participating, have the option of receiving a \$50/day cash payment for help with personal care needs, home renovations, and medical equipment.

Not everyone who pays a premium is eligible for the benefit, however. Under the new law, not only must the individual have paid five years of premiums, for at least three calendar years during those five years he or she must also have earned the equivalent of at least a quarter of coverage under the Social

Security program for the year, and paid premiums for enrollment in the program for at least 24 consecutive months.

An enrollee in the program is eligible to begin receiving benefits if he or she is determined to have a functional limitation in activities of daily living ("ADLs": eating, toileting, transferring, bathing, dressing, and continence), with the actual daily cash payment dependent upon whether the individual is deficient in as little as two ADLs or in all six of them.

The new law says that the beneficiary will be provided "with not less than an average of \$50 per day" and that the benefit is not subject to any lifetime or aggregate limit.

The administration is expected to write new regulations that implement the program within the next two years, although enrollment may begin sooner.

An employer may choose to participate in a program in which its employees are automatically enrolled in the long-

term care insurance plan in the same manner as an employer might automatically enroll its employees in a 401(k), 403(b), or 457 retirement plan.

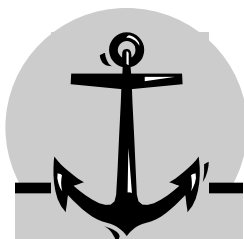
Premiums will be set based upon the age of the enrollee and are expected to range from \$150 to \$240 a month.~

Study Reveals Secrets to Happiness among Oldest of Old

Researchers from Iowa State University's gerontology program have helped identify what predicts happiness and long life in centenarians.

In a study of 158 Georgia centenarians, the researchers found that past satisfaction with life -- even if it's simply recalling isolated career accomplishments -- is the key to happiness in our oldest years.

Because of their results, the researchers urge caregivers of the elderly to implement programs -- including reminiscence therapy and structured life review sessions -- to foster feelings of happiness among very old populations.~



"The most valuable thing I have learned from life ...

Takacs Tidbits

The Department of Veteran's Affairs does not allow just anyone to give clients counsel about possible claims for VA pension benefits. The VA will work only with attorneys who are VA-Accredited.

Tim Takacs is one of those attorneys!

As a VA-Accredited attorney, Tim is authorized by the Veterans Administration to prepare, present or prosecute claims for VA

benefits. His status as an accredited attorney empowers the Elder Law Practice to file VA pension claims for clients and to represent them through the entire process.

Tim's expertise has helped hundreds of families open up this important source of funding that often goes untapped.

For more information about Tim, visit www.tn-elderlaw.com.~

Online Communities Ease Caregiving Concerns

What happens when elderly loved ones need help and family members are scattered near and far?

A number of online caregiving communities are helping to bridge the gap. These virtual communities make caregiving collaboration possible no matter where family members are located.

Online communities provide crucial assistance to anyone who is caring for aging parents, the elderly or loved ones with serious health conditions. One community, CareRun-

ner.com, offers online tools, health information, expert advice and directories of goods and services to help families more easily manage care.

Most online communities allow members to build a support community, communicate privately with family, manage health records or prescription details, find and evaluate caregivers or home health care aids and learn more about the disease symptoms and health care options available. They can make the long-term care journey less isolating for family caregivers.~

Workshop Series Continues

The *Community Spouse Workshop Series* features free educational programs open to all Life Care Plan clients and their families. Each session includes a brief presentation by Elder Law Practice staff followed by audience Q&A.

More CHOICES

Thursday, May 27

Tim Takacs, Debra King and Bryson Eubanks discuss the implications of the Medicaid CHOICES program.

A Positive Approach to Caregiving

Thursday, June 25

Elder Care Coordinator Carol Moseley discusses caregiving stories, statistics and pitfalls, and offers self-care strategies and inspirations.

Medicare Today

Thursday, July 29

Medicare Specialist Bonnie Woodard discusses what is needed to stay abreast of Medicare.

Workshops are held at the Elder Law Practice office at 201 Walton Ferry Road in Hendersonville. Pre-registration is required. Call (615) 824-2571 to reserve your seat.~



The Anchor is a quarterly newsletter designed to enhance the service we provide to our clients. We hope you enjoy the publication and welcome your feedback.

Elder Law is a unique specialty of law intended to serve the needs of the elderly, disabled, and their families. The costs of utilizing such services are usually offset by the financial benefits gained as well as peace of mind.

Some clients who seek our services might feel like they are being tossed in a storm. Forces beyond one's control can catch a family off guard and easily drift them into a crisis situation. With professional assistance, including careful analysis and strategic planning, costly mistakes can be avoided while enhancing the quality of life for those involved.

While the Elder Law Practice of Timothy L. Takacs cannot stop the storm, we can provide the necessary anchor to help steady families during their season of turmoil.~

Information contained herein may contain general explanations of laws. It should not be considered as legal advice. Please seek counsel from an attorney regarding legal planning.
Copyright 2010.

ELDER LAW PRACTICE OF TIMOTHY L. TAKACS

TIM TAKACS

CERTIFIED AS AN ELDER LAW ATTORNEY BY THE
NATIONAL ELDER LAW FOUNDATION
CERTIFIED AS AN ELDER LAW SPECIALIST IN TN

LISA LOVE

OFFICE MANAGER

BRYSON EUBANKS

PUBLIC BENEFITS SPECIALIST

CAROL MOSELEY, RN

ELDER CARE COORDINATOR

DEBRA KING, LMSW

ELDER CARE COORDINATOR

PATSY GENTRY, RN

ELDER CARE COORDINATOR

BONNIE WOODARD

MEDICARE SPECIALIST

BO SILER

LEGAL ASSISTANT

CHELLE MCMAHAN

OFFICE ASSISTANT

Middle Tennessee

Phone: (615) 824-2571; Fax: (615) 824-8772

Upper Cumberland Region

Phone: (931) 268-5761; Fax: (931) 268-1071

On the web: <http://www.tn-elderlaw.com>

PRESORTED
STANDARD
U.S. POSTAGE
PAID
NASHVILLE, TN
PERMIT NO. 259

ADDRESS SERVICE REQUESTED

Hendersonville, TN 37075
201 Walton Ferry Road

ELDER LAW PRACTICE
OF TIMOTHY L. TAKACS

Planning Firm



*** NOTE: If you did not receive this issue by mail but would like to be added to the mailing list for future *Anchor* issues, please contact (615) 824-2571. ***