The Anchor

ELDER LAW PRACTICE OF TIMOTHY L. TAKACS ◊ 201 WALTON FERRY ROAD, HENDERSONVILLE, TN

Serving Middle Tennessee and the Upper Cumberland Region

Fall 2010 Issue 36

Coming Events

October 11: MorningLine
Tim Takacs takes viewer calls. 8 a.m. Newschannel 5+ (Check your cable provider for channel details.)

October 27
Caregiver Senior Expo at Hyder Burks Pavilion in Cookeville. 8 a.m. - 1 p.m. (931) 432-4111

October 27
Tim Takacs discusses *10 Survival Tips for Seniors* at West End United Methodist Church in Nashville. 5:45 p.m. (615) 321-8500

November 11: OpenLine
Tim Takacs takes viewer calls. 7 p.m. Newschannel 5+ (Check your cable provider for channel details.)

Caregiver Support Groups
6:30 p.m., first Tuesday of the month; Elmcroft of Hendersonville, 1020 Carrington Place. (615) 264-2440

Early Stage Memory Loss Support Group
Call (931) 526-8010 for dates, times and locations in the Upper Cumberland area.

Mental Health Association Events
Call (615) 269-5355 for dates, times and locations closest to you.

Making a Nursing Home More Like Home

Moving to a nursing home is rarely an easy transition. It poses challenges for the person going in as well as those who love him or her. If the senior is forced to make a move, he or she may lash out, withdraw or become depressed.

What can family members do to help loved ones feel more at home in the new environment?

Bring a comfy chair
Ask nursing home staff if they will allow you to bring your loved one's favorite chair. Having a comfortable familiar chair often helps make the adjustment easier. Though nursing home residents are usually required to sleep in the hospital bed provided, it is usually acceptable to have the standard chair in the room removed and replaced with your own.

Decorate
Bring art, décor and other favorite objects. Decorate the walls of the room with items that are familiar to the resident. Hang a few favorite paintings or pictures taken from the walls of the elder's home.

Family members play a pivotal role in making nursing home surroundings more comfortable for elderly loved ones.

Bring pictures
Place pictures of family members around the room to surround the nursing home resident with familiar faces even when no one is visiting. This is also helpful if the resident is suffering from dementia or Alzheimer's disease.

Add home furnishings
Hang curtains and bring bedding in the elder's favorite color if nursing home policies allow. A rug can also help to make a nursing home feel more like home, but they are not usually a good idea because of the fear of falling. If you choose to bring a rug, make sure that it does not create a trip hazard.

Bring a refrigerator
Place a small refrigerator in the resident's room, if that is allowed, and stock it with his or her favorite snacks and beverages so the elder can eat a little something in between meals. Be sure to keep health needs and medical conditions in mind when choosing what to put in the refrigerator.

Don't forget entertainment
Provide a television and a radio in your loved one's room to help him or her feel more at home. A VCR or DVD player and the elder's favorite movies and shows recorded on appropriate media also

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Questions & Answers

Q *My mother was recently awarded a VA Death Pension. Will she be audited in the future?*

A Every pensioner must complete an annual Eligibility Verification Report (EVR) verifying any changes in income, net worth and medical expenses. Failure to return a properly completed EVR, if requested to do so by VA, will result in termination of a payee's income-based benefits.

Q *What exactly does "dual eligible" mean?*

A Dual eligible means that an individual is entitled to Medicare Part A and/or Part B and is eligible for some form of Medicaid benefit. There are certain groups of dual eligibles (such as QMB) which cause benefits to vary slightly.

Q *Can I delay Medicare Part B enrollment without paying higher premiums?*

A Yes, in certain cases. If you do not enroll in Medicare Part B when first eligible because you or your spouse are working and have employer group health plan coverage, you can sign up for Medicare Part B during a Special Enrollment Period without penalty.~

"Good judgment comes from experience...

Families Turn to Telecaregiving

Remote monitoring systems are popping up to keep tabs on a fast-aging population.

While video monitoring remains a popular option, companies are now offering other services to help families keep track of the daily activities of elderly loved ones.

Most services use sensors placed around the house and alert children to every detail of their parents' day: when they get in and out of bed, sit on the sofa, open the refrigerator door or turn on the air conditioning. If a sensor detects that, say, Grandpa has been in the bathroom too long, a relative can be notified by cell phone or text. Companies that specialize in this kind of monitoring provide detailed activity information for loved ones to see on a private website.

Other services monitor for falls, issue medication reminders and even chat with elders via Skype. ~

Making a Nursing Home More Like Home

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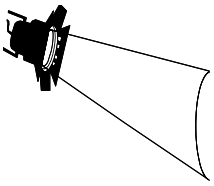
help to pass the time.

Tips & Warnings

Visit the nursing home regularly to let your loved one know that he or she has not been forgotten. If the elder's health allows, take him or her for an afternoon out of the nursing home or take the elder for a visit to your own home to create a sense of normalcy.

Encourage your loved one to be involved with activities held at the nursing home that reflect his or her interests. For example, if the elder always loved music, encourage her to become involved in the music program at the nursing home.

As always, if you need assistance with a loved one's transition to a long-term care facility, call Elder Law Practice at (615) 824-2571.~



GUEST COLUMN

Elder Financial Abuse

A Growing Concern...

Financial exploitation of older Americans has increased dramatically in recent years. It is estimated that persons over age 60 lose $2.6 billion annually to financial exploitation. For every known case of elder financial abuse, four to five cases may go unreported.

Elder financial abuse takes many forms including fraud, scams, undue influence by family members and other trusted persons, abuse of powers of attorney, conservatorship and guardianship, identity theft, internet "phishing," and failure to fulfill contracted health care services. Perpetrators are most frequently family members, caregivers, friends, and neighbors who exploit the trust developed in personal relationships.

Signs of Exploitation

- ♥ Isolation
- ♥ A "new best friend" or the sudden appearance of previously uninvolved relatives
- ♥ The provision of unnecessary services
- ♥ Significant changes in spending patterns

Protect Yourself

- ♥ Select personal advisors with care.
- ♥ Research and understand all investments before purchasing.
- ♥ Never sign anything you don't understand.
- ♥ Never give another person a signed blank check, ATM card and/or PIN.
- ♥ Protect your social security number and other private information.
- ♥ Do not give your personal information to unsolicited phone callers (this includes telemarketers).
- ♥ Trust your instincts. If you receive an offer that sounds too good to be true, it probably is.

For additional protection, review a copy of your credit report at least every 12 months. Order it online at: https://www.annualcreditreport.com/cra/index.jsp, by phone at (877) 322-8228, or by mail at:
Annual Credit Report Request Service
P.O. Box 105281
Atlanta, GA 30348-5281.
To dispute information in your credit report or to resolve problems with credit reporting agencies, contact:

www.equifax.com
(800) 525-6285
www.experian.com
(888) 397-3742
www.transunion.com
(800) 916-8800

Any person who suspects that financial abuse of an elder has occurred should report it to the appropriate agency, such as Adult Protective Services at (888) 277-8366, or a law enforcement agency.

Lauren Wagner, CPA, MSA is the Principal and Owner of Secure Financial Services, a daily money management firm providing bill paying and other financial services to seniors.

Contact her at Lauren.wagner@securefinancialservices.com, (615)440-3204, or visit www.securefinancialservices.com.~

...and a lot of that comes from bad judgment."

- Will Rogers

Medicaid Requires Two Approvals

Did you know that two separate types of approval are needed for Medicaid qualification: medical and financial?

Medical Approval
Medical approval is completed through the nursing home in the form of a pre-admission evaluation (PAE). Listed below are the steps required to secure medical approval.

1. The nursing home is notified as soon as Medicaid application is made.
2. The nursing home completes the PAE and sends it to Medicaid.
3. An approved PAE is issued by Medicaid/ TennCare.

Many people mistake an approved PAE for Medicaid approval. The approved PAE simply means that a nursing home stay is medically necessary.

Financial Approval
Financial approval typically requires five steps.

1. Determination of assets on date of institutionalization
2. Plan to comply with Medicaid rules for spend-down or the plan designed by ELP
3. Implementation of spend-down plan for qualification
4. Meeting with Department of Human Services (DHS) to show eligibility
5. Receipt of the approval letter from DHS

If the resident does not pass the PAE, it means that nursing home level care is not needed. In that case, financial approval may not be necessary.

Additionally, the PAE must be completed and submitted to DHS within 10 days of the DHS application submission, or Medicaid coverage will not begin on the date of application (assuming eligibility during that month). If the PAE is submitted more than 10 days after the date of application, the date of the PAE is used as the approval date. Medicaid has been enforcing the "10 day from application" rule.~

"Never live in the past...

Short Takes

Good News about Aging
America's standard take on being old is that it's better to be young. But researcher Laura Carstensen of Stanford University sees it differently. She says recent studies have found things older people do well, such as regulating their feelings and working on their social relationships.

It seems that wisdom, or being able to solve practical problems of everyday living, improves. So a lot of what we think of as being smart in life involves processes that get better with age, not worse. And she says older people can use this by continuing to learn as they age.~

Guide Helps Prevent Rehospitalization
For patients who are being discharged from the hospital, the federal government has published *Taking Care of Myself: A Guide for When I Leave the Hospital*. This easy-to-read guide can be used by both hospital staff and patients during the discharge process. For more information, visit http://www.ahrq.gov/qual/goinghomeguide.htm.~

Takacs Tidbits

Before Tim was certified as an Elder Law attorney, he served two terms as Sumner County Commissioner. In 1990, Tim unseated an incumbent to win Hendersonville's 8th district. "I had been living in Hendersonville awhile and felt I should be doing more," Tim remembers. "So I ran for office."

As a commissioner, Tim was an integral part of the county government. He was also authorized to officiate at weddings. Tim performed civil ceremonies for many people during his eight years in office, including a biker wedding featuring motorcycles lined up in front of a hay wagon. Another couple called him on December 31 because they wanted to file their tax return as husband and wife.

Tim played a pivotal role in the adoption of a county-wide financial management system that put the county on the path to integrating the financial management of all departments. Up until then, the Board of Education had been on one system and the rest of the county on another. The result was better use of taxpayer dollars.~

Workshop Series Continues

The *Community Spouse Workshop Series* features free educational programs open to all Life Care Plan clients and their families.

Now That You're on Medicaid
Thursday, October 21
Public Benefits Specialist Bryson Eubanks explains what happens after the application is accepted.

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

Medicare's Annual Open Enrollment Coming Soon

Medicare's next general open enrollment starts November 15, 2010. During this time, people with Medicare can add, drop or change their prescription drug coverage and/or Medicare Advantage Plan membership. People on Medicare who are eligible for Medicaid, "extra help," or QMB are not limited to the annual open enrollment period.

Listed below are a few key dates in the annual open enrollment process.

In October...

- Watch your mail for notices from Medicare, Social Security, and health and drug plans with information about changes in 2011.
- Compare plans online at www.medicare.gov starting October 15.

In November…

- "Medicare & You" 2011 arrives in your mail.
- Open Enrollment starts November 15.

In December…

- Open enrollment ends on December 31.

When comparing plans, don't forget to consider premiums, deductibles, copayments and coinsurance, coverage gaps (also known as the "donut hole") and formulary (the list of drugs that Medicare covers).

Medicare help is available through www.medicare.gov, 1-800-MEDICARE and the Elder Law office.~

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.
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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

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LIFE CARE Planning Firm
ELDER LAW PRACTICE
OF TIMOTHY L. TAKACS
201 Walton Ferry Road
Hendersonville, TN 37075

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