



The Anchor

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

Summer 2014 Issue 51

Coming Events

July 24
Alzheimer's Caregiver Conference. 8:30 a.m.—2:30 p.m. First Baptist Church, Clarksville, TN. Open to the public. (800) 272-3900.

August 11
Tim Takacs on MorningLine. 8 a.m. Newschannel 5+. (Check your cable provider for channel details.)

August 21
Trust School for Elder Law Practice Clients. 3:30 p.m. Call for location. (615) 824-2571.

September 4
Coffee Connections for Life Care Plan clients with a spouse in a long-term care facility. 2 p.m. Call for location. (615) 824-2571.

Parkinson's Support Group
First Tuesday of each month. 10 a.m. Towers at McKendree Village, Hermitage, TN (615) 871-8200.

Alzheimer's Association Support Groups
Call (800) 272-3900 or (615) 315-5880 for dates, times and locations closest to you.

For more events, visit www.ElderLawEducation.com.

*Dates and times are subject to change. Visit www.TN-ElderLaw.com for the latest information.

Patient Wait Lists: A Tennessee Medicaid Tradition

During the nursing facility selection process, families are likely to discover a policy unique to Tennessee: patient wait lists. Wait lists are a fact of life at most Tennessee facilities that accept Medicaid.

The practice of maintaining prospective patient wait lists originates from a 1990 court case, *Linton v. Commissioner*, which resulted in a federal court ruling mandating Medicaid-participating facilities admit patients on a first-come, first-served basis.

As the name implies, wait lists mean beds may not always be immediately available for patient admission. When a bed is vacant, facilities must consult

the wait list to determine who is next in line to be admitted.

Wait list size varies greatly among facilities and changes daily. It is important to understand that whether

the list has two or 200 names, it is not an accurate reflection of when any patient will be admitted primarily because many people on the wait lists simply are not yet in need of nursing home care. Others on the wait list may have been placed in another facility. There may be 200 names on the waiting list, but there also may be ten empty beds that can't be filled from the list.

In addition, the regulations include instances when a patient may be admitted according to

circumstances beyond first-come, first-served. The most common example is admission to the nursing facility

directly from the hospital due to medical need.

Also, because nursing facilities place only patients of the same gender together in each room, admission may depend on whether the patient is male or female. Admission preference also may be given in cases requiring intervention by the Department of Human Services Adult Protective Services; in limited instances of patient transfer from another facility; as well as when a nursing facility patient has been in the hospital.

Although having to place your name on a wait list may seem dis-

Wait lists are a fact of life at most Tennessee facilities that accept Medicaid.

Continued on Page 4

Questions & Answers

Q *May I deduct gifts on my income tax return?*

A Making a gift or leaving your estate to your heirs does not ordinarily affect your federal income tax. You cannot deduct the value of gifts you make, other than gifts that are deductible charitable contributions.

Q *My father is on Medicare. When he becomes eligible for Medicaid nursing home*

benefits, does he need to drop his Medicare supplemental insurance?

A It's true that without his Medicare Supplement, Medicaid would cover Medicare's deductibles and cost-shares for your father. However, any health insurance premiums would have been used to offset counted income during Medicaid application. This means that it could potentially affect the amount of the patient liability due the nursing

home each month. It's best to seek individual counsel before dropping the Medicare supplement.

Q *My loved one is in hospice care. What happens if he lives beyond the six-month life expectancy?*

A If the patient survives beyond six months, the Medicare benefit may continue indefinitely, as long as there continues to be reasoned clinical judgment sustaining a prognosis of six months or less.~



"An inconvenience is an adventure..."

Short Term Leaves OK, Medicare Says

Do nursing home residents who leave the facility to attend family events put their Medicare benefits in jeopardy?

No, say the Medicare regulations. Nursing home residents may leave their facility for short family events without losing their Medicare coverage. The Medicare Benefit Policy Manual recognizes that although most beneficiaries are unable to leave their facility for health care related reasons, "an outside pass or short leave of absence for the purpose

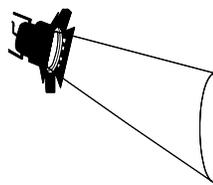
of attending a special religious service, holiday meal, family occasion, going on a car ride, or for a trial visit home, is not, by itself evidence that the individual no longer needs to be in a Skilled Nursing Facility (SNF) for the receipt of required skilled care." (Chapter 8 section 30.7.3)

The Manual elaborates: "Decisions in these cases should be based on information reflecting the care needed and received by the patient while in the SNF and on the arrangements needed for the provision, if any, of this care

during any absences."

Medicare coverage for SNF care is based on 24-hour periods that run from midnight to midnight. So if a resident leaves the facility for a few hours and returns before midnight the facility can still bill Medicare for the day's stay. If the resident is gone overnight and returns to the facility the next day, the day the resident leaves is considered a leave of absence day.

Restrictions and limitations apply. Clients are encouraged to contact the Elder Law Practice to discuss questions.~



GUEST COLUMN

Benefits of Attending Support Groups

Individuals who attend support groups, often report that one of the greatest benefits of being part of a group is sharing life experiences with peers who may be walking down very similar paths.

While a support group should not replace standard professional medical care, it can be an invaluable resource to help individuals cope with life stressors.

Support groups are not the same as group therapy sessions. Group therapy is a clinical term for a formal type of mental health treatment that brings together several people with similar conditions under the guidance of a trained mental health provider.

Support groups are an excellent way to less formally bring together people facing similar issues, such as caring for elderly loved ones, illness, relationship problems or major life changes, in a safe environment where these

issues can be discussed with peers who can truly empathize.

Safe, effective and responsible self-care or caregiving for loved ones only occurs when caregiving is supported physically and emotionally. When we face difficult situations in



our lives, we begin to feel isolated and our problems seem to have no practical solution. Participating in a support group not only helps to ease our sense of isolation but can

also be a resource for problem solving. Members of support groups find themselves in different stages of resolution. Along the path to wellness, caregivers in support groups can openly share their resolutions, community resources as well as informal supports which have helped them cope.

As a medical social worker, I recognize the immense value of the support groups I attend. Recently, one of my family members died as a

result of suicide. I am part of a suicide survivor's support group at TrustPoint Hospital in Murfreesboro. This support group has provided the emotional and educational support to deal with personal tragedy and in turn be a better support to others. I encourage all who are facing the challenge of impossible situations to seek the support not only professionally but also that of peers who can offer first-hand practical advice to help light the path to wellness.

Reba McBride, LMSW, is a licensed master social worker working for TrustPoint Hospital's ClearPath Behavioral Health Services in Murfreesboro, Tennessee. For more information, call (615) 867-1111, email rmcbride@tpointhospital.com or visit www.murfreesboro.trustpointhospital.com.



Staff Spotlight—Lisa Love

Editor's Note: This new column profiles a different member of the Elder Law Practice Staff member in each issue.

Lisa J. Love is the firm's office manager and legal assistant. As office manager, Lisa performs client intake interviews, manages special projects, and oversees the firm's accounting, human resources and technology-related functions. As legal assistant, Lisa works on probate matters and court-related cases. She is a Certified Time Matters Administrator (practice management software).

Lisa played a pivotal role in the implementation of Tim Takacs' vision for an elder law firm that defied convention by focusing on the needs of the client. As Tim's first hire, Lisa used her vast customer service experience to help build a revolutionary new practice model that embraced clients and their families. "For the last 18 years, I've come to work every day knowing that I'm going to help at least one person get through some kind of crisis," she says. "It's very satisfying."

Before joining Elder Law

Practice in 1996, Lisa was employed for several years in the real estate, music and video industries, much of that time in executive assistant, marketing and customer service manager positions. Her knowledge in computer programs, accounting, marketing and customer service enhances the team at Elder Law Practice.

Lisa is an active Master Gardener whose passion for growing things has enriched the lives of many. She created raised garden beds of herbs, vegetables, and flowers at a local senior assisted-living facility for the memory-impaired residents to enjoy and work in. Since 2013, Lisa has owned and managed a farm in Whites Creek that produces organic produce for a Nashville-area non-profit that serves men recovering from addiction and mental health challenges. Produce from Lisa's farm can also be found in local farmers' markets, and her farm hosts a variety of educational presentations on organic farming and gardening. Last year, the farm put more than 2,000 lbs. of produce into the hands of the needy. Output is expected to double in 2014.



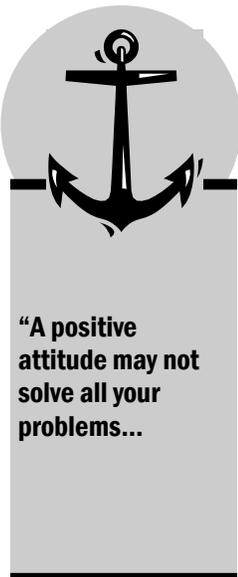
Lisa feels a special connection to the clients and families she interacts with each day. "My elderly mother lives with me, so I know firsthand, the many challenges of juggling a full-time job with the responsibility of being the primary caregiver to an aging parent," says Lisa, who also coordinates care for a disabled brother. "I know what our clients are going through because I'm living it myself."

When she's not caring for clients or crops, Lisa enjoys concerts, traveling, reading, advocacy, and spending time with her son, daughter in-law and grandson.~

Wait Lists

Continued from Page 1

couraging, Linton regulations exist to protect consumer rights and help individuals plan ahead for when long-term care services will be needed. If you are told by facility staff that your admission may be delayed by the wait list, please remember the facility has no choice in complying with the law.~



"A positive attitude may not solve all your problems..."

Takacs Tidbits

For the eighth year in a row, Timothy L. Takacs has been selected by his peers to be included in *The Best Lawyers of America 2014* in the field of elder law.

Best Lawyers has become universally regarded as the definitive guide to legal

excellence. Because *Best Lawyers* is based on an exhaustive peer-review survey in which more than 39,000 leading attorneys cast almost 3.1 million votes on the legal abilities of other lawyers

in their practice areas, and because lawyers are not required or allowed to pay a fee to be listed, inclusion in *Best Lawyers* is considered a singular honor.~



News Briefs

Council on Aging Directory

The Nashville Council on Aging offers comprehensive, impartial information on services available for older adults in Middle Tennessee. View the directory online at www.directory.coamidtn.org/#/g. Call (615) 353-4235 or visit www.councilonaging-midtn.org/directory-of-services-for-seniors for information about how to obtain a printed copy.

Recognizing Elder Abuse

If someone you loved were a victim of elder abuse, would you know it? Learn how to recognize the red signs with "The Red Flags of Elder Abuse, an informative fact sheet from the National Council on Elder Abuse. View the fact sheet at <http://>

ncea.aoa.gov/Resources/Publication/docs/NCEA_RedFlags_web508.pdf.

Beat the Heat

Is your loved one ready for summer? The Centers for Disease Control and Prevention offer a comprehensive guidance on helping older adults avoid heat-related illnesses. Visit <http://www.cdc.gov/extremeheat/seniors.html>.

Respite Relief Fund

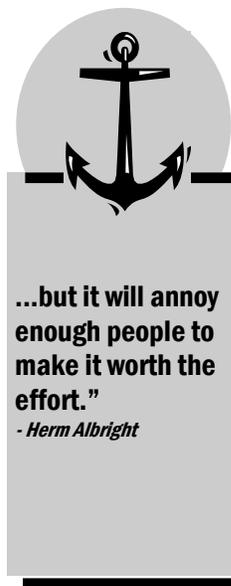
Alzheimer's Association offers respite funding to primary caregivers of those with Alzheimer's and other types of dementia. The Association will fund respite through care at an adult day care, assisted living or in-home care provider. To apply for funding, call (800) 272-3900.

Caregiver Resources

The Family Caregiver Alliance offers free downloadable fact sheets on dozens of topics of interest to family caregivers. Visit caregiver.org/fact-sheets. Also, a free Family Caregivers Kit is filled with practical tips that give caregivers the confidence needed to manage a loved one's care. To order this go to promotions.usa.gov/dearabby, call (888) 878-3256 or write to Family Caregivers Kit, Pueblo, CO 81009.

Stop Senior Scams

Financial scams targeting seniors are so widespread that they are now considered "the crime of the 21st century." Information on www.stopseniorscams.org will empower seniors and their caregivers with tools, tips and resources.~



...but it will annoy enough people to make it worth the effort."

- Herm Albright



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VISIT OUR EVENT CALENDARS AT

WWW.ELDERLAWEDUCATION.COM AND

WWW.TN-ELDERLAW.COM

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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