



# The Anchor

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

Winter 2012 Issue 41

## Long-Term Care Ombudsman 101

### Coming Events

#### February 1

Making Memories at the Frist for Alzheimer's patients and their caregivers. 10:30 a.m. The Frist Center for the Arts, Nashville. (615) 744-3247.

#### February 13

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

#### March 6

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

#### March 24

Alzheimer's A to Z: A Brain Health Workshop. 9 a.m. Patterson Park Community Center, Murfreesboro. (615) 292-4938.

#### Early Stage Memory Loss Support Group

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

#### Alzheimer's Family Care Network

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

For more events, visit [www.ElderLawEducation.com](http://www.ElderLawEducation.com).

The Long-Term Care Ombudsman Program is an often misunderstood state program that is actually an excellent (and free) resource for families with loved ones in long-term care facilities.

### What is a Long-Term Care Ombudsman?

A Long-Term Care Ombudsman is an advocate for people who live in nursing homes, assisted living facilities, adult family care homes and homes for the aged. The Ombudsman is a representative who is authorized by federal and state law to assist residents and families with questions and problems relating to long-term care in those facilities.

### What does the Ombudsman do?

The Ombudsman helps residents to ask for what they want and need, understand what

to expect from their nursing home (or other long term care setting), and resolve complaints, when the resident consents to the Ombudsman's involvement. When residents and families cannot solve their problems through consultation with the facility staff or governmental agencies involved, they can contact the Ombudsman.

### How does the Ombudsman help residents?

The Ombudsman takes time to listen to residents' concerns about their situation or other problems. The Ombudsman will help the resident try to resolve concerns and problems. All services are confidential and free of charge.

### How does the Ombudsman interact with a resident's family

Ombudsmen can help

family and friends with a variety of issues. They can:

- ♥ Provide information regarding the admission process
- ♥ Help clarify nursing home, assisted care living facility, or home for the aged regulations
- ♥ Make helpful referrals to other agencies
- ♥ Help residents and families find solutions to small problems before they escalate
- ♥ Promote healthy and realistic attitudes of residents and families toward nursing homes
- ♥ Respect requests for anonymity
- ♥ Act as a resource for staff training needs

*This free service is an excellent resource for residents of long-term care facilities and their families.*

Continued on Page 2

## Questions & Answers

**Q** *My 89 year-old mother recently became eligible for Medicaid. She received a TennCare Pharmacy card. Does she use this now instead of her Medicare Part D card?*

**A** No. The TennCare pharmacy card sent to members who have both Medicare and Medicaid is incorrect. Effective January 1, 2006, the Medicare Modernization Act stipulates that prescription coverage must be through Medicare Part D (unless there is credita-

ble coverage), not Medicaid.

**Q** *My husband was recently awarded VA Pension Benefits. I received a letter proposing to rate him as "incompetent" and that he would need a Fiduciary Agent. I am his wife and Power of Attorney (POA) agent. Why does he need a Fiduciary Agent?*

**A** VA does not recognize Powers of Attorney (POA). Rating him as incompetent for VA purposes means that he lacks the ability to

manage his financial affairs. For VA, a Fiduciary Agent is like being a POA agent. Often times, the VA Fiduciary Agent will be the same person as the POA, once an interview has taken place.

**Q** *Am I allowed to take food to my grandmother in the nursing home?*

**A** Most nursing homes allow family and friends to bring favorite foods to residents from time to time. Check with the facility first.~

### Ombudsman

*Continued from Page 1*

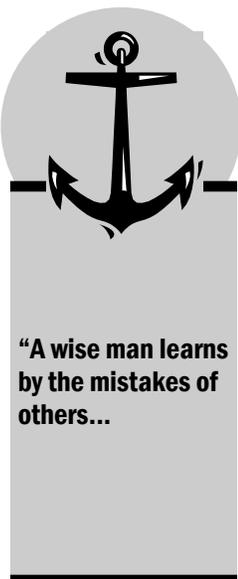
#### Who are the Ombudsmen?

They are trained volunteer representatives of the Office of the State Long-Term Care Ombudsman Program. Volunteers are people with a passion for enhancing the lives of elderly and their families who visit residents in nursing homes or other long-term care facilities and establish a regular presence in the facility.

Volunteers provide information about resident rights, quality of care, and quality of life to residents and family mem-

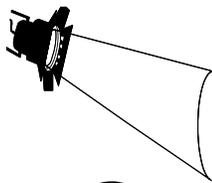
bers. They also observe conditions, advocate for residents, and handle uncomplicated complaints. Volunteers are the eyes and ears of the Long-Term Care Ombudsman Program and are rewarded by knowing that their presence can make a difference in the lives and care of long-term care residents and their families.

To learn more about the Long-Term Care Ombudsman Program or to volunteer as an Ombudsman, visit <http://www.mchra.com/Ombudsman.php>.~



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Did you know that Elder Law Practice has a Facebook page? "Like" Elder Law Practice of Timothy L. Takacs on Facebook and see the latest from Elder Law Practice in your Facebook newsfeed each day. Find links to news and information on the family website blog at [www.TN-ElderLaw.com](http://www.TN-ElderLaw.com), plus links to informative educational programs for professional and family caregivers on the community calendar at [www.ElderLawEducation.com](http://www.ElderLawEducation.com).~



GUEST COLUMN

Life and Death are Both Very Real

One of the unspoken realities of life is that it eventually comes to an end. Sadly, the words “death” and “dying” are too often left unsaid. The fact that our physical lives eventually end is understandably thought of as a harsh reality, one that is easier to deny than to accept.

When facing the inevitable death of a loved one, we don’t always allow ourselves the opportunity to make the most of those last moments, hours, days, or months. Pretending we can somehow avoid death steals this from us.

Why are we so afraid? For one, admitting a loved one is dying brings our own mortality into our vision. We all are walking that path. It’s just that some of us are aware of its proximity more than others. No matter what a person’s belief system, it’s still an unknown – at least to an extent. Many of us believe there is another life beyond this one. But it still feels like the great mystery. That can be scary. And so we pretend.

After a loved one dies, there is an inevitable period of mourning. Grieving the loss is a journey all its own. And it is unique for every individual.

Some may quietly (even secretly) celebrate the death, because the end of the person’s life was filled with pain and/or any quality of life had long since vanished.

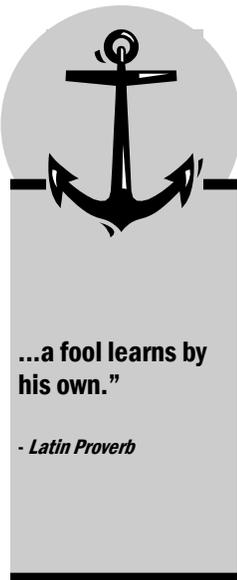
Grieving also may begin before a person dies. Watching someone “disappear” before your eyes into a place so distant from who they once were is also grieved. The loss is real and often devastating, even before the body takes its final breath.

Life is filled with moments of every kind – from the happiest to the saddest. A person can be taken away from life quickly and unexpectedly in a car crash or a heart attack. Or a person can be taken away due to an extended illness. Either way the loss is very real and often difficult. If we will acknowledge the fragility of life, perhaps that

will encourage us to treat every moment as the precious gift it is.

Everyone truly is unique in the way they respond. But death is real. And grief is real. Take each day as it comes, embracing moments with your loved ones as you are able, looking forward to tomorrow.

**Admitting that a loved one is dying brings our own mortality into our vision.**



*Ruth R. Williams, LCSW, is a grief counselor with Alive Hospice and the author of “The Prescription for Joy.” Alive Hospice provides compassionate end-of-life care and grief support services in twelve Middle Tennessee counties.*

*For more information, call (615) 327-1085 or visit [www.alivehospice.org](http://www.alivehospice.org).*

## VA Benefits: Updates in the New Year

In early December, the U.S. Senate approved a 3.6 percent cost-of-living adjustment for veterans that takes effect in 2012.

If you or your family member are currently receiving VA pension benefits, be aware that at the end of each calendar year, VA sends an annual Eligibility Verification Report (EVR) which is due March 1. The report is short and may seem simple, but it is important that it be completed accu-

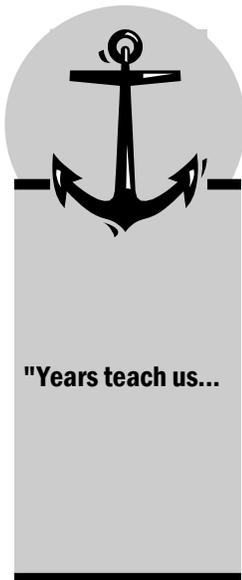
rately and returned by the deadline.

VA pension benefits are based on projected income, net worth and out-of-pocket medical expenses. The purpose of the EVR is to confirm figures from the previous year and to let VA know if there have been any significant changes.

It is helpful to maintain records throughout the year for unreimbursed medical costs such as caregiving services, assisted living, nursing home, health insurance pre-

miums, etc. You are not required to submit the receipts, but should keep them in a file in case the costs are later questioned.

The EVR includes instructions which should be carefully followed. If you have any questions or need assistance in completing the EVR, please contact Elder Law Practice at (615) 824-2571. Please remember that failure to complete the EVR accurately and timely can result in termination of benefits.~



## Hoarding: A Common Challenge for Families

Hoarding is a type of obsessive-compulsive disorder that is frequently associated with dementia. In the elderly, compulsive hoarding is also closely connected with self-neglect. It is far from rare to see elders continue to collect and hold items like clothes, newspapers, books, mail and lists stuck everywhere. Some leave food for too long in the refrigerator. Others collect and hold on to pets, especially cats.

Dealing with the hoarding behavior of a loved one can be frustrating. How should families deal with

this challenging behavior?

- ♥ Lock away valuables, such as money and jewelry.
- ♥ Check the trash before getting rid of its contents.
- ♥ Give the loved one a few safe items of her own such as a pile of books or recycled mail. Make up some "fake" purses or containers filled with items that she can keep and hoard.
- ♥ Identify hiding places. Some common hiding places include: under cushions, in drawers, under beds, in pockets,

closets or wardrobes. Once you find a hiding place, be sure to check it periodically. Hoarders will often use the same spot.

- ♥ Lock up a few rooms of the house so that the person will have fewer places to hide things.
- ♥ Get extras of anything you can, such as car keys and eyeglasses.

Don't "take" things that your loved one has hoarded; offer to trade them for something else. Instead, keep your loved one involved with activities he or she enjoys.~

## Takacs Tidbits

Did you know that Elder Law Practice sponsors a shadowing program for attorneys?

The initiative started in 2002 after Tim Takacs presented a program on Life Care Planning at a National Association of Elder Law Attorneys (NAELA) conference in Albuquerque. Tim's innovations generated great interest among NAELA members who asked to observe the ELP staff.

The shadowing program grew by word of mouth.

Visiting attorneys and their staff spent two days shadowing Elder Law Practice staff as they met with clients and worked on cases. For nearly five years, Elder Law Practice staff hosted visiting attorneys twice each month with a waiting list. Today, the firm limits visits to once per month.

More than 100 attorneys from across the nation have participated. Many visiting attorneys went on to launch Life Care Planning practices of their

own. One participant, a recent law school graduate named Barbara Boone McGinnis, eventually joined Elder Law Practice as Associate Attorney.

Tim credits the shadowing program's success to the willingness of Elder Law Practice clients to allow visiting attorneys and their staff to sit in on client meetings.~

## HHS Expands Fraud Prevention

In late November, the U.S. Department of Health and Human Services (HHS) announced the award of \$9 million from the Centers for Medicare & Medicaid Services (CMS) to help Senior Medicare Patrol (SMP) programs across the nation continue their work fighting Medicare fraud.

In Tennessee, the Upper Cumberland Development District was one of the beneficiaries, receiving a grant of \$89,508, which will provide additional funds to increase awareness among Medicare beneficiaries about how to

prevent, detect and report health care fraud.

SMP volunteers work in their communities to educate Medicare beneficiaries, family members, and caregivers about the importance of reviewing their Medicare notices, and Medicaid claims if dually-eligible, to identify errors and potentially fraudulent activity.

Program volunteers also encourage seniors to make inquiries to the SMP Program when such issues are identified, so that the project may ensure appropriate resolution or referral.~

### Mark Your Calendars

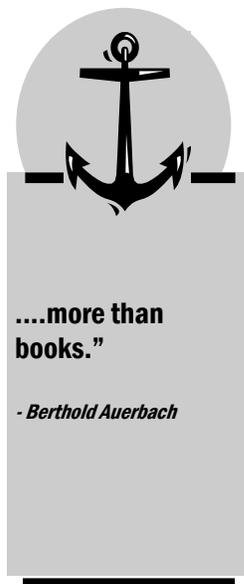
The *Community Spouse Workshop Series* is open to all Life Care Plan clients and their families. Each session includes a brief presentation by Elder Law Practice staff followed by audience Q&A.

**Alzheimer's Disease & Dementia Info Session**  
Thursday, March 22  
3 p.m.

**Trust School**  
Thursday, April 19  
3:30 p.m.

**Special Needs Trusts**  
Thursday, May 17  
3:30 p.m.

Most 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.~



....more than books."

- Berthold Auerbach

*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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