



# The Anchor

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

Summer 2011 Issue 39

## Coming Events

### August 4

*The Basics: Memory Loss, Alzheimer's & Dementia*, 5:30—6:30 p.m. Elmcroft of Hendersonville. Open to the public. (615) 264-2440.

### August 8

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

### September 8

Tim Takacs takes viewer calls on OpenLine. 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.

### Alzheimer's Family Care Network

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

### Mental Health

#### Association Events

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

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

## Patient-Centered Medical Homes Combine Personal Care and Efficiency

Across the United States, dozens of medical groups and hospitals are testing a new concept in the delivery of healthcare. The Advanced Primary Care model (APC), also known as the patient-centered medical home, is emerging as a leading model for efficient management and delivery of quality care.

### How It Works

A patient-centered medical home is a redesigned health care practice that has shifted from focusing on episodic treatment of disease to the holistic care of a patient. The patient's personal physician leads a team of individuals at the practice level who collectively take responsibility for the ongoing care of patients. Health and medical care is delivered when care is

needed (and sometimes before) by a team of medical professionals. The team includes doc-

tors, nurse practitioners, physicians assistants, nurses, nutritionists, pharmacists, therapists and others, both primary care and specialists. They work in a collaborative manner, sometimes in one location, sharing health records so that everyone, including the patient, has access to the same records.

### Benefits

The patient-centered medical home concept is beneficial to all.

Patients benefit because their care is proactive and coordinated. Preventive care is provided because patients are automatically monitored when necessary, whether that monitoring is needed for heart prob-

lems, diabetes, high blood pressure or any other chronic problem. Care is coordinated

*The patient-centered medical home concept may revolutionize the way care is delivered.*

among primary care providers, specialists and the sup-

porting services needed, so patients don't get frustrated that they can't find someone to interpret or coordinate the many tests and differing opinions they find with today's model of care.

Health care providers benefit because the sharing of information creates a more efficient model of care, meaning that providers can spend more time with patients. The reimbursement system for providers isn't based only on fees for service as it has been, traditionally, in the United States. Instead, providers are rewarded for monitoring patients and

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## Questions & Answers

**Q** Please explain exactly what “trustee” means.

**A** A trustee is a person who handles money for another person, based upon the duties outlined in trust document. As a trustee, you are a fiduciary. A fiduciary is a person who has a special duty to protect the beneficiary, the person who benefits from the trust. That duty is a strict duty, similar to the duty of a conservator or guardian.

**Q** I have Medicare and Veteran's benefits. Who pays first?

**A** If you have or can get both Medicare and Veterans benefits, you can get treatment under either program. When you get health care, you must choose which benefits you are going to use. You must make this choice each time you see a doctor or get health care, like in a hospital. Medicare cannot pay for the same service that was covered by Veterans benefits, and your

Veterans benefits cannot pay for the same service that was covered by Medicare.

**Q** On a medical bill my mother received, there are charges for dates on which she did not receive services. She's on Medicare, what should I do?

**A** You may confidentially report it to Medicare, either by phone at 1-800-HHS-TIPS (1-800-447-8477) or by email at [HHSTips@oig.hhs.gov](mailto:HHSTips@oig.hhs.gov).



**“To be mature means to face, and not evade...”**

### Millions of Falls

**S**eniors fear falls, and for good reason. Falls can break brittle bones, which can lead to hospital stays, rehabilitation and the sad consequences when bones don't heal right. Fall-related injuries are responsible for about 2 million visits to hospital emergency departments each year.

Falls don't just happen and people don't fall because they get older. Many falls are linked to a person's physical condition or a medical problem, such as a chronic disease. Other causes may be related to safety hazards in the person's home or community environment. Falls and fractures are not an inevitable part of growing

older. Many can be prevented. To reduce the risk of falls and fractures, consider making adjustments to the elder's living environment and lifestyle. Simple changes like using walking aids or other assistive devices, clearing the home of hazards and taking steps to maintain or improve bone health can make all the difference.~

### Patient-Centered Medical Homes

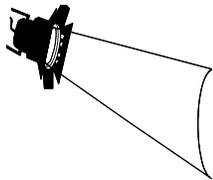
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keeping them healthy -- before they get sick.

Insurers, Medicare and Medicaid have found that the patient-centered med-

ical home concept can help them control their costs, too. The unique way these programs are put together opens up new ways to manage the cost of care.

The patient-centered medical home concept is being tested in practice demonstrations by public and private insurers, including Medicare and at least 30 state Medicaid programs.~



GUEST COLUMN

# A New Approach to Alzheimer's Care

Caring for loved ones with Alzheimer's disease and other dementias has always presented significant challenges to both family and professional caregivers. An innovative approach developed by researchers in Kentucky offers renewed hope.

The Best Friends™ Approach is a person-centered model of care that allows professional caregivers in long-term care facilities to care for residents as they would a beloved family member or close friend. Stressing empathy and friendship, the model emphasizes the positive aspects of situations involving Alzheimer's care rather than patients' victimization.

This innovation in Alzheimer's care was developed in the 1990's by Virginia Bell and David Troxel while working at the University of Kentucky Alzheimer's Disease Research Center. Their work has redefined how caregivers can enhance the lives of individuals living with Alzheimer's and dementia.

The philosophy suggests that what a person with dementia needs most is a "Best Friend." This can be a family member, friend, or staff member who empathizes with the elder's situation, remains loving and positive, and is dedicated to helping the person feel safe, secure and valued.

*What a person with Alzheimer's disease or dementia needs most is a "Best Friend."*

The best Alzheimer's caregivers, say Bell and Troxel, become friends with the knack for calmly directing sufferers through their frightening confusion. Responding with the knack guides a patient to acceptable behavior while providing "cuing about roles and identities." Bell and Troxel stress that Alzheimer's victims are usually confused, not malevolent or willful, and compassion and indulgence will keep situations from worsening and enhance peace of mind for caregiver and patient alike.

The Best Friends™ Approach has grown in popularity. More and more long-term care facilities

have adopted this care model in their Memory Care Units. Staff members in facilities utilizing this approach receive extensive training. Every staff member learns each resident's "Life Story." Each "Life Story" details important relationships, meaningful events, the life-long journey to today, and any unfulfilled

wishes or dreams. The ultimate goal is to understand the individual, create meaningful interactions and plan engaging activities for each resident, all the while integrating residents' families into the journey.

*Rogenda Hewitt, LPN is a Master Trainer in the Best Friends™ Approach.*

*She is the leader of Heartland Village, the Memory Care Unit at Elmcraft*

*of Hendersonville. For more information, contact Rogenda at (615) 264-2440 or rhewitt@seniorcare-corp.com.~*



**...every fresh crisis that comes."**

*- Fritz Kunkel*

## Are Too Many Nursing Home Residents with Dementia Overmedicated?

The Inspector General of the U. S. Department of Health & Human Services (HHS) is warning the residents of nursing homes and their families to be on guard for excessive use of antipsychotic medicines. Writing in a column for CNN, Inspector General Daniel R. Levinson suggests that “many pharmaceutical companies have improperly promoted these drugs to doctors and nursing homes for many years.”

According to a new report issued by the Office of the Inspector General (OIG), researchers found that 88 percent of the time, these drugs were prescribed for

elderly people with dementia, a condition for which the U. S. Food & Drug Administration “puts its strongest safety warning, called a ‘black box warning,’ cautioning about the risk of death when taken by elderly people with dementia,” writes Inspector Levinson.

The OIG report found that 14 percent of the 2.1 million nursing home residents age 65 and older had at least one Medicare claim for these drugs. Using medical record review, the OIG found that 83 percent of Medicare claims for atypical antipsychotic drugs for elderly nursing home residents were associated with off-label

conditions and that 88 percent were associated with the condition specified in the FDA boxed warning.

Although most psychiatrists and nursing homes use antipsychotics with the best interests of their patients in mind, Inspector General Levinson expressed concern with “the improper influence of drug companies” over their decisions to use the drugs on elderly nursing home residents with dementia.

Family members are encouraged to pay close attention to their loved ones’ medications, dosages, and possible side effects.~

## Jury Duty Scam Resurfaces

Most Americans, especially older adults, want to be good citizens. Unfortunately, scammers are taking advantage of this sense of responsibility.

The caller claims to be a Jury Duty Coordinator and asks why the person did not report for the jury duty summons that was sent and states that an arrest warrant is being issued. When the anxious

and scared senior says that he/she did not receive a summons, the caller asks for social security number and date of birth to verify the person’s record. The caller says that this is the only way to cancel the arrest warrant. In some instances, the caller states that the warrant can be canceled by paying a fine by credit card.

By giving this information (social security number, date of birth and credit card

number), the senior’s identity has just been stolen. This is an old scam but has just resurfaced. The technique gets the person scared first and then asks for the personal information. In general, the court system corresponds by US mail, not by telephone.

To report a jury duty scam, contact your local law enforcement agency.~



"To love deeply in one direction..."

## Takacs Tidbits

As one of the nation's leading elder law attorneys, Tim Takacs is often invited to speak at events across the county. Earlier this year, the Coalition for Senior Matters invited Tim to be the featured speaker at its Industry Working Session, an educational event at the Seatac Hilton in Seattle.

Similar to the popular Time Out Workshop that Elder Law Practice hosts for health care professionals, social workers and discharge planners in Middle Tennessee, the Industry Working Session drew more than 200 healthcare workers, financial plan-

ners, insurance agents, CPAs and attorneys from throughout the northwest who attended to learn how to better serve elderly and disabled clients. Tim's keynote address focused on the ethics of Medicaid planning.

"I enjoy speaking engagements where I can help professionals deepen their understanding of issues facing the elderly and disabled," said Tim, whose wife, Lynn accompanies him to engagements. "The travel is a bonus." Tim and Lynn often extend their stay a few days to sample local cuisine and explore points of interest.~

## ELP Clients Go Back to School

Elder Law Practice sponsored a Trust School for clients in May.

This new client offering was developed in response to a growing interest in trust management among ELP clients who, thanks to recent law changes, have found it advantageous to set up trusts for health preservation and asset management. Trust School presenter Timothy L. Takacs noted that he has drafted more trusts in the last three years than in the previous ten.

Clients learned about a variety of trust-related topics including the definition of a trust, how trusts work, how to be a good trustee, how to invest trust assets and how to make distributions from the trust.

The next Trust School is scheduled for 3 p.m. on Thursday, October 20, 2011 at the ELP office at 201 Walton Ferry Road in Hendersonville. To reserve a seat, call (615) 824-2571.~



The *Ask Medicare* page on the government's official Medicare website features a variety of resources designed make life as a caregiver easier. Family caregivers can find tips on coping with a chronic illness, answers to common billing questions, and links to local organizations that can help with meals, provide transportation, point caregivers to in-home services, and offer caregiving support. The website also hosts an online community where caregivers can share experience and post stories. For more information, visit [www.medicare.gov/caregivers](http://www.medicare.gov/caregivers).~



...makes us more loving in all others."

- Anne-Sophie Swetchine

## US Census Bureau Releases 2010 Data

The US Census Bureau recently released the first nationwide data on the age composition of the United States population as measured by the 2010 Decennial Census. National census data shows that the population age 60 and over increased by 24.6 percent over the 2000 figure.~

*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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