



The Anchor

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

Spring 2011 Issue 38

Coming Events

April 28
Tim Takacs presents *Survival Tips for Seniors* at Gordon Jewish Community Center, Nashville. Open to the public. 12:45 - 1:45 p.m.

May 11
Long Distance Caregiving Webinar. 12 p.m. Free educational webinar on caregiving issues. Pre-registration required. www.asaging.org/webseminars. (615) 831-2358.

May 12
Tim Takacs takes viewer calls on OpenLine. 7 p.m. Newschannel 5+. (Check your cable provider for channel details.)

May 19
Medicare Workshop, 9 - 11 a.m., First Baptist Church, Hendersonville. Open to the public. (615) 447-1370.

June 13
Tim Takacs takes viewer calls on OpenLine. 8 a.m. Newschannel 5+.

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

Alzheimer's Family Care Network
Call (615) 292-4938, ext. 15 for dates, times and locations closest to you.

See more events for family and professional caregivers at www.ElderLawEducation.com.

Take Advantage of Medicare-Covered Preventive Services

Medicare pays for a full range of preventive services and screenings that help people detect conditions early when treatment works best.

Taking advantage of Medicare's preventive services can help beneficiaries live longer and healthier lives.

Thanks to the Affordable Care Act, beneficiaries now have access to a wider array of preventive services and screenings, with co-payments waived in some cases. This article recaps three significant changes brought about by health care reform.

Welcome to Medicare Physical Exam

Medicare covers a one-time *Welcome to Medicare* physical exam if it is completed within the first 12 months a beneficiary

is enrolled in Part B. Beginning in 2011, beneficiaries can get this exam at no cost if their physicians agree to be paid directly by Medicare and accept the amount Medicare approves for the service.

The *Welcome to Medicare* exam includes:

- ♥ A review of medical and social history
- ♥ A physical exam that includes measuring height, weight, blood pressure, visual acuity and body mass index
- ♥ Education, counseling and referrals based on the results of the physical exam
- ♥ A brief written plan for getting appropriate screening and/or other preventive services

- ♥ A review of potential risk factors for depression.

Medicare beneficiaries now have access to more free preventive services.

To get the most from the *Welcome to Medicare* exam,

patients are advised to bring all medical records, immunization records, a family health history and a list of all prescription, over-the-counter and other medications taken.

Annual Wellness Visit

Medicare also covers a yearly "wellness" exam, which applies to beneficiaries who have had Part B coverage for longer than 12 months and whose *Welcome to Medicare* exam occurred at least 12 months earlier. The Annual Wellness Visit includes Personalized Prevention Plan Services. Beneficiaries will

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Questions & Answers

Q *My father is in an assisted living facility and his money is becoming depleted. He was in the army from 1948 to 1949. Is there a chance he might qualify for a VA pension?*

A You are probably referring to a VA non-service connected disability pension which is available to certain veterans whose "countable income" and net worth are below certain government limits. One of the requirements is that the veteran served 90 days or

more of active duty with at least one day during a period of war time. Unfortunately, your father's service in the army did not occur during a period of war, therefore, he is not eligible for a pension.

Q *My mother's primary care provider is a nurse practitioner. Can a non-physician perform the Welcome to Medicare physical exam?*

A Yes. Medicare-qualified non-physician practitioners may perform the exam.

Q *My mother just became eligible for Medicaid nursing home benefits (now known as the CHOICES program). Will it pay for all of the nursing home costs?*

A As a Medicaid/CHOICES recipient, your mother may be required to contribute to the cost of her nursing home care. The amount she will pay depends on her income and the income deductions the state allows. All recipients are allowed to keep \$50/month for personal needs.~

Medicare-Covered Preventive Services

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pay nothing for the exam as long as their doctors accept assignment. During the annual wellness visit, the doctor will:

- ♥ Take or update medical and family history
- ♥ Establish a list of current providers and suppliers of medical care
- ♥ Take height, weight, blood pressure and other measurements
- ♥ Examine for cognitive impairment
- ♥ Assess the potential for depression
- ♥ Review functional

ability and level of safety

- ♥ Establish a written screening schedule
- ♥ Furnish personalized health advice and referrals.

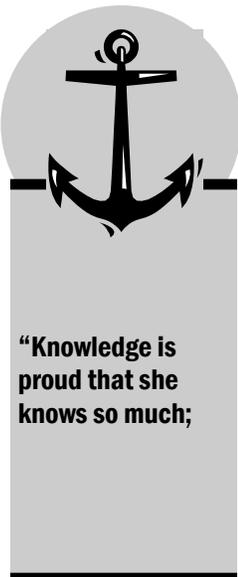
Cost-Shares Waived for Certain Preventive Services

Also effective January 1, 2011, the annual Medicare Part B deductible and co-insurance are waived for many preventive services, including certain vaccines, abdominal aortic aneurysm screening, screen-

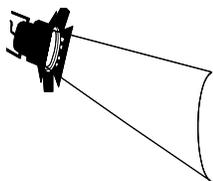
ing mammography, pap smears and pelvic exams, prostate cancer screening tests, colorectal cancer screening tests, bone mass measurement, glaucoma screening, cardiovascular screenings, diabetes screenings, medical nutrition therapy services and many other services.

See the complete list of preventive and screening services offered by Medicare, at www.medicare.gov.

Elder Law Practice encourages clients to take advantage of these important wellness services paid by Medicare.~



"Knowledge is proud that she knows so much;"



GUEST COLUMN

No Closed Libraries

Perhaps you've heard the quote, "Every time an old person dies, another library closes." This quote refers to the loss of personal, family, and historical information that people have spent a lifetime collecting. Few of us realize the wealth that exists in the elderly because we can't get beyond the "old" part. So how do you become a collector of your elderly person's history and stories?

First, let's assume that the elderly person wants to tell his or her stories. Most people don't seem to know this, and even when they do, they are not willing to be a listener. Telling stories takes time to genuinely honor the person with listening.

Several years ago, I learned a very valuable lesson when I went to an assisted living facility to do a storytelling program. One of the residents came to me before the program started and asked me if I was collecting stories. I replied that I was 'telling' stories, not collecting them. She responded, "I

only want to tell MY stories; I'm not interested in yours" and she walked away. What I learned from this was that she wanted someone to listen to HER. What an honest woman! Yes, most seniors want to share their stories if they have willing listeners. There will be some who don't, but most are waiting to be asked to share their stories. It is one of the best gifts they have to give you and the world.

Here are some ways to get you started asking about their stories. All stories relate to important events, important people, or important places. Your questions should focus on these three things.

- ♥ What were your parents like? Where did you go to church? Tell me about a tough choice you once made.
- ♥ How did you travel around when you were a child? What cars do you remember? Did you live on a farm?
- ♥ What was the toughest part about rearing your children? What was

dating like when you were young? What do you remember about wars from your youth? Did you fight in any war?

- ♥ How did you learn about sex? Who were your friends growing up? What do you remember about graduations and weddings?

Give the gift of listening to someone you know.

There are so many other things that can be asked, but once the person gets started, and they know you really are listening to them, the conversation is endless. Give the gift of listening to someone you know.

Patsy Hatfield Lawson is a professional storyteller whose story programs help people of all ages connect to their past and develop new relationships through the gift of sharing stories. For more information, visit www.patsyhatfieldlawson.com.



Wisdom is humble that she knows no more."

- Cowper

Health Reform Helps Dual-Eligible Population

The 2010 health reform law incorporates a number of provisions designed to improve the quality of medical care for high-need, high-cost populations, including the nine million low-income elderly and disabled people who are dually eligible for Medicare and Medicaid. These “dual eligibles” face the challenge of navigating two health care programs, Medicare and Medicaid, which do not always work well together because they have different benefits, billing systems, enrollment, eligibility, and appeals procedures.

To help address the challenges facing dual eligibles, the health reform law of 2010 established a

new Federal Coordinated Health Care Office within the Centers for Medicare and Medicaid Services (CMS) to improve coordination between the two programs. It also established a new Center for Medicare and Medicaid Innovations to improve health care for high-cost, high-need populations, which could have a significant impact on the care and costs of the dual eligible population.

Other provisions under the 2010 health reform law also aim to improve care for dual eligibles. The law provides additional options and federal support for states to expand Home and Community Based Services programs and extends the Money Follows the Person Rebalancing Demonstration

program through 2016.

The challenges facing dual eligibles have become more evident over the years. Facing growing fiscal pressure, the Medicare and Medicaid programs are being forced to address the relatively high costs associated with caring for this population. At the same time, given the significant needs and vulnerabilities of this population, it remains important to ensure adequate protections are in place to safeguard dual eligibles' access to health care services and the quality of their care as these efforts get underway.

For more updates about the health reform law, visit www.healthcare.gov.~

Trust School Offered for Clients

Elder Law Practice is sponsoring a free client workshop on Trusts from 3:00—4:30 p.m. on Thursday, May 12, 2011 at its office at 201 Walton Ferry Road in Hendersonville. Certified Elder Law Attorney Timothy L. Takacs will explain what Trusts are, when they are used and how they work. RSVP requested. Call (615) 824-2571 to reserve a seat.~



"How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving ...

Dealing with Sundowning

The term "sundowning" refers to a state of confusion at the end of the day and into the night that often occurs in people with dementia or Alzheimer's disease. The cause isn't known. Late-day confusion may be aggravated by fatigue, low lighting and increased shadows.

To reduce this type of disorientation in an elderly loved one, plan for activi-

ties and exposure to light during the day to encourage nighttime sleepiness, limit caffeine and sugar to morning hours, serve dinner early and offer a light snack before bedtime. Keep a night light on to reduce agitation that occurs when surroundings are dark or unfamiliar. In a strange or unfamiliar setting such as a hospital, bring familiar items such as photographs or a radio from home.~

Takacs Tidbits

Timothy L. Takacs has been named by *The Tennessean* as one of Sumner County's Most Influential People.

The list "reflects the diversity and variety of those who stand out as genuine movers and shakers in and around Sumner County."

No vote or survey was taken to compile the list; rather the editorial staff of *The Hendersonville Star News*, *The News Examiner* and *Sumner A.M.* selected these influential people that "one, either live in or work in, (or both), Sumner County and, two, that what they do touches the lives of many others."

Trial Match Links Patients with Clinical Trials

Alzheimer's Association is now offering TrialMatch, a free service that helps people with Alzheimer's, caregivers, families and physicians locate clinical trials based on personal criteria (diagnosis, stage of disease) and location.

Participation in clinical studies helps advance and accelerate medical research. More than 100 research studies pertaining to Alzheimer's disease and related dementias are underway and researchers

Tim was honored for his pioneering work in the field of elder law. As the architect of the Life Care Planning approach to elder law, he has written two books on the subject, started a national newsletter and is a monthly guest on Nashville TV Channel 50. He also travels around the nation educating families and professionals, including attorneys, about Life Care Planning.

"I come from a tradition of public service, and I belong to a profession that has always been based on mentorship, where you pass along what you know to others," said Tim.~

are actively recruiting volunteers.

TrialMatch allows patients and caregivers to search these trials quickly and easily. It also narrows results to those trials where there is a reasonable chance to be accepted for enrollment. Enrolling the right participants helps researchers accurately measure the effect of a treatment.

To find a clinical trial, visit www.alz.org/research/clinical_trials.~

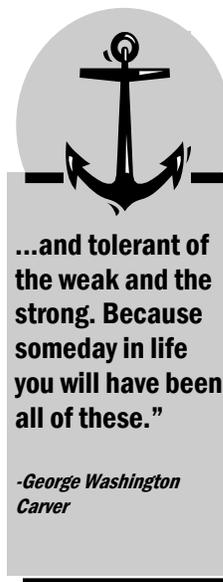
Elder Abuse Cases Overwhelm States

A rising number of elder abuse cases threatens to overwhelm inadequately staffed adult protective service agencies in many states, according to a report released in March by the federal Government Accountability Office.

In the report's survey, 25 of the 39 responding states reported that total funding for adult protective services over the past five years decreased or remained the same. As a result, staffing and training have suffered at state agencies handling elder abuse cases.

Witnesses at a hearing of the Senate Special Committee on Aging called for more federal leadership and coordinated efforts to help stem elder abuse. Also at the hearing, actor Mickey Rooney, 90, testified that he had experienced elder abuse.

The report's recommendations call for a national resource center for elder abuse information for protective services agencies in the states. To see the complete report, visit <http://aging.senate.gov/events/hr230kb2.pdf>.~



...and tolerant of the weak and the strong. Because someday in life you will have been all of these."

-George Washington Carver

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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