



# The Anchor

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

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Issue 37

## Feeding Tubes: A Last Resort

### Coming Events

#### January 13: OpenLine

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

#### February 14: MorningLine

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

#### February 15

Tim Takacs presents *Planning for Your Loved One's Long-Term Care* to the Alzheimer's Advisory Council at Broadmore Assisted Living, 3211 Memorial Blvd, Murfreesboro. 6:30 p.m. Includes dinner. RSVP required. (615) 896-9053.

#### February 24

Tim Takacs discusses Advance Directives with Primetimers at Skyline Medical Center, Nashville. Open to the public. 10:30 a.m. Lunch at 11:30. RSVP required. (615) 769-2200.

#### 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.

When a loved one near the end of life can no longer take food orally, is tube feeding the right thing to do?

Not always, say researchers in the United Kingdom. Feeding tubes should be considered as a last resort, according to a report released last year by the Royal College of Physicians.

This research sheds new light on one of the most difficult decisions faced by family caregivers.

Tube feeding "doesn't prolong their life, it doesn't reduce complications, it doesn't improve their quality of life," Dr. Rodney Burnham, co-chair of the RCP working party, told the BBC World Service.

Entitled "*Oral Feeding Difficulties and Dilemmas: A Guide to*

*Practical Care, Particularly Towards the End of Life,*" the report was prepared in response to continuing unease about the lack of consensus, including among doctors, about when artificial nutrition and hydration is appropriate.

The research included reports of poor practice involving the withdrawal of feeding, as well as its inappropriate continuation. There were also reports of substantial disagreements between health professionals and family members when patients were unable to articulate their wishes.

Advocates writing on the website [www.ElderHope.com](http://www.ElderHope.com) support the British researchers' view, encouraging caregivers to avoid the rhetoric that flies around discussions

about tube feeding and hydration.

For instance, many believe that when a feeding tube is removed, a person starves to death. Others believe

**Caregivers should learn all they can about the pros and cons of tube feeding before choosing a course of action.**

that tube feeding amounts to force feeding, often

against the sensibilities of the body. They maintain that to forgo tube feeding when a person is dying allows nature to take its course.

It is important for family members to understand what happens to the body at the end of life. As the body prepares to die, it naturally is less able to process food and hydration. The process of converting food into energy stores, which is what a body does when it is healthy, takes enormous amounts of energy. When a body is

*Continued on Page 2*

## Questions & Answers

**Q** *My dad is on Medicaid in a nursing home. I was so busy during the holiday season, I wasn't able to compare Medicare Part D plans. Now that the Open Enrollment Period (OEP) is over, what can I do?*

**A** Because your dad has Medicaid and resides in a long-term care facility, he is not subject to the annual OEP. He is entitled to a Special Enrollment Period and may change

Part D plans anytime during the year.

**Q** *My husband is in a nursing home. Sometimes I receive bills from their pharmacy for non-legend drugs. What does that mean?*

**A** Non-legend drugs are another name for over-the-counter drugs because they don't have the prescription label or "legend" on the bottle. Medicare Part D does not pay for over-the-counter drugs.

**Q** *My mother is in an assisted living facility. Could she possibly receive help through the CHOICES program?*

**A** It is possible, however, to be eligible for CHOICES, your mother must need the level of care provided in a nursing home and qualify for Medicaid long-term care. TennCare ultimately determines eligibility for the CHOICES program.~

## Feeding Tubes: A Last Resort

*Continued from Page 1*

healthy, it easily converts eaten food into energy. However, as a person moves closer to death, he or she has less energy available to process food and liquid. Eventually, the person's desire for food and liquid drops off.

As death nears, the body uses what energy it has left for two things: breathing and circulation. If a person is being tube fed, the demands of food processing and energy conversion overtax the body, which lacks the energy required to process the food. As a result, all that well-intended sustenance

gets shoved off into the extremities in the form of swelling (edema). Eventually that swelling ends up in the lungs, where it increases the risk of choking or drowning.

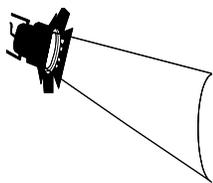
Some medical professionals believe that the decline in the ability to ingest food and water may be nature's way of preparing a dying person for less suffering. The suffering caused by edema often appears much worse and more painful than the gradual decline of someone who does not have fluid overload, a characteristic of

those who are tube fed and hydrated until death. In some cases, it appears that individuals who are not tube fed are able to enjoy life further into the dying process.

In any case, the decision to tube feed or not is an intensely personal one. Caregivers are encouraged to learn all they can about the pros and cons of tube feeding before choosing a course of action. Elder Law Practice is available to offer support to families during the decision-making process.~



**"A thousand words will not leave so deep an impression..."**



## GUEST COLUMN

# Reflections on Caregiving

I found myself in the caregiver role when I was in my mid-forties, caring for my husband, Charles. He developed a movement disorder with dementia. I thought we would be together into our 80's, but Charles scarcely managed to reach the age of 50.

However, difficult experiences offer us precious wisdom. What has this experience taught me?

### Don't wait too long to get help.

Trying to do everything seemed like the only option at first, but that eventually wore me down. Charles argued that he didn't want aides to help him. In retrospect, I found that once the home health aides were with us, after a bit of complaining, Charles quickly got used to them.

### Stress makes you stupid.

I couldn't concentrate, couldn't find the right word I wanted, or I would just forget things. I understand that there is actually a physiological explanation for this phenomenon: Stress can

impact our ability to think clearly. I was glad to realize that I wasn't really losing my mind.

### Surround yourself with positive people and messages.

I felt uplifted when I listened to Norman Vincent Peale's books on tape.

Peale's affirming theme of "you can if you think you can" gave me courage and assurance that my positive attitude was what would get us through this difficult time.

### It's difficult dealing with the very long good-bye.

I understand Nancy Reagan's sentiment when she said these words. While I chose to be optimistic and positive, I had nonetheless been losing Charles—my mentor, closest friend and husband—slowly over a five year period. That was tough and painful.

### Life isn't fair.

That was just the way it was. By accepting that truth, I was usually able to stay clear of the anger and frustration that can para-

lyze caregivers. This experience allowed a closeness to develop between us that couldn't have been imagined before the disease, although it remained bittersweet.

### Strength comes from helping.

The more I committed to helping Charles fulfill his goals, the stronger I felt in my caregiving role. I had become a partner in preserving his legacy—trying to give him the "best rest of life" as possible. This work provided meaning and purpose during our struggle.

**Caregiving Affirmation**  
*A positive attitude can get you through the toughest times*

Janet Edmunson, M.Ed. is a speaker and the author of *Finding Meaning with Charles*, available at [www.findingmeaningwithcharles.com](http://www.findingmeaningwithcharles.com). Sign up for her free weekly affirmation at [www.getresponse.com/archive/caregiveraffirmations](http://www.getresponse.com/archive/caregiveraffirmations).~



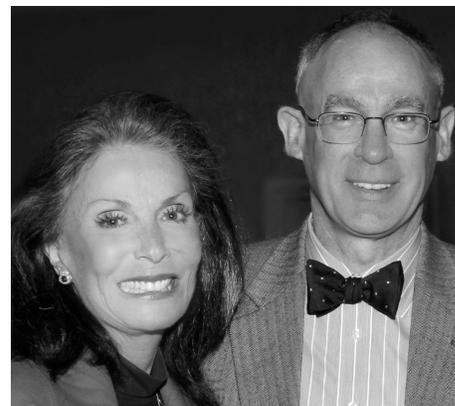
## Alzheimer's Activist Urges Baby Boomers to Prepare for Longevity Revolution

Meryl Comer, Emmy award-winning journalist and board member of the National Alzheimer's Association, was in Nashville on October 26 to speak to more than 200 business and professional leaders at Hillwood Country Club. She helped launch a national effort by Northwestern Mutual to heighten awareness of the impact of Alzheimer's on a society that is living longer. Elder Law Attorney Timothy L. Takacs was a guest of honor at the event.

Comer shared her personal story as the primary

caregiver -- for the last 16 years -- to her physician-husband, who developed early onset Alzheimer's at age 56. Both had to leave their professions at the top of their careers and earning years. And this year, Comer became the caregiver to another victim of Alzheimer's when her 87-year-old mother was diagnosed with the disease and moved in with them.

Comer hopes that her story will serve as a wake-up call to the baby boomer generation. Her message? Alzheimer's does not



Meryl Comer and Tim Takacs

discriminate. It can happen to anyone. Her advice? Talk to legal and financial advisors now to protect your family in the future. And make the most of how you spend each day of your life. For more on Comer's story, visit <http://shriverreport.com/>.~



"Gratitude is not only the greatest of virtues..."

## Alzheimer's Facts Offer Sobering Glimpse of Reality

The population 65 and over will increase from 35 million in 2000 to 40 million by the end of this year (a 15 percent increase) and then to 55 million in 2020 (a 36 percent increase for that decade).<sup>[1]</sup>

As many as 5.3 million people, most of them women, are living with Alzheimer's in the U.S. and by 2050 it will impact up to 16 million families directly.<sup>[2]</sup>

One-third of the female caregivers surveyed for the Shriver Report are part of the Sandwich Generation, with children or grandchildren under the age of 18 living at home.<sup>[3]</sup>

One in six people 55 and older will develop some form of dementia.<sup>[4]</sup>

Women are more likely than men to have Alzheimer's disease and other dementias.<sup>[5]</sup>

In 2006, the state of Tennessee had the second

highest death rate from Alzheimer's disease in the country.<sup>[6]</sup> ~

<sup>1</sup> A Profile of Older Americans: 2009" Administration on Aging, U.S. Department of Health and Human Services. [http://www.aoa.gov/AoARoot/Aging\\_Statistics/Profile/2009/2.aspx](http://www.aoa.gov/AoARoot/Aging_Statistics/Profile/2009/2.aspx)

<sup>2</sup> [http://www.alz.org/news\\_and\\_events\\_the\\_shriver\\_report.asp](http://www.alz.org/news_and_events_the_shriver_report.asp), August, 2010.

<sup>3</sup> <http://www.shriverreport.com/>

<sup>4</sup> <http://www.spokesman.com/stories/2010/aug/17/not-all-dementia-is-alzheimers-disease/>

<sup>5</sup> [http://www.alz.org/national/documents/report\\_alzfactsfigures2010.pdf](http://www.alz.org/national/documents/report_alzfactsfigures2010.pdf)

<sup>6</sup> [http://www.cdc.gov/nchs/pressroom/stats\\_states.htm](http://www.cdc.gov/nchs/pressroom/stats_states.htm)

## Takacs Tidbits

Did you know that Tim Takacs and his wife, Lynn, are avid hikers and members of the Tennessee Trails Association (TTA)?

“South Cumberland and Big South Fork are two of our favorite Tennessee state parks,” said Tim, who has devoted one Sunday a month to hiking since the early 1990s. “Lynn and I get up early, drive to a park, hike about six miles, and then drive home.”

Tim eventually learned about TTA, a non-profit organization that promotes hiking in Tennessee. He and Lynn joined the Big

South Fork chapter in 1998 and represented that chapter on the TTA board of directors for eight years. When the Big South Fork Chapter disbanded, Tim and Lynn joined the newly-formed Sumner Trails chapter.

“The neat part about TTA membership is that there is a hike going on somewhere in Tennessee every weekend,” said Tim. “If you want to hike in Paris, Tennessee next weekend, you email that TTA chapter and tell them that you want to hike with them. And then you show up. It’s a great way to enjoy the beauty of our state.”~

## Medicare Updates in 2011

Most beneficiaries will continue to pay the same \$96.40 or \$110.50 premium amount in 2011. Beneficiaries who currently have the Social Security Administration (SSA) withhold their Part B premium and have incomes of \$85,000 or less (or \$170,000 or less for joint filers) will not have an increase in their Part B premium in 2011.

For all others, the standard Medicare Part B monthly premium will be \$115.40 in 2011.

The Part B annual deductible is \$162.

Medicare prescription drug plan members who reach the coverage gap, (also known as the “donut hole”) will automatically receive a 50 percent discount on covered brand-name drugs. The entire price (including the 50 percent discount the drug company pays) will count toward the catastrophic limit of \$4,550.~

## Avoid the Winter Blues

Winter can be a scary time for elderly people who fear slipping on ice or wonder whether they will be able to pay the heating bills.

What can caregivers do to help alleviate these sources of anxiety?

- ♥ Keep drives and walkways shoveled and free of ice. Many communities offer free driveway-plowing services to senior citizens.
- ♥ Find out about heating bill assistance.
- ♥ Change furnace filters.
- ♥ Continue to arrange rides to church, the senior center, or to other activities.
- ♥ Prepare and share a meal.
- ♥ Buy and fill a bird-feeder.
- ♥ Offer to pick up and return books and videos.
- ♥ Make a point to send a note or letter. An old-fashioned letter in this age of electronic communication means a lot to the elderly.~



*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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