



# The Anchor

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

Winter 2010

Issue 33

## Hospice Care in Assisted Living Facilities

### Coming Events

#### March 11

##### Open Line

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

#### April 12

##### Morning-Line

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

#### May 10, 11, 12

##### Senior Days on the General Jackson

Sponsored by the Council on Aging. Call (615) 353-4235 for reservations.

##### Early Stage Memory Loss Support Group

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

##### Mental Health

##### Association Education & Events

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

##### Alzheimer's Family Care Network

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

##### FiftyForward Events

Call (615) 743-3400 for news about activities and events in the seven centers serving Middle Tennessee.

### Medicare pays provided certain conditions are met

Hospice care, with its focus on maximizing a patient's comfort and emotional health at the end of life, can be a blessing for terminally-ill patients and their families. It gives the dying patient the ability to remain in familiar surroundings, often with a greater sense of peace, comfort and dignity.

A hospice care team usually includes a physician, nurse, home health aide, social worker, chaplain and in some instances, a volunteer. This interdisciplinary hospice team works together to develop a plan of care that will help alleviate the patient's pain while providing necessary medications, medical supplies, and equipment.

Although hospice care often is thought of as

something provided in the patient's home, it can also be provided in an assisted living facility. Though a terminally ill resident may require care that ordinarily would require the resident to move to a nursing home, hospice care can enable the resident to remain where he or she is most comfortable.

### Rules for Care

Many states have special rules that allow assisted living residents to receive hospice care and remain in the facility, provided certain conditions are met. Since most hospice care is provided by outside hospice agencies, rather than the facility itself, these conditions usually require the facility and hospice agency to work together to provide the best possible end-of-life care.

Many states require assisted living facilities to obtain special permission for admitting or retaining residents in need of hospice care.

Depending on the state, permission is granted for a particular resident or residents only, or for an entire facility.

### Services in Assisted Living

Hospice agency staff members provide scheduled services and are typically available 24/7 to meet patients' unscheduled needs. Often, the hospice staff trains the appropriate facility staff on how to best manage the resident's care between hospice visits. The hospice agency may also involve the resident's family and friends in the plan of care.

**Hospice services are not restricted to patients living at home.**

*Continued on Page 2*



## Questions & Answers

**Q** I noticed Social Security withheld \$96.40 in January for my Medicare Part B. This is the same amount as last year. Was there no increase?

**A** People on Medicare who currently have Social Security withhold their Part B premium and have incomes of \$85,000 or less (or \$170,000 for joint filers) will not have an increase in the Part B premium in 2010.

**Q** During the holidays, I didn't get

around to checking on my Medicare Part D plan. I see now that the premium has gone up. Is it really too late to change it?

**A** For most people, the annual enrollment period of November 15 through December 31 is the only time a change can be made to their Part D membership. An exception is made for people who reside in, or have been recently discharged from, a nursing home. They may change plans anytime throughout the year. Another exception to

the rule applies for people who receive the low-income subsidy, known as "extra help."

**Q** What happens to my father's VA non-service connected, disability pension if he goes into a nursing home and later becomes eligible for Medicaid?

**A** If he has no dependents, VA will limit the monthly pension award to \$90 per month. No part of the \$90 monthly pension may be used to reduce the amount of Medicaid paid to a nursing facility.~



**"And in the end, it's not the years in your life that count..."**

## Hospice in Assisted Living

*Continued from Page 1*

Hospice care should not replace anything that a facility is obligated to do. Instead, hospice services should supplement and improve upon the facility-provided services.

### Paying for Care

Hospice care is covered under Medicare, Medicaid, most private insurance plans, and other managed care organizations. However, most hospice care is paid for by Medicare Part A, and provided through Medicare-certified hospice agencies.

Medicare rules allow payment for hospice care only

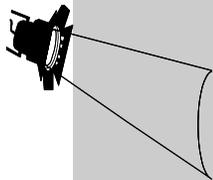
if a doctor has certified that the patient is expected to die within six months. If the patient does not die within six months, hospice care can be continued indefinitely, as long as the doctor continues to certify that the resident is expected to die within the following six months.

By choosing the hospice service package, a patient gives up services related to the treatment of the terminal illness. When a Medicare beneficiary chooses hospice care, he or she is turning down Medicare reimbursement

for active treatment of the terminal illness. However, a beneficiary still can use Medicare for other medical care.

Assume, for example, that a Medicare beneficiary has cancer that is likely to cause her death within six months. If she chooses the Medicare hospice benefit, Medicare will not pay for radiation or chemotherapy. The hospice benefit will pay for medication to suppress or manage the pain caused by the cancer.

For more information or a hospice referral, contact the Elder Law Practice at (615) 824-2571.~



## GUEST COLUMN

## Personal Emergency Response Systems

*The help loved ones need—at the touch of a button*

Hundreds of thousands of people depend on personal emergency response systems (PERS) everyday for increased confidence and peace of mind. A PERS can help families in a number of ways:

### Unexpected Situations

Whether an elderly loved one is feeling dizzy, experiencing an adverse reaction to a medication, choking on food, attempting to get up after a fall, or is locked out of the house, families find comfort knowing that help is available with a push of a button no matter what unexpected situation may arise.

### Recuperation

Recovering from injury, illness or surgery often requires round-the-clock care. When it is not possible or realistic to have someone available “just in case,” a PERS can ease worries. Recuperating loved ones can take comfort in the fact that help is there if they need it.

### Independence

Studies indicate that anxieties about falling

often lead people to become less physically active, which reduces quality of life. A PERS restores confidence for anyone who is visually or physically impaired, freeing them to move about the home and yard with less worry about what will happen if they fall.

When evaluating PERS equipment and providers, look for:

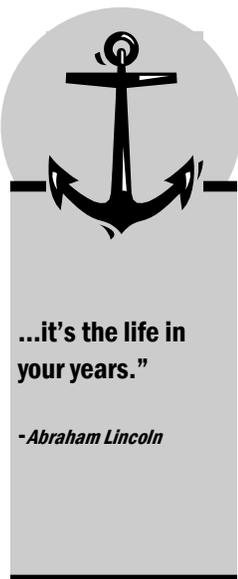
- ♥ Commitment—Look for companies who allow you to purchase service and rent equipment on a monthly basis. You should be allowed to cancel at any time.
- ♥ Pricing—The total cost of the service, including equipment and monitoring, should not be much more than one dollar per day.
- ♥ Range—Make sure that the wristband/necklace transmitter works from anywhere in and around your home.
- ♥ Technology—Double check to be sure that

the base unit has battery back-up in case of power failure.

- ♥ Installation—Most companies provide step-by-step instruction for do-it-yourself installations. For maximum confidence, ask for your system to be hand-delivered and plugged in to make sure it is properly set up. Also ask for a demonstration so you and your loved one know how to use it.
- ♥ Response—Talk with the system provider to help you determine the appropriate response so the desired actions (e.g. family member or neighbor called) can be taken when the button is pushed.

Elderly loved ones and their caregivers all appreciate knowing that help is only a button-push away.

*Colleen Sooker is a Client Relations Representative for Home Helpers (Senior Care)/Direct Link (PERS). Contact Colleen at (615)823-5454 ext.106, [colleen.sooker@homehelpers.cc](mailto:colleen.sooker@homehelpers.cc) or visit [www.HomeHelpers.cc](http://www.HomeHelpers.cc).*



## Medicaid Basics—Part 3

### Facts about the Annual Recertification Process

*EDITOR'S NOTE: This article is the last in a series on Medicaid by Bryson Eubanks, Elder Law Practice Public Benefits Specialist.*

#### How does the recertification process work?

Once an application is approved, a mandatory reassessment of the case is done every year, exactly one year from the time the case was approved. For example, if the case was approved

in March 2009, there will be a recertification review in February 2010. The review process is much less invasive than the original application process.

Income is the only item that must be verified during the review. Caseworkers will look at the most current month's bank balance (for the nursing home resident only), supplemental or prescription policy premiums, and current monthly

bills (for spousal cases).

The review process involves filling out a new application and providing the information listed above. A caseworker will review the information and, if nothing else is needed, will approve the case without a call to the responsible party for an interview.

Clients who need help with this process are encouraged to contact the Elder Law Practice office at (615) 824-2571.~



"You can judge your age by the amount of pain you feel..."

## More Seniors Get Help with Drug Costs

The Social Security Administration has partnered with rock legend Chubby Checker to launch a new campaign to inform Americans about a new "twist" in the law that makes it easier to qualify for *extra help* with Medicare prescription drug costs.

The *extra help* program currently provides assistance to more than nine million senior and disabled Americans, saving them an average of almost \$4,000 a year on their Medicare prescription drug plan costs.

To qualify for *extra help*, people must meet certain resource and income limits. The new Medicare law eases those requirements in two ways. First, the cash value of life insurance no longer counts as a resource. Second, the assistance people receive from others to pay for household expenses, such as food, rent, mortgage or utilities, no longer counts as income.

Another new "twist:" the application for *extra help* can now start the application process for Medicare Savings Programs.

Except for certain categories of people who receive *extra help* automatically, a person on Medicare may qualify for *extra help* if total resources (not including home) are less than \$12,510 (individual) or \$25,010 (couple) AND annual income is less than \$16,245 (individual) or \$21,855 (couple).

To learn more about the *extra help* program, go to [www.socialsecurity.gov/extrahelp](http://www.socialsecurity.gov/extrahelp). To apply for *extra help*, there is an easy-to-use online application available at

[www.socialsecurity.gov](http://www.socialsecurity.gov).~

## Takacs Tidbits

Tim Takacs is entering his eighth year as a regular guest on MorningLine and OpenLine, two popular shows on NewsChannel 5+, a specialty station affiliated with WTVF-TV in Nashville. On both shows, Tim takes viewer calls about elder law.

"I enjoy listening to the stories that people tell about themselves and their families and being able to help them in some way," says Tim. "I learn a lot from the callers, many of whom may not realize how their own experiences inform others as well as myself."

On one show, Tim was talking about the dangers of adding children as joint owners of a parent's bank account. "The very next caller told us that she had recently received a telephone call from her bank notifying her that her daughter's dentist had garnished their joint bank account for \$1,100," Tim recalls. "That was, of course, Mom's money, not Daughter's, but the fact that Daughter was a co-owner made it subject to the claims of Daughter's creditors."

Tim enjoys hearing from a few "regulars" who call into MorningLine. "I always like to hear from Chip to find out how he

is doing and what new has happened in his life," adds Tim.

Some viewers call with questions that have nothing to do with elder law. "Just this month someone called in and asked about the new credit card law," recalls Tim. "Scott bailed me out by suggesting the caller contact the Better Business Bureau."

Perhaps the funniest call came from a man who was tiring of road construction in Nashville. "He wanted to know what could be done about all of the orange barrels on the interstates," Tim recalls. "I suggested that he call the Tennessee Department of Transportation and ask them!"

Taking viewer calls on a live show, even with a five-second delay, demands the ability to think on your feet, especially when the occasional crank call slips through. "A few years ago



someone called with a question about the religious preference of one of the Tennessee Titans," remembers Tim. "Before producers could cut off that caller, another caller got through and launched into a tirade about the Trilateral Commission."

Tim travels from his home in Hendersonville to WTVF studios in Nashville to do both shows. MorningLine airs Mondays through Thursdays from 8:00 a.m. to 9:00 a.m. OpenLine airs Tuesdays through Thursdays from 7:00 p.m. to 8:00 p.m. Both shows can be seen in Middle Tennessee and the Upper Cumberland region. Check with your cable provider for details.

To participate in the shows, call (615) 737-7587 or email questions to [plus@newschannel5.com](mailto:plus@newschannel5.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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