



The Anchor

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

Summer 2013 Issue 47

Coming Events

August 12

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

August 15

Training Module for Elder Law Practice clients. 3:30 p.m. Call for location. (615) 824-2571.

September 5

Coffee Connections for spouses of Elder Law Practice clients in long-term care facilities. 2:00 p.m. 201 Walton Ferry Road, Hendersonville. (615) 824-2571.

September 12

Bonnie Woodard talks about Medicare. 5:30 p.m. Elmcroft of Hendersonville. (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 (800) 272-3900 or (615) 315-5880 for dates, times and locations closest to you.

For more events, visit www.ElderLawEducation.com.

*Dates and times are subject to change. Visit www.TN-ElderLaw.com for the latest information.

Open Enrollments Complicate Fall

With open enrollment for both Medicare and the Affordable Care Act's Healthcare Marketplace set to happen in a few short months, fall has the potential to be a confusing time for seniors and their families. Knowing a few basic facts can help to ease the confusion.

Separate Systems

The most important thing for Medicare beneficiaries to know is that the Health Insurance Exchanges established by the Affordable Care Act do not apply to Medicare beneficiaries. Medicare recipients will not participate in the Exchanges.

Medicare Enrollment Starts 10/15

In fact, it will be business as usual for Medicare beneficiaries when annual open enrollment for the 2013 benefit year

begins on October 15, 2013. No significant changes are being planned for the open enrollment process, which runs through December 7, 2013.

Everything will look and feel the same and, as usual, decisions made during open enrollment will take effect on January 1.

Though the Exchanges established by the new legislation do not affect Medicare beneficiaries, chances are good that you know at least one person who will be eligible to participate in the Exchanges, possibly a child, grandchild, friend or neighbor.

Exchange Enrollment Starts 10/1

The Health Insurance Exchanges are part of the 2010 Affordable Care Act, which seeks to dramatically reduce the ranks of the uninsured

over the next decade by providing subsidies to low-income people to buy private plans and by expanding Medicaid, the state-federal health insurance program for the

Insurance exchanges established by the Affordable Care Act do not affect Medicare beneficiaries.

poor. The Exchanges will give all Americans

who buy their own coverage a simple way to shop. It will be the first time that consumers will be able to go to one place to not only learn about their coverage options, but be able to compare those options side-by-side. Tax credits will be available to low income Americans to help make coverage affordable. People will be guaranteed coverage regardless of age, race, gender or health status. Pre-existing conditions will no longer be cause for coverage to be denied. People who sign up will be covered as of

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Questions & Answers

Q *My mother is in a skilled care facility and the quality of care is declining. Complaints to facility management haven't resulted in any lasting changes. What are my options?*

A If the situation does not improve, consider contacting your local Long-Term Care Ombudsman. In Middle Tennessee, Long-Term Care Ombudsmen can be reached by phone at (615) 452-5259, by email

at spitt@mchra.com or pbedwell@mchra.com, or on the web at www.mchra.com. In the Upper Cumberland region, contact Long-Term Care Ombudsmen at (931) 432-4210 or eldlaw@twlakes.net. You can also file a complaint with your state's survey agency. Find the complaint form on Medicare.gov/files.

Q *Is it legal for a nursing home to use restraints on residents?*

A Restraints are permitted in certain situations such as if a resident needs emergency care or in the case of unanticipated violent or aggressive

behavior that places the resident or others in imminent danger.

Q *How much does the U.S. Department of Veterans Affairs (VA) pay for pension benefits?*

A VA pays the difference between countable family income and the yearly income limit that describes the beneficiary's situation. This difference is generally paid in 12 equal monthly payments rounded down to the nearest dollar.

For all current information about compensation and pension, eligibility, payment rates, applications, etc., go to www.vba.va.gov/VBA/ and click on the applicable links.~

Open Enrollments

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January 1, 2014. Note: The Exchanges do not offer Medicare supplement (Medigap) insurance or Part D drug plans.

An Uphill Battle

The government has struggled to promote the law because of widespread confusion about its provisions. An estimated 78 percent of uninsured people do not know about the changes coming in January. The Congressional Budget Office expects some 7 million people to sign up. Enrollment is expected to eventually reach 22 million.~

October is Residents' Rights Month

Residents' Rights Month is just around the corner. This year's theme—"Speak Out Against Elder Abuse"—seeks to encourage residents and others to be educated about and speak out against elder abuse.

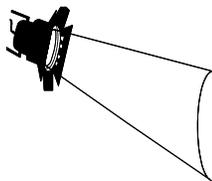
The annual program is sponsored by the National Consumer Voice for Quality Long-Term Care, which also provides access to Long-Term Care

Ombudsmen who serve as advocates for high quality care and services for residents and their families. Learn more at www.theconsumervoice.org/ombudsman/tennessee.~

Speak Out
Against Elder Abuse!
October is Nursing Home Residents' Rights Month
The National Consumer Voice for Quality Long-Term Care



"Grow old along with me..."



BREAKING NEWS

Medical Equipment Rules Change

If you or someone you love uses Medicare-covered medical equipment or supplies, please read this article.

Effective July 1, seniors and disabled individuals with traditional Medicare benefits are required to obtain new supplies and equipment through an approved provider. Medicare has expanded the Competitive Bidding Program (CBP) to the Nashville Metropolitan area. This changes which suppliers Medicare will pay. Note that the CBP applies to Original Medicare only. If you're enrolled in a Medicare Advantage Plan (like an HMO or PPO), your plan will let you know if your supplier is changing. If you're not sure, contact your plan.

What types of medical equipment are affected by these changes?

- ♥ Respiratory equipment such as oxygen, oxygen equipment and supplies
- ♥ Standard (power and manual) wheelchairs, scooters, and related accessories
- ♥ Enteral nutrients,

equipment and supplies

- ♥ CPAP devices, respiratory assist devices, and related supplies and accessories
- ♥ Hospital beds and related accessories
- ♥ Walkers and related accessories
- ♥ Negative pressure wound therapy pumps and related supplies and accessories
- ♥ Support surfaces (Group 2 mattresses and overlays)

Also included in the changes are those that get diabetic testing supplies from National Mail Order Programs.

Medicare beneficiaries and their caregivers should confirm whether their current supplier is an approved CPB supplier and will continue to offer equipment and supplies used regularly.

A program exists to grandfather in current users. You should have already received notice of this and signed the waiver. If new equipment is ordered, be sure it is from an approved CBP supplier.

Visit www.medicare.gov/supplier for list of approved suppliers and covered products.

Special rules apply to Medicare beneficiaries who travel and need supplies while away from home. Always check to see there is a contract supplier in the area you are traveling to. If you don't use a Medicare contract supplier, the supplier may ask you sign an "Advance Beneficiary Notice" which says that Medicare may not pay for the item or service and you will be required to pay the entire amount.

For more information, view the complete Medicare bulletin on my June 28, 2013 blog entry on www.tn-elderlaw.com. And, as always, Elder Law Practice staff are available to answer client questions.

Debra King, LMSW is an Elder Care Coordinator at Elder

Law Practice of Timothy L. Takacs. Contact Debra at (615) 824-2571 or dking@tn-elderlaw.com.



...the best is yet to be."

- Robert Browning

Family Caregivers are Health Care Team Members, too

When a loved one is admitted to the hospital, it's easy to think that doctors, nurses and others in the facility are the major players in the health care team. However, family caregivers play vital roles, especially with the new emphasis on reducing hospital readmissions. Here are some ways you can help:

- ♥ Help make sure that your family member gets the treatments needed. You can do this by checking with the nurse going off duty and asking what needs to happen during the next shift. This includes medications, tests and procedures. You can make sure the nurse coming on

duty next has the same information.

- ♥ Ask questions about your family member's medical condition, treatment, and follow-up plan of care. It is a good idea to write questions as you think of them. This way, you will be prepared when meeting with the doctor, nurse, or other health care professional.
- ♥ Keep track of all instructions and plans for discharge. A good way is to write this information in a notebook and keep it by the bedside.
- ♥ Tell the doctor or nurse if you do not understand something or want to learn more about a certain topic.

- ♥ Let the doctor or nurse know if you do not feel ready to care for your family member after discharge.
- ♥ Use good communication skills. This means listening carefully, speaking clearly, and using a friendly tone.
- ♥ Ask to speak with the doctor, nurse, social worker, or patient representative if you feel there are communication problems with the staff or you or your family member are not being treated fairly.

To prevent readmission, don't forget to follow-up with your loved one's primary care physician. This is one of the most important things you can do.~



"One person caring about another..."

Slowdown in Medicare Spending Extends Trust Fund

Slower growth in spending is helping extend the life of Medicare's hospital trust fund to 2026, two years beyond last year's estimate, officials said in early June. Nearly 50 million people are enrolled in Medicare, the health care program for the nation's

elderly and disabled. Enrollment is expected to grow to 80 million by 2030. Officials also reported, however, that Social Security's disability trust fund, which pays monthly benefits to disabled workers and their families, is expected to be exhausted by 2016. Social Security

will begin to run out of money in 2033, nearly the same timeframe as predicted last year.

Spending on Medicare and other entitlement programs remains a flash point in the ongoing debate over federal spending and deficit reduction.~

Takacs Tidbits

Did you know that Tim Takacs is a collector of fountain pens?

Tim learned to write using fountain pens and started using them again about five years ago. Eventually, he began collecting interesting and unusual fountain pens, using them for awhile and then selling them on e-Bay. About a year ago, he started giving Elder Law Practice staff

members pens scheduled to be rotated out of his collection.

Why the fascination? Tim enjoys the collecting of different pen styles, sizes, nibs and inks. And nostalgia is a factor. But it's the experience of using a fountain pen that keeps him coming back. "It's just easier to use a fountain pen because the ink flows more freely," says



Tim. Clients are often surprised and delighted to see him writing with a pen they haven't seen used in 25 years or more. One client calls them his "old timey" pens.~

Helpful Tools

Alzheimer's Quick Tips Now Available

A new series of Alzheimer's Caregiving tip sheets offer brief, reliable, easy-to-understand information that can help caregivers of people at any stage of the disease. Read, download, or print the tip sheets at www.nia.nih.gov/alzheimers/topics/caregiving.

Elder Care Training Modules

These informative workshops are open to all Life Care Plan clients and their families. Each session includes a brief presentation by staff members followed by audience Q&A. Upcoming topics include care transitions, caregiving and Alz-

heimer's disease. Workshops usually start at 3:30 p.m. and are held at locations in the Hendersonville area. Invitations will be sent prior to each workshop. Pre-registration is required.

Coffee Connections

Join other at-home spouses of Elder Law Practice clients on the first Thursday of every other month for educational gatherings. Refreshments are served. For more information, call the office at (615) 824-2571.

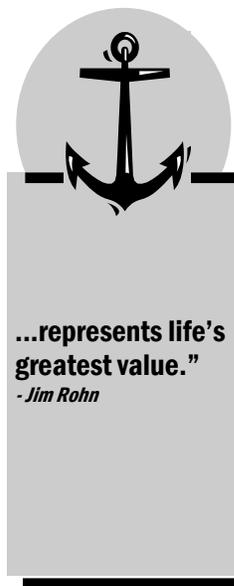
Surrendering the Keys

Anyone concerned about the driving ability of an older person will appreciate a new website for seniors and their families that

includes driving self assessments, safe driving resources, planning for continued mobility post driving, driver refresher training and state license policies & practices. <http://seniordriving.aaa.com/>.

Deciphering Jargon

The specialized terms used by healthcare professionals can be very confusing for patients and family caregivers who are often baffled by terms such as "PEG" (a feeding tube inserted in the stomach) and words like "febrile" (having a fever). A new website decodes the most common medical jargon. www.nlm.nih.gov/medlineplus/medlineplusdictionary.html.~



...represents life's greatest value."

- Jim Rohn



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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.~

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