

# The Consumer's Guide to Elder Care Planning



*This guide is brought to you as a service of*

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# 1.

## Introduction

### Understanding the Long-Term Care System

Preparing for the possible cost of future disability and long-term care (that is, the kind of personal assistance that enables a person to perform daily routines, such as eating, bathing, and dressing) is, unfortunately, something that we all must face as we age. Decline in ability to function day-to-day is a natural part of the aging process and becomes more severe as one gets older. You may never need long-term care. However, 50% of people over age 65 will suffer a chronic condition or disability requiring long-term care at some point in their lives. Impaired seniors who need long-term care usually need it for a long time - usually for the rest of their lives.

When a senior's long-term care needs can no longer be met at home without the intervention of either family members or paid care providers, the senior enters the long-term care "system." The current "system" in our country for addressing long-term care is not really a system at all. It is a hodgepodge of services, facilities, and programs that fails to meet the needs of the elderly. It is economically inefficient and fails to assure quality of services. For example, in Pennsylvania, there are no Medicaid programs that provide funds for assisted living, the fastest growing segment in long-term care options. Medicaid also has severe gaps in its coverage of home care services. Part of the reason that seniors find it impossible to age in place at home is that the government programs that are supposed to provide assistance with home health care are administered in a haphazard fashion. Consequently, our long-term care financing "system" is biased in favor of providing long-term care in a nursing home setting.

Underlying the set of decisions a person must make in preparing financially for future long-term care needs is the availability of publicly funded programs for long-term care, primarily Medicare and Medicaid, and, sometimes, benefits provided by the Veterans Administration. Many of our clients begin their introduction into the long-term care maze with a stay in the hospital, paid for by Medicare. Hospitals are under increasing pressure to shorten inpatient stays. Patients who are not able to go home may instead be discharged to a

nursing home for rehabilitation under Medicare's limited nursing home benefit.

Many people believe that Medicare pays for all long-term care. However, Medicare only pays for health care, not personal or custodial care, the kind of care provided in a nursing home. Most nursing home residents begin their stay on skilled nursing care for rehabilitation, which is health care paid for by Medicare and private health insurance, and then are converted to long-term care residents who must pay with private resources or Medicaid.

## 2.

# Aging In Place

## The Highest Priority of Elder Care Planning

There's no place like home. This is what the term "aging in place" really means - growing older without having to move as your health circumstances change. As we age, we can expect the following to occur:

- *Decreased mobility, strength, stamina and dexterity;*
- *Reduced sensory acuity, especially vision and hearing;*
- *Isolation from family and friends due to loss of peers, children living far away, and changing neighborhoods.*

In the past, someone experiencing the changes listed above would move in with family or go to a nursing home. For generations, these were the only two options. With today's ever more complicated long-term care environment, these no longer need be your only options if you have a plan to allow you to age in place. Such a plan is especially important if you develop a chronic health condition such as diabetes, arthritis or Alzheimer's disease.

To age in place, one should be aware of the types of services that may be needed to deal with increasing frailty or age-related problems. These can include:

- Home maintenance and modifications;

- Housework, meal preparation and personal care assistance such as dressing and bathing;
- Driving (shopping and transportation to doctor's appointments);
- Home health care services or family caregivers.

You need a place to live that is safe and fits with your abilities and disabilities. Without a plan for aging in place, you will not be able to stay in control of your life. Knowing your health risks and financial and legal options will make a big difference in your ability to age in place.

Denial prevents many people from planning. No one can predict if you will need help due to a chronic health condition. However, the longer you live, the greater the chances of your needing care. Without good planning, you may underestimate the cost of services or have no idea how to get the services you need when you need them. This lack of planning is what keeps most people from being able to age in place.

Proper planning begins with a complete assessment of health, legal and financial matters, and available services (both privately and publicly funded). Coordination of all these factors is essential. Family members have to be honest with themselves as to how much care they can realistically provide both now and as their loved ones become more frail. The good news is that other options are available, if you know where to look and what questions to ask. Even if you cannot be cared for safely in the home, options less restrictive than a nursing home exist.

Elder Care Planning brings together all the necessary planning elements. Elder Care Planning uses the expertise of an Elder Law Attorney and a professional Elder Care Coordinator to address your legal and financial circumstances and determine your physical and mental needs. An Elder Care Plan answers the following questions.

- What long-term care services are needed and available?
- How can I be sure of getting the best care possible and how do I pay for that care?

- How will financial and health care decisions be made for me, if I can't make them myself?
- If I can't take care of myself, what will happen to my spouse?
- How can I protect my assets to take care of my spouse?

An Elder Care Plan is a roadmap for total care with two simple goals: to maximize your quality of life while preserving wealth for the future. If you wait too long and a crisis develops, planning to age in place and to protect assets may become impossible. The Elder Law Attorney and the Elder Care Coordinator work with seniors and their families to assist them in attaining the highest possible quality of life and affording them the best chance possible to age in place.

### 3.

## The Goals Of Elder Care Planning

1. Aging in place. (See Chapter 2)
2. Ensuring that seniors receive the care that best fits their current and future needs.
3. Finding the best solutions to the asset protection problem created by the high cost of quality long-term care.
4. Identifying community resources.
5. Achieving the best possible quality of life.
6. Answering all of your questions about long-term care.
7. Relieving caregiver stress.
8. Helping to find sources to pay for quality long-term care.
9. Putting all of the senior's legal and financial affairs in order.
10. Providing the entire family with the peace of mind that comes from knowing that the senior is well cared for and safe and that help is readily available when change occurs.

## 4.

# How Elder Care Planning Works

## A. Care Needs Assessment

Elder Care Planning starts with a thorough assessment of the senior's situation by our Elder Care Coordinator.

Our Elder Care Coordinator is an experienced professional who will visit the senior's place of residence and assess their care needs and living situation to identify problem areas and assist in solving them. This evaluation determines the most appropriate level of care and establishes a base line to be used in the future to measure progress or decline and redetermine care needs when necessary.

Our Elder Care Coordinator assesses the overall picture of a senior's health and functional abilities, including physical, psychological, cognitive and social. This is accomplished through an interview with the senior, their family, and others (as appropriate), with the use of various assessment tools and direct observation. It encompasses:

- Current Health Issues
- Activities of Daily Living (the basics tasks of everyday life, such as eating, bathing, dressing, toileting, and transferring)
- Instrumental Activities of Daily Living (activities related to independent living such as preparing meals, managing money, shopping for groceries or personal items, performing housework, and using a telephone)
- Dementia Assessment
- Medication Self-Administration Assessment
- Geriatric Depression Assessment
- Nutrition
- Auditory and Visual Function Screening
- Fall Prevention, Fire/Safety Audit

## **B. Care Needs Planning**

After the results of the assessment are analyzed, our Elder Care Coordinator provides assistance with:

- Identifying problem areas and solving them
- Coordinating communication among medical and health care providers
- Determining when outside care is needed and identifying care providers
- Educating seniors and their family on selecting and managing service providers, including residential facilities, if needed
- Arranging for necessary care services
- Acting as an advocate and correcting any problems with care givers, including residential facilities, to maximize provision of high quality care
- Educating and empowering family members to effectively manage and supervise the senior's care
- Providing ongoing support to the senior and their family as the senior's needs change
- Providing advice and counsel to the family on the selection of a nursing home (if and when necessary)
- Providing updated information through alerts and newsletters

## **C. Legal and Financial Planning**

With an understanding of the senior's long-term health care goals and needs, the Elder Law Attorney will do the following:

- Make sure that the senior's assets are protected to the fullest extent that the law allows, so that they are available for as long as the senior lives and will pass on to their children or heirs when they die

- Identify and coordinate all available public and private sources to help pay for long-term care and what has to be done to qualify and apply for them
- Draft appropriate legal documents that will, among other things, ensure that the right financial and health care decisions can be made at a time when the senior may not be able to make them
- Make sure that one spouse continues to have a good quality of life even if the other has to enter a nursing home
- Help decide if long-term care insurance is appropriate
- Put all of the senior's legal and financial affairs in order, including estate planning documents

## **D. The Roadmap - Monitoring The Plan**

Your Elder Care Plan is a practical approach to meeting your, and your family's, current and future needs in a timely fashion. It is a planning process that will change over time as you and your circumstances change. Because you have a plan in place, you can avoid confusion and panic should a crisis arise. Because you have an ongoing relationship with us, we will be able to anticipate future needs and we will be there to guide you through the later stages of your life.

We will work with you and your family to provide ongoing monitoring and assessment and, if change occurs, will facilitate any move that may be required from the home to a more secure environment.

## 5.

# Questions You Can Expect Elder Care Planning To Answer

Whether you are dealing with your own long-term care situation or that of a spouse, parent, or other loved one, you've probably asked questions like these:

- Who pays for nursing home care?
- Can Mom give her house to an adult child to keep it from being taken by the State?
- Do I have to pay taxes on the money Mom gave me?
- What happens to Mom if Dad has to go into a nursing home?
- What health care, chronic care, and long-term care services are available?
- How can I get the care I need and want, whether in my own home, in a child's home, in an assisted living facility, or in a nursing home?
- How will financial and health care decisions be made for me if I can't make them for myself? Who can I rely on to make sure those decisions are the right ones?
- If I can't take care of myself, who will make sure my spouse continues to have a good quality of life?
- If we have a health care crisis, what will we have to do? Where do we turn for the help we need?
- How do I know I am getting good care?

- Who will advocate and intervene for me if necessary to ensure my right to quality health care and long-term care?
- How do I ensure my financial security as I get older?
- What public benefits am I entitled to and what do I have to do to qualify for them?
- Should I rely on Medicaid or other government benefits to help pay for my care? How do I apply for benefits?
- Should I buy long-term care insurance?
- Do I have to spend all of my money on my care, whether in my home or in a residential care facility such as a nursing home?
- How can I protect my assets to take care of my spouse, to ensure I get good care, or to leave to my children?

## 6.

# How To Get Started

The right time to get a Elder Care Plan is immediately after an event that leaves you concerned about your or a loved one's future. For example, a diagnosis of Alzheimer's disease or other chronic condition would signal that your loved one's condition is deteriorating, even though it could be months or years before care outside the home is needed. Pre-crisis planning is the foundation of a Elder Care Plan.

Your Elder Care Plan is customized to your desires, needs, and goals. To get the process started, call our Elder Care Coordinator, Ruth Valentine. She will conduct a brief interview to start gathering the information that we need. A consultation will be scheduled and you will be instructed what to bring to the consultation. At that first meeting, we will review your situation and discuss your options. We

will answer all of your questions and address all of your concerns. We will begin a relationship so that you will not have to face the future alone. Our clients always experience a great reduction in their stress and anxiety levels, even after just one meeting.

Our clients appreciate that we provide a comprehensive blend of elder law and care management services and they value the convenience of being able to call one office to deal with a wide range of their needs. Most important, our team's depth of experience and access to resources are available to our clients in a service that is greater than the sum of its parts. That is the essence of Elder Care Planning.

**THE CARE ALWAYS COMES FIRST.**



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## *Elder Care Planning*

The attorneys and their on-staff Elder Care Coordinator provide comprehensive, on-going assistance to families regarding their loved one's care needs and associated legal matters including asset protection and locating available funding sources to pay for care.

## *Estate Planning*

Including Wills, trusts, financial powers of attorney and health care powers of attorney.

## *Special Needs Trusts*

For disabled adults and children.

## *Guardianships*

For children and incapacitated adults.

## *Medicaid Asset Protection Planning*

## *Medicaid Applications*

## *Estates*

Probate and administration of decedent's estates.