



Vouga Elder Law

Veteran & Senior Asset Protection

**Veteran & Senior
Asset Protection**

Volume 1, Issue 1
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Welcome to the First Edition of Vouga Elder Law Newsletter

Rick Vouga is focusing his practice in Elder Law. This newsletter will fill you in on new laws and developments in Missouri regarding Elder Law, Asset Protection against long term health care costs, Veterans benefits, Medicaid Planning, Trust Administration, Probate Administration, Supplemental Security Income (SSI), Special Needs Trusts, Financial Powers of Attorneys, Health Care Declarations, HIPAA Authorizations, as well as traditional wills, trusts, and non-probate transfers.

What is Elder Law?

Elder Law is a growing field of law that deals with the issues faced by the fastest growing segment of the U.S. population, the elderly. With the key goal of Asset Preservation, this area of law combines parts of Veterans Benefits, Health Care Planning, Special Needs Trusts, Medicare/Medicaid Planning, Trust and Probate Administration, Conservatorship (also called Guardianship), Elder Rights and Social Security Income.

What Does That Mean To Me?

Today's seniors are more active and live longer than ever before, but they have a new set of legal concerns that have rarely been addressed by earlier generations. Older people have always needed Wills and Estate Planning to pass their assets to their beneficiaries. Now that they are living longer, there are more issues about their future care that have to be included in Estate Planning, such as plans for housing, future medical care, and what to do if the person should become incapacitated. One of the most important questions that is being raised is how to pay for long-term housing, with possibly increasing levels of care, as seniors age. This, in turn, is giving rise to a whole new industry of senior living facilities and raising many legal questions about contract rights and the power of facilities to discharge residents. As continuing care becomes more and more expensive, seniors are also in need of information about long-term care insurance and government benefits.

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FREE WORKSHOP

HOW TO PROTECT YOUR ASSETS FROM THE DRAINING COST OF NURSING HOME CARE

April 3, 2009

10:00 am to Noon &
6:30 to 8:30 pm

The Garden Hilton
Chesterfield, Missouri

April 17, 2009

10:00 a.m. to Noon &
and again at

6:30 pm - 8:30 pm
Hampton Inn & Suites
Chesterfield, Missouri

Seating is Limited!

RSVP Required!

636-394-0009



Getting Good Nursing Home Care Steps All Families Should Take For Their Loved Ones

Placing a loved one in a long-term care facility is one of the most difficult decisions a family can make. Along with the often overwhelming sense of guilt, there is often an overwhelming number of choices. So, how do you find the best facility for your loved one?

It's important to have a list of questions before you visit each care facility. But the best information you can gather is usually what you observe while you are being taken on a tour and/or making an unannounced visit.

Privacy: Federal mandates give every resident the right to privacy in a care facility. Yet, very few facilities actually enforce this policy. All staff should knock on a resident's door before entering a room, then wait to be invited inside. Staff should never discuss resident's personal health information in the hallways or where others can overhear.

Security: You will want to ask how the facility protects its residents. You will also want to note how easy it is for you to wander into the facility or residents to wander out. Are you asked to sign in and out or asked for identification?

Staffing: Ask the ratio of nurses and certified nursing assistants per resident. The facility should be able to tell you the average amount of time each resident is given directed care by a CNA (Certified Nurse Assistant) and nurse. As you narrow down your choices, go back for a second visit—at a different time and on a different day of the week. The staff changes with each shift and it's possible the level of care changes, too. For example, try to gauge the amount of time it takes a resident to get assistance from a staff member. Most importantly, do the residents seem happy and talk freely with the staff?

Mealtimes: This is often the most chaotic time for facilities and the best time to determine how the staff and residents interact. Notice if the staff remains friendly and happy. Do they assist residents with opening containers, using silverware, and eating? Is the food appetizing and served at the correct temperature? Do residents sit for a long periods of time after they are done eating, waiting for the staff to take them back to their room or scheduled activities?

State Inspections: The state is required to inspect each care facility to make sure they meet health and safety standards. Those reports can be viewed online at www.medicare.gov. It is important to research any facility you plan to visit. If you have questions or concerns regarding the inspections, address them with the facility's Administrator.

If you need assistance in finding the best care for your loved one, there are local companies and geriatric care managers available to assist you.

Get Your Ducks In a Row With



Vouga Elder Law!



What If It's Alzheimer's? Steps All Families Should Take For Their Loved Ones

Families with a loved one suffering from dementia often spend months or even years trying to pretend there isn't a problem or attributing their loved one's growing confusion to "old age." Memory loss is not a normal part of aging and should always be evaluated by a physician. Eventually, they face the unthinkable, "What if it's Alzheimer's?"

Here is a checklist of steps to take as soon as memory loss is suspected:

Call in an expert. Set up an appointment with your physician and prepare a list of questions to ask before you go: How advanced is the disease? What behaviors should I expect? What medication is best? Should he or she be driving?

Create a support system for yourself. Those who are able to cope most effectively have the support of friends and family. Make a list of your needs and ask for help. Join a support group. Call a trusted clergy member, psychologist or social worker. A caregiver must have help—ask for it.

Get legal planning in place. It's crucial that a good estate plan be put in place before your loved one loses the ability to make decisions. Now is the time to sign a General Durable Power of Attorney. This legal document lets a trusted friend or family member take over financial decisions when an individual is no longer able to make decisions for

themselves. Consult a qualified attorney who practices in Elder Law planning so the document contains the right language for all decisions that may need to be made in the future. Your loved one may also need to sign a Durable Power of Attorney for Health Care Decisions. Ask the attorney to review estate planning, real estate deeds and other legal documents already in place.

Gather up legal and financial records: insurance policies, stocks, bonds, bank statements, pension statements, real estate deeds, social security paperwork, military service records, and monthly bills.

Determine how health care expenses will be handled. Many people assume Medicare or their private health insurance is going to pay for their nursing home care. Typically, this is not true. Medicaid is a federal program which is administered by each individual state. It will pay for an individual's nursing home care, prescription drug expenses and some home health care if the person meets certain financial criteria. Your loved one or their spouse may also qualify for assistance through the Veterans Administration if one of them served in the military.

Educate yourself about resources available in the community. This is one of the most important things you can do.

How to Assess Whether Someone Living Alone Needs Additional Care

**If any of the following conditions exist, the person should not be living alone
and requires immediate assistance:**

- * Weight loss of more than six pounds or 10% of body weight in six months
- * Agitation, paranoia, hallucinations, delusions, suicidal thoughts, aggression
- * Weapons present, especially loaded
- * Evidence of fire or misuse of appliances
- * No food or drinks in the house
- * Falling
- * Medication Mistakes
- * Repeated emergency room visits, hospitalizations, or physical complaints
- * Evidence of domestic violence; injuries to a caregiver
- * Frequent calls to police or emergency services
- * Wandering outside the home

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The information contained in this Newsletter cannot be construed as legal advice but only general information on legal issues you may be interested in knowing about. Please call if you think any of this Newsletter applies to your situation. **ALWAYS** call before you rely or act on anything in this Newsletter to be sure your situation is not different and to learn if any further law changes occurred after this Newsletter was printed.

Medicaid Myths, Part I of 4

Missouri Adopted the Name Missouri Health Net in July 2007 For Its Medicaid Program

Medicaid was considered a complicated program when President Lyndon B. Johnson first signed it into law at the Truman Library in Independence, Missouri, and it has grown even more complex during each of the thirty-four years since. Although it is a national program, it is administered by each state. The rules and regulations are constantly changing and can vary widely from state to state. So, it's no wonder there are many myths and inaccuracies surrounding the program.

Myth: "My mother heard about someone who....."

All too often, we meet people who have heard horror stories about Medicaid from well-meaning friends or family members. These stories are often filled with inaccuracies and half-truths that frighten people into spending every last dime on nursing home care for themselves or a loved one before turning to Medicaid for help.

Similar stories have also prompted people to assume that what worked for a friend will work for them as well. So, they may give their house or all of their assets to a child in hopes that impoverishing themselves will immediately qualify them for benefits. Unfortunately, they soon find out that these transfers mean they are unable to receive benefits for several months or even years after the money is gone.

That's why it is important to contact an attorney who concentrates his or her practice in Elder Law. With a clear picture of your specific situation, an Elder Law attorney can explain those laws that should allow an individual or married couple to preserve their house and enough of their assets to live as comfortably as possible for the rest of their lives.

**Look for more Medicaid Myths in
our next newsletter!**