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Seniors and Special Needs News - June 5, 2015

1 message

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With help, seniors and people with special needs can keep some of their assets in the family rather than lose their entire life savings to the costs of long term care. They can use these protected assets to enhance their quality of life beyond what long term care alone will provide.

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The Koewler Law Firm
 JAMES L. KOEWLER, JR.



Seniors and Special Needs News

Legal Issues when Someone has Dementia Considering the Living Will

Today's newsletter continues the discussion of Legal Issues when someone has Dementia. The introductory newsletter (May 1, 2015) put forth the issue of "Who can speak for someone with dementia?" The May 15, 2015 newsletter discussed the situation where the person with dementia has Advance Directives in place. The May 22, 2015 newsletter discussed the legal issues in determining whether a dementia sufferer can choose to have new Advance Directives prepared. The May 31, 2015 newsletter discussed options in preparing a Health Care Power of Attorney. To continue the discussion of which Advance Directives to prepare and how to prepare them, today's newsletter will discuss the Living Will.

Before the dementia takes away the person's ability to make decisions, his or her support (family, friends, social workers, etc.) should encourage him or her to consider whether to prepare and execute a Living Will. (As I mentioned in a prior newsletter, "execute" is a fancy legal word for signing one's name on something official.)

A Living Will is a set of instructions that a person uses to tell his or her loved ones and medical professionals what the person wishes to happen if he or she falls into a persistent vegetative state. A crude but perhaps more understandable way to say "persistent vegetative state" is "brain dead." So, a Living Will is a set of instructions on what to do about someone's body if his or her brain is dead.

- Am I willing to have my loved ones mourn me while I remain in a vegetative state? (People in mourning don't seem to start getting better (to "turn the corner," so to speak) until after the loved one that they mourn is actually dead and buried.)

Of course, all of these questions are hard or impossible to answer. No one who has been brain dead has come back to consciousness to tell the world about the experience. (Many people have returned from a coma, but a coma is not a persistent vegetative state.) In answering these questions, one can only make a best guess.

Depending how someone answers these questions, he or she can decide whether to:

1. Leave instructions to avoid artificial life-prolonging measures (usually considered to be the respirator,) or
2. Leave instructions to keep his or her body alive, or
3. Decide not to decide. (Okay, this third option is a cop-out, but the Living Will is a difficult choice. A cop-out is kind of understandable. It's not helpful to the family, but it's understandable. Be aware, though, that this is the same situation that Terri Schiavo's family was in.)

In addition, in Ohio anyway, a person who leaves instructions not to have artificial life support if they are in a persistent vegetative state must make an additional decision about artificial nutrition (a feeding tube) and artificial hydration (most likely an intravenous tube.) This decision depends on

- Whether one believes that the body will feel pain from hunger or thirst if the body is in a persistent vegetative state, and
- Whether one believes that avoiding nutrition and hydration will shorten the time that the body lingers in the persistent vegetative state.

The Ohio Living Will form has a place to indicate a choice about hydration and nutrition.

No matter what someone decides about the use of artificial respiration, artificial nutrition, and artificial hydration (assuming the someone didn't cop-out and decide not to decide,) the person should leave behind written, notarized instructions. The decision and the location of the instructions should be shared with all important family members. (Any family member who doesn't find out about the Living Will until the loved one is in the persistent vegetative state is likely to oppose the decision and possibly go to

court about it.)

Suggest a Newsletter Topic

I try to write something new (and useful) in my newsletter every week. So, I know that I will sometimes have writer's block. I'd like your help, please.

If you have a topic for my newsletter that you'd kindly suggest, I promise to consider it. (I don't promise to pursue it. I just promise to consider it.) I try to write about issues concerning seniors, health care, long term care, special needs, Veterans Pension (aka Aid and Attendance) benefits, and Veterans Compensation benefits. Please keep your suggestions within or near to those topics.

Please submit your suggestion [here](#). If I use your topic suggestion, I'll put the content in both my blog and newsletter.

Thank you for your help.

Social Media Posts since the last newsletter

06-04-2015 Students experience how it feels to have
#SpecialNeeds <http://ow.ly/NGzYg>

06-03-2015 Getting organized to be a #FamilyCaregiver for an
#AgingParent <http://ow.ly/NGsIE>

06-02-2015 Different approaches to #LongTermCareInsurance <http://ow.ly/NGuHg>

06-01-2015 #Bedbug risks in #NursingHomes and #Hospitals (Monday -
Choosing Professional Care <http://ow.ly/Nkq2o>

05-31-2015 #LegalIssues when someone has #Dementia: Prepare a Health
Care Power of Attorney <http://wp.me/p47F09-bF>

Older social media posts can be found in the [social media post archive](#) on the firm's website, ProtectingSeniors.com.

The Koewler Law Firm News

6-4-2015 Jim Koewler discussed the legal issues facing people who need

long term care and people who have special needs at a meeting of the Fairlawn/Montrose chapter of the International Referral Network.

6-9-2015 Jim Koewler will discuss Preventing Senior Fraud at The AbbeWood in Elyria, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

6-10-2015 Jim Koewler will discuss Helping Seniors Pre-Plan their Funerals at UH Parma Medical Center in Parma, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

6-16-2015 Jim Koewler will speak on planning ahead to protect your life savings against long term care costs at a meeting of the University Hospitals Bedford Medical Center SeniorNet at the Atrium of Anna Maria in Aurora, Ohio.

6-23-2015 Jim Koewler will discuss Helping Reluctant Seniors accept the benefits of Long Term Care at Medina General Hospital in Medina, Ohio with the Medina Senior Services Network. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

8-24-2015 Jim Koewler will discuss Advance Directives (General Power of Attorney, Health Care Power of Attorney, Living Will, etc.) at the Soprema Senior Center in Wadsworth, Ohio. Jim will provide help for a limited number of people to prepare and execute their Living Wills.

9-22-2015 Jim Koewler will discuss Money Management for Seniors at Chambrel of Montrose, a Brookdale Community, in Akron, Ohio.

Older items of firm news can be found in the [news archive](#) on the firm's website, ProtectingSeniors.com.

Jim's available presentations

- Overcoming Seniors' Resistance to Long Term Care (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- Preventing Senior Fraud (Continuing Education credit available for social workers, counselors, nurses and Certified Case Managers)
- My Care Ohio and Medicare/Medicaid "Dual Eligibles" (Continuing Education credit available for social workers, counselors, and nurses)
- Navigating Medicaid, Medicare, and the Affordable Care Act (Continuing Education credit available for social workers, counselors, and nurses)
- Government Benefits that can help Pay for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Legal Issues for People with Dementia (Continuing Education credit available for social workers, counselors, and nurses)
- Protect your Life Savings from the Costs of Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Veterans Benefits for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)

- Advance Directives – Powers of Attorney, Living Wills, etc. (Continuing Education credit available for social workers, counselors, and nurses)
- Buying Long Term Care Insurance Wisely (Continuing Education credit available for social workers, counselors, and nurses)
- Planning Ahead to Protect against Long Term Care Costs (Continuing Education credit available for social workers, counselors, and nurses)
- Organizing for Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- Pre-planning your Funeral (Continuing Education credit available for social workers, counselors, and nurses)
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for the audience)
- What people Know about Long Term Care that is Wrong
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs

Upcoming meetings

- 6-10-2015 Medina County Senior Services Network, Heimatland, Brunswick, Ohio, 8:00 a.m.
- 6-10-2015 Summit Senior Sales, Administrators and Marketers Association, Bath Manor, Akron, Ohio, 2:30 p.m.
- 6-11-2015 Lorain County Senior Services Network, The Northridge, North Ridgeville, Ohio, 8:30 a.m.
- 6-12-2015 Eldercare Professionals of Ohio, Village of the Falls, Olmsted Falls, Ohio, 9:00 a.m.
- 6-15-2015 Medina County Senior Services Network's Education Committee, Tres Potrillos, Medina, Ohio, 11:30 a.m.
- 6-16-2015 UH Bedford Medical Center Senior Network, The Atrium at Anna Maria, Aurora, Ohio, 8:30 a.m.
- 6-17-2015 Geauga Professional Association Specializing in Seniors ("PASS"), Geauga County Department on Aging, Chardon, Ohio, 8:30 a.m.
- 6-18-2015 UH Bedford SeniorNet Legislative Awareness Committee, Panera, Warrensville Heights, Ohio, 3:00 p.m.
- 6-23-2015 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.
- 6-23-2015 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.
- 6-24-2015 Professional Networking Group, The Gathering Place, Beachwood, Ohio, 4:40 p.m.
- 6-25-2015 Parma Hospital Senior Resource Network, Pleasant Lake Villa, Parma, Ohio, 8:30 a.m.
- 6-25-2015 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.
- 6-25-2015 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.
- 6-26-2015 Eldercare Professionals of Ohio, Solon Pointe, Solon, Ohio, 9:00 a.m.
- 7-1-2015 Stark Senior Services Network, Canton Baptist Temple, Canton,

Ohio, 9:00 a.m.

7-1-2015 Richfield Chamber of Commerce luncheon, The Taverne of Richfield, Richfield, Ohio, 11:45 a.m.

7-1-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.

Newsletter Archive

Past issues of this newsletter can be found in the [newsletter archive](#) on the firm's website, [ProtectingSeniors.com](#).

Contact Jim Koewler

If you'd like to contact Jim, this newsletter has a dedicated [contact page](#) on the firm's blog site, [ProtectingSeniorsNews.com](#).

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