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## Seniors and Special Needs News - August 21, 2015

1 message

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Fri, Aug 21, 2015 at 9:06 AM

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

## 18 Year Old needs Health Care Power of Attorney

This week's newsletter is "breaking news" in the middle of the ongoing discussion of Legal Issues when someone has Dementia. In fact, this week's newsletter takes a break from the over-arching audience of seniors and people with special needs. This week's newsletter will address newly minted adults (i.e., 18 year olds.)

When a child reaches the age of 18, his or her parents no longer have the legal right to make his or her decisions. The parents may be able to insist on certain behaviors because the parents are paying the bills or because the 18 year old child/adult still lives at home, but this financial/housing influence doesn't apply to the rest of the world. Perhaps most pointedly, the parents no longer have the right to make medical decisions.

Urge your 18 year old to execute a Health Care Power of Attorney. (That's what we call it in Ohio, where I practice. Other states may have a different name for this document.) A Health Care Power of Attorney appoints someone to speak for the person who signs it (in this discussion, the 18 year old person) on medical decisions when that person cannot speak for himself or herself.

Why can't this young adult speak for himself or herself? Perhaps the young adult has been in a car accident. Perhaps the young adult has passed out from alcohol or drugs. Perhaps the young adult had a heart attack or serious infection that rendered him or her unconscious. Anything can happen. (A number of these new young adults are going away to college this month. Let's face it. Some of these college freshmen will do stupid things.)

I suggest that the young adult name his or her mother and father as the Agents (what Ohio calls the appointees in a Health Care Power of Attorney.) If the young adult is moving away to school, I suggest that he or she also name as an Agent a relative or friend at the school or near to it.

As I've discussed in prior discussions about the Health Care Power of Attorney and other advance directives, I suggest that the Principal (the young adult in this case) name one agent and some successors. I do not suggest that anyone in the list be made co-agents. The possibility of disagreement between these Co-Agents is too high, and the result of disagreement is that no decision gets made.

In addition, because the Agents should be able to acquaint themselves with the Principal's medical situation before an emergency arises, the Principal should sign a HIPAA (health information privacy) release naming all of the Agents (primary and successors) as eligible to receive information from the Principal's primary care physician and any other medical professionals that have current medical information on the Principal. (For example, the records of an orthodontist who put braces on the Principal and has already removed the braces is probably not important to the Agents.) I would not limit the HIPAA release to just the primary Agent. The Principal does not know which of the Agents (primary or successor) will actually be the one making decisions in a time of crisis because the Principal does not know when that time of crisis will be (if ever) and does not know which of the Agents will be available at the time of the Principal's crisis.

Remember, we hope that the young adult (the Principal) never needs anyone to use the Health Care Power of Attorney. It is, however, better to have the Health Care Power of Attorney in place and not to need it than to need it and not have it.

Ohio has a Health Care Power of Attorney form, and I suggest that the Principal use this form if he or she is an Ohio resident or is going to school in Ohio. Remember, when someone needs to use a Health Care Power of Attorney, the Principal might easily be in an emergency situation. Medical professionals throughout Ohio are familiar with the Ohio form Health Care Power of Attorney. If a patient has a Health Care Power of Attorney that is not on a recognized form, the medical professional may feel the need to check with his or her attorney on the legality of the POA. Checking with the attorney can delay the medical treatment. I like to use the recognized form to avoid this legal advice delay.

[Ohio's form Health Care Power of Attorney](#) is available on my website behind the [Toolbox tab](#).

## **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 from the past week**

08-20-2015 Possible methods (and their benefits) for early #Diagnosis of #Autism <http://ow.ly/QqOaG>

08-19-2015 #FamilyCaregiver strategies to keep #Teens involved with #AgingParent <http://ow.ly/Qr04g>

08-18-2015 Buy #LongTermCareInsurance combined with #LifeInsurance, or buy them separately? <http://ow.ly/Qq1Jw>

08-17-2015 Visiting an #AgingParent in a #NursingHome <http://ow.ly/QqVxf>

08-16-2015 Risk Factors, Types, and Prevention of #ElderAbuse <http://ow.ly/Qr4gA>

08-15-2015 How #Medicare and #Medicaid have changed #HealthCare <http://ow.ly/QqY1n>

08-14-2015 #Legal Issues when someone has #Dementia – Choosing a #FinalRestingPlace <http://wp.me/p47F09-dl>

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

### **The Koewler Law Firm News**

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.

9-3-2015 Jim Koewler will discuss Helping Reluctant Seniors accept the benefits of Long Term Care at Stow-Glen Retirement Village in Stow, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

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

10-28-2015 Jim Koewler will discuss Preventing Senior Fraud at Southwest General Medical Center in Middleburg Heights, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

Older items of firm news can be found in the [news archive](#) on the firm's website, [ProtectingSeniors.com](http://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)
- What people Know about Long Term Care that is Wrong (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)
- 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)
- Elder Law: A Primer (Continuing Legal Education credit available)
- Protecting your Money when you need Long Term Care and Essential Estate Planning Considerations (with free living wills for up to 20 audience members)
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs

## Upcoming meetings

- 8-25-2015 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.
- 8-25-2015 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.
- 8-27-2015 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.
- 8-27-2015 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.
- 8-28-2015 Eldercare Professionals of Ohio, The Atrium at Anna Maria, Aurora, Ohio, 9:00 a.m.
- 9-1-2015 Aging Services Network of Euclid, Picnic, 3:00 p.m.
- 9-2-2015 Stark Senior Services Network, Canton Baptist Temple, Canton, Ohio, 9:00 a.m.
- 9-2-2015 Richfield Chamber of Commerce luncheon, Days Inn and Suites, Richfield, Ohio, 11:45 a.m.
- 9-2-2015 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.
- 9-9-2015 Medina County Senior Services Network, Emeritus at Camelot Place, Medina, Ohio, 8:00 a.m.
- 9-9-2015 Summit Senior Sales, Administrators and Marketers Association, Magnolia Village, Wadsworth, Ohio, 2:30 p.m.
- 9-10-2015 Lorain County Senior Services Network, Wesleyan Village, Elyria, Ohio, 8:30 a.m.
- 9-11-2015 Eldercare Professionals of Ohio, Bradley Bay Health Care, Bay Village, Ohio, 9:00 a.m.
- 9-14-2015 Medina County Senior Services Network's Education Committee, Tres Potrillos, Medina, Ohio, 11:30 a.m.
- 9-15-2015 UH Bedford Medical Center Senior Network, Jennings Center for Older Adults, Garfield Heights, Ohio, 8:30 a.m.
- 9-16-2015 Geauga Professional Association Specializing in Seniors ("PASS"), Maplewood Assisted Living, Chardon, Ohio, 8:30 a.m.
- 9-17-2015 UH Bedford SeniorNet Legislative Awareness Committee, Panera, Warrensville Heights, 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](http://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](http://ProtectingSeniorsNews.com).

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