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Seniors and Special Needs News - January 29, 2016

1 message

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Fri, Jan 29, 2016 at 9:01 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

Legal Issues when someone has Dementia Looking at the Spouse's Advance Planning

This week's newsletter continues the discussion of Legal Issues when someone has Dementia. The introductory installment ([April 30, 2015](#)) put forth the issue of "Who can speak for someone with dementia?" The [May 14, 2015](#) installment discussed the situation where the person with dementia has Advance Directives in place. The [May 21, 2015](#) installment discussed the legal issues in determining whether a dementia sufferer can choose to have new Advance Directives prepared. The [May 30, 2015](#) installment discussed options in preparing a Health Care Power of Attorney. The [June 4, 2015](#) installment discussed how to decide whether to prepare a Living Will. The [June 11, 2015](#) installment discussed some of the basic issues in preparing a General Power of Attorney. The [June 18, 2015](#) installment discussed the importance of making the General Power of Attorney "durable." The [June 25, 2015](#) installment discussed the importance of NOT making the General Power of Attorney "springing." The [July 2, 2015](#) installment discussed revoking prior Powers of Attorney. The [July 9, 2015](#) installment discussed Do Not Resuscitate orders. The [July 16, 2015](#) installment discussed the Right of Disposition designation. The [July 23, 2015](#) installment discussed the Will (or Last Will and Testament.)

The [July 31, 2015](#) installment discussed beneficiary designations on life insurance policies, IRAs, annuities, etc. The [August 6, 2015](#) installment discussed whether to pre-plan a funeral. The [August 14, 2015](#) installment discussed choosing a final resting place. The [August 27, 2015](#) installment discussed pre-planning a funeral ceremony. The [September 3, 2015](#) installment discussed when and how to pay for the pre-planned funeral. The [September 10, 2015](#) installment discussed medical insurance choices. The [September 17, 2015](#) installment discussed long term care insurance. The [September 24, 2015](#) installment discussed obtaining the services of an elder law attorney. The [October 1, 2015](#) installment introduced the topic of guardianship. The [October 8, 2015](#) installment discussed the guardianship application. The [October 22, 2015](#) installment discussed the family conflicts that can arise during a guardianship proceeding. The [November 13, 2015](#) installment discussed the determination that someone is legally incompetent as part of the guardianship proceedings. The [November 19, 2015](#) installment discussed the concept of Less Restrictive Alternatives in guardianship proceedings. The [December 4, 2015](#) installment discussed choosing the best guardian. The [December 11, 2015](#) installment discussed the difficulties that might arise for a family member acting as guardian. The [December 18, 2015](#) installment discussed the difficulties that a family might face if a professional guardian is appointed for a loved one. The [January 15, 2016](#) installment discussed the termination of a guardianship. The [January 22, 2016](#) installment discussed alternatives to guardianship proceedings. Today's installment will discuss the need to revisit the spouse's Advance Directives and other planning issues.

Someone who has a disease that causes dementia often is married. The dementia of the one spouse might leave the other spouse without someone to make decisions in an emergency or in the event of his or her own cognitive decline.

Most married couples, if they have prepared Powers of Attorney, have named each other the Agents in those Power of Attorney documents. The spouse that now suffers from dementia is no longer the appropriate person to have as the Agent for the "well spouse." That "well spouse" should have new Power of Attorney documents prepared, if possible.

The "well spouse" may have successor Agents named in his or her Power of

Attorney. If so, that makes new Powers of Attorney less urgent but no less important. If something were to happen to the "well spouse" that made it necessary for an Agent to start making decisions, there could be a delay in accepting the successor Agent while awaiting confirmation (from a doctor, perhaps) that the primary Agent (the spouse with dementia) cannot act as Agent. That delay can't be good for the second spouse. So, when someone suffers from dementia, the spouse of that someone should redo his or her Powers of Attorney and name someone other than the "ill spouse" as Agent and the successor Agents. With the new Powers of Attorney, the spouse who does not have dementia should also prepare a HIPAA release and a living will (if wanted.)

If the "well spouse" has new Advance Directives set up, he or she should also at least consider the other preparations that have been discussed in this series:

- Long Term Care plan,
- Do Not Resuscitate Order (if appropriate,)
- Right of Disposition designation (naming who is in charge of funeral implementation),
- Last Will and Testament,
- Updating beneficiary and "transfer on death" designations on assets and financial accounts,
- Pre-planning a funeral and final resting place,
- Medical Insurance,
- Consider Long Term Care insurance,
- Designate someone whom the "well spouse" would prefer to be guardian, if one should be necessary (sometimes included in a General Power of Attorney document,) and
- Talk with an Elder Law Attorney about what planning for the future.

These new Advance Directives and other preparations aren't necessary the next day after learning that one's spouse has dementia, but the sooner the better. Certainly, a month should be long enough to have the new Advance Directives prepared.

(Ed. Note: This is the end, for now, of the series on Legal Issues when someone has Dementia.)

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

01-28-2016 Helping #Students with #SpecialNeeds envision themselves at work <http://ow.ly/Xs3rm>

01-27-2016 #FamilyCaregiver services through #NationalFamilyCaregiverSupportProgram and #AdministrationForCommunityLiving <http://ow.ly/Xs24b>

01-26-2016 Considering whether to buy a hybrid form of #LongTermCareInsurance <http://ow.ly/XrWRs>

01-25-2016 Avoid hiring a #BurnedOut #Caregiver <http://ow.ly/Xc9hJ>

01-24-2016 More suggestions on protecting against #SeniorFraud <http://ow.ly/XcdDL>

01-23-2016 Don't fall for #IRS #Scam <http://ow.ly/XcbP9>

01-22-2016 #Legal Issues when someone has #Dementia – Alternatives to #Guardianship <http://wp.me/p47F09-eX>

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

2-9-2016 Jim Koewler will discuss Ethical Issues in Case Management and Discharge Planning at St. Vincent Hospital in Cleveland, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

3-24-2016 Jim Koewler will discuss Ethical Issues in Case Management and Discharge Planning at ManorCare in Mayfield Heights, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

3-30-2016 Jim Koewler will discuss Ethical Issues in Case Management and Discharge Planning at Medina General Medical Center in Medina, Ohio. Continuing education credit is available for Certified Case Managers, social workers, counselors, and nurses.

4-14-2016 Jim Koewler will serve as Master of Ceremonies for the Senior Citizen Prom sponsored by the Soprema Wadsworth Senior Center at the high school in Wadsworth, Ohio.

10-6-2016 Jim Koewler will discuss Veterans Benefits that Help with Long Term Care at Fairview Hospital in Cleveland, Ohio. Continuing education credit is available for social workers, counselors, and nurses and will be available for Certified Case Managers.

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)
- Ethical Issues in Case Management and Discharge Planning (Continuing Education credit and Ethics credit available for social workers, counselors, nurses, and Certified Case Managers)
- Preventing Senior Fraud (Continuing Education credit available for social workers, counselors, and nurses)
- 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 that Help with 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 Final Arrangements (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)
- Health Insurance for Families: The Affordable Care Act ("ObamaCare,") Medicaid, and Medicare
- Myths about Long Term Care Costs
- How to help your Parents Manage their Affairs
- Legal Lessons for Life

Upcoming meetings

02-02-2016 Aging Services Network East, Euclid Hospital's Waltz Auditorium, Euclid, Ohio, 8:30 a.m.

02-02-2016 Montrose SeniorCare Networking Group, Panera Montrose, Bath, Ohio 8:30 a.m.

02-02-2016 Stow ElderCare Networking Group, Corner Cup Coffee House, Stow, Ohio, 8:30 a.m.

02-03-2016 Stark Senior Services Network, Myers Lake Ballroom, Canton, Ohio, 9:00 a.m.

02-03-2016 Richfield Chamber of Commerce luncheon, Days Inn and Suites, Richfield, Ohio, 11:45 a.m.

02-03-2016 Medina County Senior Services Network's Client Services Committee, Sully's, Medina, Ohio, 3:00 p.m.

02-10-2016 Medina County Senior Services Network, Medina County Board of Developmental Disabilities, Medina, Ohio, 8:00 a.m.

02-11-2016 Lorain County Senior Services Network, Independence Village, Avon Lake, Ohio, 8:30 a.m.

02-11-2016 Summit Senior Sales, Administrators and Marketers Association, D'Agnes's Trattoria & Cafe, Akron, Ohio, 4:30 p.m.

02-12-2016 Eldercare Professionals of Ohio, Southwest General Hospital, Cleveland, Ohio, 9:00 a.m.

02-15-2016 Medina County Senior Services Network's Education Committee, Yours Truly, Medina, Ohio, 11:30 a.m.

02-16-2016 UH Bedford Medical Center Senior Network, Grande Village Retirement Community, Twinsburg, Ohio, 8:30 a.m.

02-17-2016 Professional Association Specializing in Seniors ("PASS"), Maplevue Country Villa, Chardon, Ohio, 8:30 a.m.

02-23-2016 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

02-23-2016 Professional Networking Group, Elmcroft Assisted Living, Sagamore Hills, Ohio, 9:00 a.m.

02-23-2016 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

02-25-2016 Parma Hospital Senior Resource Network, 8:30 a.m.

02-25-2016 Portage Senior Services Network, Family and Community Services Building, Ravenna, Ohio, 8:30 a.m.

02-25-2016 The Association of Specialists in Aging, Mentor Senior Center, Mentor, Ohio, 8:30 a.m.

02-26-2016 Eldercare Professionals of Ohio, Heartland of Twinsburg, Twinsburg, Ohio, 9:00 a.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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