



Jim Koewler <jameskoewler@gmail.com>

Seniors and Special Needs News - March 3, 2016

1 message

The Koewler Law Firm <Newsletter@protectingseniorsnews.com>
 Reply-To: The Koewler Law Firm <Newsletter@protectingseniorsnews.com>
 To: protectingseniorsnewsarchive@gmail.com

Fri, Mar 4, 2016 at 9:02 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.

Email not displaying correctly?
[View it in your browser.](#)



The Koewler Law Firm
 JAMES L. KOEWLER, JR.



Seniors and Special Needs News

I want to Stay in my Home insert new subheadline

This week's newsletter continues the discussion of an aging adult who wants to stay in his or her home. The introductory installment (on [February 11, 2016](#)) discussed the emotional turmoil that can face the adult children in deciding whether to accede to the aging parent's wishes to stay home. The [February 18, 2016](#) installment discussed home modifications that may make it easier for an aging adult to stay home. The [February 25, 2016](#) installment discussed medication management. Today's installment will discuss hiring someone to help with activities of daily living.

When an older adult is no longer able to perform the routine daily tasks that he or she could easily perform when younger, it is time to consider how to help the older adult. The routine daily tasks that people who work with seniors usually considers are:

- bathing,
- grooming,
- toileting (including bladder and bowel control and cleaning up afterward,)
- moving around (often broken down into “transferring,” meaning the ability to get into and out of bed or a chair, and “ambulating,” meaning the ability to walk around,)
- eating (not cooking, but the actual ability to put food into one’s mouth,)

and

- dressing.

These “activities of daily living” or ADLs are crucial in allowing someone to maintain health and hygiene. When someone has trouble carrying out one or more of these activities, it is time to figure out how the family can make sure that the senior gets help performing them.

Someone who is trying to stay in his or her home but is having difficulties with one or more activities of daily living can hire help. Professional caregivers are available who will help someone with these activities. Such caregivers can be found through a commercial home care agency, and there are many such agencies. Such caregivers can also be hired directly by the aging senior or by his or her family.

Commercial home care companies can be expected to provide oversight of the caregivers as well as to manage the business relationship with the caregiver. The caregiver should be an employee of the company, so the company handles insurance, bonding, payroll, taxes, and accident liability.

The actual person who acts as caregiver may change from time to time.

Commercial home care companies are currently watching a Department of Labor proposal that would force higher pay for the caregivers because of the application of rules on length of the work day and overtime pay.

When the older adult or family hires the caregiver directly, the adult or family must manage payroll and taxes. The adult and family takes the risk that the caregiver is not up to the task of providing care or is not trustworthy.

Admittedly, many (maybe even most) directly hired caregivers are friends (especially church friends) willing to help out. In addition, much of the pay for directly hired caregivers is done “under the table,” without proper tax and payroll compliance. (I cannot recommend such an evasion of tax and labor laws.)

For some older adults, the Medicaid program and/or the Veterans Administration’s Pension (more commonly called Aid and Attendance) program can help pay for such home care services.

Please note, despite what TV shows and literature, these home caregivers are rarely nurses. They may be most often called home health aides. Nurses provide medical care (in the way that “medical” is used by hospitals, doctors, and health insurance companies.) Home health aides provide more personal care or “custodial” care. Nurses in the home are more highly paid priced than aides, but their costs are usually covered by Medicare and health insurance. Home health aides are paid less than nurses and are rarely covered by insurance (other than long term care insurance.)

(As an aside, I try to call nursing services “skilled care” and call home health

aides “non-skilled care.” I do not want to imply that home health aides are not skilled. They are great! Often, people who work with seniors call them “medical home care” and “non-medical home care.” I try to avoid the “non-medical” label because of the rules for VA Pension.

The VA Pension program covers “medical” costs for certain veterans and surviving spouses of certain veterans. The rules for VA Pension defines “medical” costs in a way that includes the services of home health aides.

Some of my friends who help with VA Pension applications have encountered difficulties with the review of applications if the home care provider describes itself as a “non-medical” provider. (This description has most often been in the letterhead of the care provider. The VA sees the letterhead because the paid care provider must provide a letter explaining the services that it provides or the Pension applicant.) A reference to “non-skilled” care does not seem to trigger the same difficulties in the application process.)

If the older adult has funds available to pay for home care services and is willing to accept a “stranger” coming to the house, home care support can allow the older adult to stay in his or her home.

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

03-03-2016 #Ambulance service might want to plan ahead for people with #SpecialNeeds <http://ow.ly/Z04Wn>

03-02-2016 #AdultChildren who share #FamilyCaregiver duties for an #AgingParent, must balance duties and feelings <http://ow.ly/YXweQ>

03-01-2016 Perhaps, the #LongTermCareInsurance industry should look at #Women differently <http://ow.ly/YUJyR>

02-29-2016 An opinion on what #America needs to do about #LongTermCare <http://ow.ly/YjE8A>

02-28-2016 Watch #AgingParents for #Depression <http://ow.ly/YPzUb>

02-27-2016 Watch #OlderAdults for signs #DrugAbuse, especially with #Prescriptions <http://ow.ly/YOElc>

02-26-2016 When an #AgingParent wants to stay #Home, #Medication management can make a big difference <http://wp.me/p47F09-hU>

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

3-4-2016 Jim Koewler will serve on the Curriculum Advisory Board for Miami Jacobs Career College.

3-10-2016 The Koewler Law Firm will sponsor the Social Worker Luncheon organized by the Summit County Senior Sales, Administration, and Marketing Association at the offices of Alpha Phi Alpha Homes in Akron, Ohio.

3-16-2016 Jim Koewler will speak about elder law to the Medina County Senior Services Network at Willowood Care Center in Brunswick, Ohio.

3-17-2016 The Koewler Law Firm will have a table display at the "Mini" Resource Fair at the University Hospitals Bedford Medical Center in Bedford, Ohio.

3-22-2016 Jim Koewler will discuss Ethical Issues in Case Management and Discharge Planning at Hillcrest Hospital in Mayfield Heights, Ohio. Continuing education credit is available for Certified Case Managers, 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.

3-26-2016 The Koewler Law Firm will have a table display at the Cuyahoga Falls Chamber of Commerce Community Expo at the Natatorium and Fitness Center in Cuyahoga Falls, Ohio.

3-30-2016 Jim Koewler will discuss ABLE Accounts for people with special needs at a meeting of the Special Needs Network at the Cuyahoga County Library branch in Brecksville, Ohio.

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.

4-27-2016 The Koewler Law Firm will have a table display at the Spring Fling organized by the University Hospitals Bedford Medical Center's Senior Net at the Hilton Garden Inn in Twinsburg, Ohio.

4-28-2016 Jim Koewler will discuss Overcoming Seniors' Resistance to Long Term Care at The Merriman in Akron, Ohio. Continuing education credit is available for social workers, counselors, and nurses.

5-10-2016 The Koewler Law Firm will have a table display at the Senior Celebration organized by the Portage County Senior Services Network at the Northeast Ohio Medical University in Rootstown, Ohio.

5-10-2016 The Koewler Law Firm will have a table display at Senior Day organized by the Stark County Senior Services Network in Canton, Ohio.

06-06-2016 The Koewler Law Firm will provide snacks for Senior Movie Day Out for Soprema Senior Center 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

- Ethical Issues in Case Management and Discharge Planning (Continuing Education credit and Ethics credit available for social workers, counselors, nurses, and Certified Case Managers)
- Overcoming Seniors' Resistance to Long Term Care (Continuing Education credit available for social workers, counselors, and nurses)
- 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

03-04-2016 First Friday Networking on the Go (multi-chamber event,) Great

Lakes Hoday, Cuyahoga Falls, Ohio, 8:00 a.m.

03-08-2016 Cuyahoga Falls Chamber of Commerce, "Cash Mob & Connections," Urban Lace, Cuyahoga Falls, Ohio, 11:00 a.m., and Old Carolina Barbecue, Cuyahoga Falls, Ohio, 11:30 a.m.

03-09-2016 Medina County Senior Services Network, Willowood Care Center, Brunswick, Ohio, 8:00 a.m.

03-10-2016 Lorain County Senior Services Network, Mercy Hospital, Lorain, Ohio, 8:30 a.m.

03-10-2016 Summit Senior Sales, Administration and Marketing Association Social Worker Luncheon, Alpha Phi Alpha Homes headquarters, Akron, Ohio, 11:30 a.m.

03-11-2016 Eldercare Professionals of Ohio, Pearl Crossing, Strongsville, Ohio, 9:00 a.m.

03-15-2016 UH Bedford Medical Center Senior Network, Vista Springs, Macedonio, Ohio, 8:30 a.m.

03-16-2016 Professional Association Specializing in Seniors ("PASS"), Punderson State Park, Manor House, Newbury, Ohio, 8:30 a.m.

03-17-2016 Cuyahoga Falls Chamber of Commerce, "Falls After Five," Western Reserve Hospital, Cuyahoga Falls, Ohio, 5:00 p.m.

03-21-2016 Medina County Senior Services Network's Education Committee, Yours Truly, Medina, Ohio, 11:30 a.m.

03-22-2016 Summit County Senior Services Network, Anthony Kucko Kertesz Funeral Home, Akron, Ohio, 8:00 a.m.

03-22-2016 Professional Networking Group, Manor Care, Twinsburg, Ohio, 9:00 a.m.

03-22-2016 Wayne Holmes Senior Service Coalition, Wayne County Care Center, Wooster, Ohio, 8:30 a.m.

03-23-2016 Cuyahoga Falls Chamber of Commerce Luncheon, Sheraton Suites, Cuyahoga Falls, Ohio, 11:30 a.m.

03-24-2016 Portage Senior Services Network, The Atrium at Anna Maria, Aurora, Ohio, 8:30 a.m.

03-25-2016 Eldercare Professionals of Ohio, Hamlet Village, Chagrin Falls, Ohio, 9:00 a.m.

03-26-2016 Cuyahoga Falls Chamber of Commerce, Community Expo,
Natatorium, Cuyahoga Falls, Ohio, 9:00 a.m.

03-30-2016 Special Needs Net, Public Library, Brecksville, Ohio, 9:00 a.m.

03-31-2016 The Association of Specialists in Aging, Mentor Senior Center,
Mentor, Ohio 8:30 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.

© 2016 The Koewler Law Firm. All rights reserved.

[follow on Twitter](#) | [friend on Facebook](#) | [forward to a friend](#)

Copyright © 2016 The Koewler Law Firm, All rights reserved.
You are receiving this email because you subscribed through our website or asked to be on our mailing list.
Our mailing address is:
The Koewler Law Firm
P.O. Box 443
Richfield, OH 44286

[Add us to your address book](#)



[unsubscribe from this list](#) | [update subscription preferences](#)