



For the Lifespan: The Caregiver Guide

Module 12

Legal and Financial Matters: What You Need to Know

Leader Guide

Module 12

Legal and Financial Matters:

What You Need to Know

PURPOSE

Module 12 will provide you with information about legal and financial issues relevant to your role as a caregiver.

OBJECTIVES

After completing this module, participants will be able to:

- Understand more about estate planning.
- Identify how advance directives can help.
- Learn more about different funding options.
- Understand more about funerals.
- Learn more about Veteran Benefits.

The information in the Participant Guide includes:

- Local community resources
- State resources
- Websites and national resources

SLIDE 1

UCare

For the Lifespan: The Caregiver Guide

Module 12

Legal and Financial Matters: What You Need to Know

INTRODUCE

Introduce yourself and ask everyone present to introduce themselves and explain their caregiving role.

NOTE

This is an excellent time to set the tone of the training. Be friendly, relaxed, and focused. Remember names or use name tags.

ASK

What would you like to get out of the training today?

NOTE

Put responses on a white board or flip chart and refer back to them during the training. Put a check by topics discussed.

TELL

The Participant Guide is yours to take home.

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Objectives

After completing this module, participants will be able to:

- Understand more about estate planning.
- Identify how advance directives can help.
- Learn more about different funding options.
- Understand more about funerals.
- Learn more about Veteran Benefits.

TELL

In this workshop we will be giving examples of our experiences that may be difficult for some. Remember to respect the

confidentiality of the group members. What is shared among the group does not leave the room.

Addressing legal and financial matters are challenging. There are many challenges that you face, and information and guidance from knowledgeable qualified professionals is important.

This workshop will provide useful information, but you should seek professional advice as part of this process.

TELL

We will be discussing a number of important issues today. Some of you may have already addressed several of these issues, but you may still be considering what to do in other areas. We encourage you to share your experiences with the group to help all of us.

ASK

Are there other legal or financial matters you would like to talk about today?

NOTE

Put responses on a white board or large sheet of paper on a stand or taped to the wall.

ASK

What strategies have you used yourself as you have moved through these steps?

NOTE

Put responses on a white board or paper.

TELL

Before we get into depth on some of these issues, let's discuss two terms that you will (or already have heard) a lot.

SLIDE 3

Estate Planning

Estate planning is the process of anticipating and arranging for what should be done with an estate after someone dies. Planning ahead can help eliminate uncertainties and maximize the value of the estate by reducing taxes and other expenses.

ASK

Why is it difficult to discuss estate planning?

SLIDE 4

Legal Planning

Speaking with an Attorney

- As a caregiver, it is prudent to engage an attorney in legal planning. An attorney can help you with legal documents important for outlining future health care preferences, as well as give you advice on Medicare, Medicaid, insurance, Social Security, and general financial matters.
- If you are not familiar with attorneys in your area, contact the state Bar Association and request a referral, visit <http://www.utahbar.org>.

ASK

Could someone share with us what “Advance Directives” mean? Why is Advance Directives one of the most important documents to consider?

SLIDE 5

Advance Directives

Advance directives are legal documents that outline a person's decisions about healthcare preferences ahead of time, when they are still able to speak and think on their own behalf.

ASK

There are a number of different types of advance directive documents. What types of advanced directives are you familiar with?

SLIDE 6

Types of Advance Directives

- Living Will - A person makes known his or her wishes regarding life prolonging medical treatments. May also be known as an advance directive, health care directive, or a physician's directive.

ASK

Why is a living will important?

NOTE

It is important to have a living will because it informs your family and health care providers about your desires for medical treatment in the event you are no longer able to speak on your own behalf. The requirements for living wills vary by state so it can be helpful to work with an attorney to create one.

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A Living Will Describes Life Prolonging Treatments

- Indicates which treatments the care recipient does or does not want applied in the event the care recipient either has a terminal illness or is in a permanent vegetative state.
- A living will does not become effective unless the care recipient is incapacitated; until then, they will be able to say which treatments they do or don't want.

TELL

Living wills usually require certification by your doctor and another doctor that the care recipient is either suffering from a terminal illness or permanently unconscious before it becomes effective. This means that if they suffer a heart attack, for example, but otherwise do not have any terminal illness and are not permanently unconscious, a living will does not have any effect. They would still be resuscitated, even if there was a living will indicating that they don't want life prolonging procedures. A living will is only used when their ultimate recovery is hopeless.

SLIDE 8

Do Not Resuscitate Order (DNR)

- An instruction to emergency responders not to use CPR if breathing or the heartbeat stops. A DNR usually requires written orders from a physician and can be revoked at any time. Regulations around DNR orders vary by state, so it can be prudent to discuss this with an attorney.

ASK

What is a Health Care Power of Attorney (or Health Care Proxy)?

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Health Care Power of Attorney (or Health Care Proxy)

- For situations where the care recipient is incapacitated and not able to speak for themselves – but their health is not so dire that their living will becomes effective – they should have a health care power of attorney or health care proxy.

SLIDE 10

Health Care Power of Attorney

- A health care power of attorney is a legal document that gives someone else the authority to make health care decisions for the care recipient in the event that the care recipient is incapacitated.
- The person designated to make health care decisions on the care recipient's behalf is supposed to consider what they would want, so be sure to talk with them about it.

TELL

Another document is a Power of Attorney, which is a written document in which one person (the principal) appoints another person to act as an agent on his or her behalf by conferring authority to the agent to perform certain acts or functions. Powers of attorney can be written to be either general or limited to special circumstances. While a power of attorney is generally terminated when the principal dies or becomes incompetent, the principal can revoke the power of attorney at any time.

Durable Power of Attorney

- A durable power of attorney is a special type of power of attorney that differs by continuing the agency relationship beyond the incapacity of the principal. Durable powers of attorney are popular because they allow a person to have her or his affairs handled easily and inexpensively even after she or he has become incapacitated. No judicial proceedings are necessary which means the incapacitated person saves time and money and avoids the stigma of being declared incompetent.

TELL

None of these documents will do the care recipient any good, however, if no one knows about them. You have to speak with their doctor and the person designated as their health care proxy. Discuss with their doctor what kinds of end of life medical treatments your care recipient wants. The doctor can help by answering any questions about certain treatments or other issues. Once you've decided what it is you and/or your care recipient do or don't want, make their wishes known to their doctor and family. You can refer to the following website: <http://aging.utah.edu/programs/utah-coa/directives/>

Here you will find a toolkit to complete these forms. It is also advisable to consult with an attorney.

SLIDE 12

Other Important Documents

- *Will:* A will is a legal document explaining a person's wishes for disposition of property and assets, funeral plans, care of children or pets, and anything else he/she wants communicated following their passing.
- *Trust:* A trust is a legal instrument that places specific items (homes, mineral rights, etc.) into trust where it's specified who has a right to it. It's more difficult to challenge than a will and is recorded at the local courthouse.

TELL

Another important area to consider is the use of hospice care.

ASK

Has anyone had experiences with hospice care?

SLIDE 13

Hospice Care

- Hospice care is a team-oriented approach of expert medical care, pain management, and emotional and spiritual support expressly tailored to each individual patient. Hospice care is humane and compassionate care for people in the final phases of incurable disease so that they may live as fully and comfortably with as much quality of life as possible.

TELL

Hospice is not necessarily just a "place" to be or a "type" of service, but rather a philosophy of care. From the hospice

perspective, death is seen as the final stage of life. The goal of hospice, therefore, is to help a person spend his or her final days as alert and pain-free with as much dignity and quality of life as possible.

DISCUSS

Hospice does not attempt to hasten death, neither does it attempt to postpone it. Hospice focuses on quality, not quantity of remaining life, with an emphasis on a person being surrounded by loved ones to the degree this is possible. Hospice can take place at home or outside of the home and involves support 24 hours a day, 7 days a week. To qualify, the person must have a life expectancy of six months or less to live.

ASK

Who pays for hospice care?

SLIDE 14

Health Care Insurance Providers and/or Medicare Pay for Hospice

- Call 1-800-MEDICARE or visit www.medicare.gov.
- Contact the National Hospice and Palliative Care Organization at 1-800-658-8898 or visit www.nhpco.org.
- For Utah specific information, please visit <http://www.utahhospice.org/contact>.

TELL

If you are employed and also providing care for a family member, the Family and Medical Leave Act of 1993 may be helpful. It provides 12 weeks of protected job leave for qualified employees who need to care for a family member or themselves.

Regulations, requirements, and eligibility vary from case to case, so specific details should be discussed with the human resources department at your place of employment.

SLIDE 15

Employees Who May Qualify for the Family Leave Act

- Care for a child after their birth, adoption, or placement in foster care.
- Care for a spouse, child, or parent who has a serious medical condition.
- Care for self while in recovery from a serious health condition which makes it impossible to perform regular job duties.

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The Family Leave Act

- 30 days advanced notice of employee's absence when the absence is foreseeable.
- Medical certification to support leave.
- Additional opinions about health condition.
- Reports indicating an employee's ability to return to typical job duties.
- Health benefits must be maintained for the duration of the leave. The employee must be reinstated to the same position they had prior to the leave or a comparable level position.

DISCUSS

Financing healthcare is complicated, but fortunately there are several types of federal funds that can help provide for medical

and health needs. Medicare is the biggest one and we will go through the four parts that are applicable.

SLIDE 17

Medicare Part A

- Health insurance offered by the federal government to individuals over age 65 and those under age 65 who have qualifying disabilities.
- Provides assistance in covering costs for:
 - Inpatient care in hospitals
 - Inpatient care in skilled nursing facilities (not long-term care or custodial care)
 - Hospice care
 - Home health care services

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Medicare Part B

- Covers medically necessary services such as:
 - Doctors services
 - Outpatient care
 - Home health services
 - Some preventative services
 - Medically necessary supplies
 - Ambulance services

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Medicare Part C

- Medicare Advantage Plans
 - These are private Medicare-approved health plans for individuals eligible for Medicare

- Generally have lower out-of-pocket costs than Medicare plans alone
- Plan options can include:
 - Medical Savings Account
 - Special Needs Plans
 - Private Fee-For-Service
 - Health Maintenance Organization
 - Preferred Provider Organization

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Medicare Part D

- Prescription drug coverage for individuals enrolled in Medicare
- Usually includes a monthly premium for coverage
- Private companies provide the coverage
- Offers a choice of drug plans to enroll in

DISCUSS

Medicare Part D provides prescription drug coverage through different plans with a monthly premium.

Medicaid is the health insurance program provided by the United States to provide health care coverage for low-income individuals of all ages. The program will also cover nursing home care for eligible individuals. Information about eligibility can be obtained from your local Department of Workforce Services office. Their website is:

<http://health.utah.gov/medicaid>.

SLIDE 21

Medicaid

- Medicaid is the health insurance program provided by the United States to provide health care coverage for low-income individuals of all ages.
- The program will cover nursing home care for eligible individuals. Information about eligibility can be obtained from your local Department of Workforce Services office. Their website is: <http://health.utah.gov/medicaid>.

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Medigap

- Medigap is a supplemental insurance program designed to cover the gap in service coverage for individuals who have Medicare. Eligibility requirements including the following must be met to qualify for Medigap services.
- Enrollment in Parts A and B of Medicare.
- Age 65 or older.

DISCUSS

Medigap is a supplemental insurance program designed to cover the gap in service coverage for individuals who have Medicare. Eligibility requirements include enrollment in Parts A and B of Medicare, and age 65 or older.

DISCUSS

Social Security is another financial resource funded by the federal government. Individuals who are employed contribute a portion of their earnings. There are several types of Social

Security benefits. As with the other types of Social Security benefits, the amount received depends upon the amount earned.

SLIDE 23

Social Security Old-Age

Eligibility requirements include:

- Age 62 or older.
- File application for old age benefits.
- Benefits are determined by work history and are designed to replace lost earnings.
- The amount of benefits will be adjusted if income levels exceed an exempt amount.

SLIDE 24

Survivors

- Survivors benefits are benefits paid out to a surviving spouse or dependent child in the event of the death of an individual who had been working and paying into Social Security prior to their death.

SLIDE 25

Disability Insurance

- Social Security Disability Insurance (SSDI) is an insurance program designed to protect workers who cannot work for a year or more after becoming totally disabled.
- Benefits are paid to workers who have worked recently and for a long enough duration. SSDI benefits can also be paid to eligible family members.

- Details and a benefits application are available at the following web address:
<http://www.socialsecurity.gov/applyfordisability>.

DISCUSS

SSDI is for workers who acquire a disability and can't work for a year or more. Benefits can also be paid to family members. The Social Security website has more information.

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Long-Term Care Insurance Advantages

- It may decrease the dependency a parent has on his or her children to cover out-of-pocket expenses.
- Premiums may be eligible for an income tax deduction.
- A decrease in anxiety about how to manage in the future as one becomes increasingly incapacitated.
- Visit AARP's website at www.aarp.org and the American Health Care Association at www.ahca.org for information and tips about long-term care insurance.

DISCUSS

Long-Term Care Insurance (LTCI) is an insurance product sold in the United States which helps provide for the cost of long-term care beyond a pre-determined period.

About 60% of individuals over the age of 65 will require at least partial long-term care services during their lifetime to assist with activities of daily living. Traditionally, LTCI covers services such as in-home care, assisted living, adult daycare, respite care, hospice care, nursing home and specialized facilities for Alzheimer's, and those services not covered by health insurance,

Medicare, or Medicaid (although Medicaid does provide some “medically necessary” services).

In some instances tax credits are available for those who pay an outside party to help care for their loved one. For additional information about this potential tax credit, contact the Internal Revenue Service at www.irs.gov.

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Veteran Benefits

- Compensation and pension, education, home loans, vocational rehabilitation, life insurance, survivor benefits, burial benefits, fiduciary services, Advance Directives, Hospice Care, VA Contract Adult Day Care, VA Contract Nursing Homes, Respite Care, Skilled Home Health, and Homemaker/Home Health Aide.
- Enrolled veterans or caregivers should contact the veteran’s social worker. Veterans not enrolled can contact the VA Caregiver Support Program toll free 1-855-260-3274 or <http://www.caregiver.va.gov>.

DISCUSS

The U.S. Department of Veterans Affairs offers a wide range of benefits and services, shown on this slide. Benefits and services veterans may be eligible for include compensation and pension, education, home loans, vocational rehabilitation, life insurance, survivor and burial benefits, fiduciary services, Advance Directives, Palliative and Hospice Care, Adult Day Care, Nursing Homes, Respite Care, Skilled Home Health and Home Health Aide. Enrolled veterans, or caregivers of enrolled veterans, should contact the veteran’s primary care social worker who can

assist with available benefits and services. Veterans who are not enrolled can contact the VA Caregiver Support Program by calling toll free 1-855-260-3274 or visiting <http://www.caregiver.va.gov>.

ASK

If you have ever experienced planning a funeral, you are aware of how complicated and emotionally exhausting it can be. Any ideas or tips on useful strategies for planning funerals?

DISCUSS

Funerals are a way for family and friends to come together to honor and celebrate the life of a loved one who has died. Funeral preparations may fall on family members when a loved one passes on if pre-planning has not occurred. To prevent these preparations from becoming too costly, a balance is often sought by caregivers to provide a funeral that will not place families into financial hardship.

To make this a little bit easier, there is a federal law which requires funeral providers to provide you with pricing lists when asked. The total price of the funeral can include several different individual services or you may choose a prepackaged funeral program offered by the funeral provider. Regardless of the individual choices made in a funeral, three basic categories of prices have been outlined by the Federal Trade Commission's booklet: "Funerals: A Consumer Guide," shown in the next slide.

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Basic Categories of Services

- Basic service fee(s) for the funeral director and staff

- Charges for merchandise and services
- Fees for items purchased on your behalf by the funeral providers (flowers, obituary notices, music, etc.)

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Services/Products

- Embalming is not required. The funeral provider must inform you of the requirements/necessary services.
- Cremation is one option that can potentially reduce the cost of a funeral.
- Caskets come in several different styles and colors.
- Do your research and figure out which funeral options will best fit the needs, wants, and available finances of you and your family.
- <http://publications.usa.gov>: Federal Trade Commission Publication called, “Funerals: A Consumer’s Guide”.

SLIDE 30

Summary

- Caregiving is a complicated process.
- You can lessen some of the stress if you and the care recipient address both legal and financial issues.
- These may be difficult conversations and decisions, but by actively taking steps to get the necessary legal documents and funding options in place, you can more fully focus on your caregiving responsibilities.
- Good advance planning also takes undue stress from the care recipient.

TELL

Caregiving is a complicated process. You can lessen some of the stress if you can engage with the care recipient in addressing both legal and financial issues. These may be difficult conversations and decisions, but by actively taking steps to get the necessary legal documents and funding options in place, it can allow you to more fully focus on your caregiving responsibilities. Good advance planning also takes undue stress from the care recipient.

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Community Resources

- Benefits Outreach Program: potential benefits that can be applied for. www.benefitscheckup.org.
- Centers for Medicare and Medicaid Services: Medicare and Medicaid services. www.cms.hhs.gov.
- Lawyer Referral Service Utah State Bar www.utahbar.org.
- Leaving Well: planning for end of life care and concerns with your loved one. www.leaving-well.org.
- Nursing Home and Home Health Care Quality Initiative: performance reviews for Medicare and Medicaid nursing homes and home health agencies. www.medicare.gov/NHCompare/home.asp.

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Community Resources (cont.)

- Social Security: handles applications for social security benefits. www.socialsecurity.gov.
- Social Security Disability Benefits: website which provides a link to apply for SSDI benefits.

<http://www.socialsecuritydisabilityform.us/SSD-Form/Default.aspx?p=Utah>.

- Utah Legal Services: resource to locate free or reduced price legal services for low-income persons and those age 60 or older. www.uls.state.ut.us.

SLIDE 33

Take a Break

SLIDE 34

Take a Break – Celebrate Who You Are!!!

- You have fought battles that have been won because of your efforts!
- Your caregiving makes a difference, and improves the quality of life for your care recipient!
- You have the gifts of courage and compassion.
- Give yourself a break and enjoy the moment!
- You are your own person.
- Enjoy and appreciate life!

SLIDE 35

Things to Remember

- Remember to take good care of yourself by staying positive, exercising regularly, getting enough rest, eating nutritiously, using good body mechanics, keeping a sense of humor, relaxing and doing some things you enjoy when you can.
- Always believe in yourself and your abilities.
- Remember that you have the strength, courage, compassion, and wisdom to succeed.
- Thanks for your participation.

TELL

Remember to always take care of yourself! Make sure you think positive, exercise, get enough sleep, eat the way you should, keep your sense of humor, and do the things you enjoy when you can. Believe in your abilities! You can do this! You have the strength, courage, compassion, and wisdom to succeed!

I hope this training has been helpful! Thanks for being a great audience!

UCARE MODULE TOPICS

1. Providing Personal Care
2. Dementia and Memory Loss
3. A) Caring for Older Adults with Chronic Health Issues
3. B) Caring for Children with Special Health Care Needs
4. The Accessible Home
5. Taking Care of the Caregiver
6. Caring for those with Depression, Anxiety, Stress, or Mental Health Issues
7. Community Supports for Remaining at Home
8. Working Effectively with In-Home Service Providers
9. Keeping Your Home and the Person You Care For Safe
10. Eating Healthy for Life
11. Assistive Devices: Tools to Help You
12. Legal and Financial Matters: What You Need to Know

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