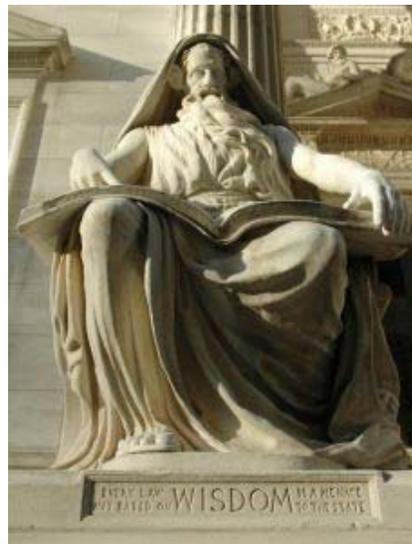




For the Lifespan: The Caregiver Guide

Module 12

Legal and Financial Matters: What You Need to Know





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.

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.



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>.

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.



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.





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.

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.



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.



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.





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.

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.



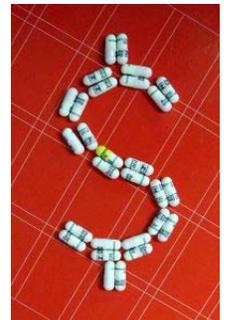


Hospice Care

- 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.

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>.



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.

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.

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



Medicare Part B

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



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



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



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>.



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.

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.



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.

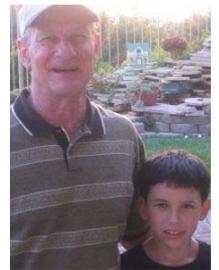


Disability Insurance

- 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>.

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.





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>.

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.)



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”.





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.

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.



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.

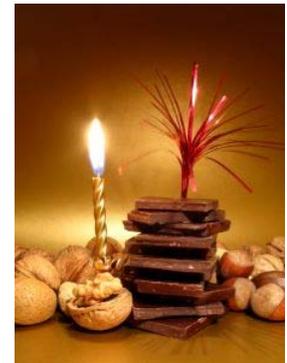


Take a Break



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!



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.

