Planning for the Future:
4 Things You Need to Know

Presented by:
Eric Ladley, Esquire
#1

What is the most important estate planning document you can have?

- Power of Attorney
  - A written legal document where one person (the Principal) authorizes another (the Agent) to act on his or her behalf
Types of POAs

• Financial Power of Attorney
  – Authorizes the Agent to make financial decisions
    • Open and close bank accounts
    • Sell real estate
    • Defend in litigation
    • Make gifts
    • Create a trust
  – Specific language needed
    • Unlimited gifting
    • Power to create irrevocable trusts
Types of POAs (cont’d)

• Financial Power of Attorney
  – Act 95 signed into law in July 2014
    • Parts became effective immediately
    • Remaining portions became effective January 1, 2015

– Driving forces behind the law change
  • Vine v. PSERB, 9 A.3d 1150 (Pa. 2010)
    • Third party was liable for relying upon facially valid POA
      (satisfied all the execution requirements, but the Principal
      lacked capacity when she signed it)

– Uniform Power of Attorney Act
Types of POAs (cont’d)

• Health Care POA
  – Authorizes the Agent to make medical decisions
    • Consent to surgery
    • Admit to or discharge from hospital or nursing home
    • Review medical records (HIPAA 1996)
Types of POAs (cont’d)

• Living Will also known as Health Care Directive
  – Expression of your wishes regarding your end of life decisions
  – Terminal condition and unable to give direction
  – Designate if you want artificial nutrition and hydration
Types of POAs (cont’d)

- Mental Health Power of Attorney
  - Authorizes the Agent to make mental health care decisions regarding services or procedures to maintain, diagnose, treat, or provide for mental health, including any medication program and therapeutic treatment
Why do I need a Power of Attorney?

• Most common misconception is that a spouse automatically has the authority to act on your behalf

• If something should happen that results in your inability to make decisions and you don’t have a POA, your family may have to obtain a guardianship

• On average it takes about 3 months to obtain a guardianship
  – On average it takes about 3 months to obtain a guardianship
  – Average cost of nursing home care is $9,198.61
  – $9,198.61 x 3 months = $27,595.83
The average cost of nursing home care in Pennsylvania is $9,198.61 per month (or $110,383.32 per year).
How do you pay for long-term care?

- Out of your own pocket
- Long-term care insurance and other private medical insurance
- Medicare
- Medicaid (primary source)
- Veterans benefits
Veterans Benefits

Veterans Pension

• Pensions are awarded for a non-service connected disability

• A Veteran or spouse cannot get compensation and a pension
## Official Dates for Periods of War

<table>
<thead>
<tr>
<th>War</th>
<th>Dates</th>
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<tbody>
<tr>
<td>Mexican Border:</td>
<td>May 9, 1916 to April 5, 1917</td>
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<tr>
<td>World War I:</td>
<td>April 6, 1917 to November 11, 1918</td>
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<tr>
<td></td>
<td>April 1, 1920 if served in Russia</td>
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<tr>
<td>World War II:</td>
<td>December 7, 1941 to December 31, 1946</td>
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<tr>
<td>Korean War:</td>
<td>June 27, 1950 to January 31, 1955</td>
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<tr>
<td>Persian Gulf War:</td>
<td>August 2, 1990 to [date not yet determined]</td>
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On January 23, 2015 the VA proposed sweeping changes to its regulations regarding net worth and asset transfers, including a 10 year penalty period, and a 3 year look-back.

- It is unknown if the VA will approve these changes

- This will be similar to the Medicaid look-back penalty, however, the penalty will be more severe.
What does Medicaid pay for?

YES
Nursing Home Care
Aging Waiver Program

NO
Personal Care Homes
Assisted Living Facilities
Most in-home care
What is the 5 Year Look-Back?

- Cumulative gifts over $500 in any month create a transfer penalty

- Ineligibility period of one month for every $9,198.68 transferred
Can’t I just add my children’s names to my assets in order to protect my assets?

Yes, BUT…
It still creates an ineligibility period and life happens…

• 4 D’s
  – Divorce
  – Debt
  – Disability
  – Death
So how can I protect my assets?

- Testamentary Trust
- Revocable Living Trust
- Irrevocable Protector Trust
- Special Needs Trust
# Retirement Planning

• Beneficiary Designations
  – It is essential to know who you have designated as your beneficiaries on your retirement plans.
  – You should review your designations on a regular basis.
  • Life happens: death, divorce, illness, or disability.
Beneficiary Designations

- Primary Beneficiary
- Contingent Beneficiary
- Tertiary Beneficiary
Layering Your Designations

Example (spouse is in a nursing home):

• Primary Beneficiary: Income Only Protector Trust
• Contingent Beneficiary: Spouse
• Tertiary Beneficiary: Children
• If the surviving spouse is in a nursing home, the Income Only Protector Trust will receive the proceeds from the retirement plan, and the trust principal is protected from his or her care costs.
#4 Special Needs Planning

What is Special Needs Planning?
• Legal planning for:
  • Minor child who has a special need
  • Adult under age 65 who has a special need
    • Present at birth
      or
    • Acquired through illness or injury
  • Adult children over 65 who cannot manage finances
Special Needs Planning

Special Needs Planning Trusts

• Third-party special needs trusts – Common Law
• First party trusts – (d)(4)(A)
• Pooled trusts – (d)(4)(C)

Consider establishing a Special Needs Trust if you want to name a person who has a disability as a beneficiary of an asset or your estate.
Thank you!

Steinbacher • Goodall • Yurchak
Your elder care and special needs law firm
Quality representation in litigation

413 Washington Blvd.
Williamsport, PA 17701
570-322-2077

328 South Atherton St.
State College, PA 16801
814-237-4100

www.paeldercounsel.com
“Habilitation Therapy”- A New Outlook on Living Well with Dementia

Candy Yingling, CTRS, Education and Outreach Coordinator – Alzheimer’s Association Greater Pennsylvania Chapter

Objectives

Â Define and apply Habilitation Therapy as it impacts those who are living with a dementia diagnosis
Â Learn the Five Domains of Habilitation
Â Understand the Stigma of Living with a diagnosis of a dementia condition
Â Define Quality of Life/Well-being in general
Â List Practical interventions to assist those Living with Dementia in "Living Life Well with a diagnosis."
Â Distinguish what promotes Living Well with a diagnosis of Alzheimer’s disease or another related dementia, and What provides persons with a sense of Usefulness, Pleasure, and Success and how that impacts quality of life
The Alzheimer

OUR VISION:
A world without Alzheimer's.

OUR MISSION: To eliminate Alzheimer's disease through the advancement of research, to provide and enhance care and support for all affected, and to reduce the risk of dementia through the promotion of brain health.

What is Habilitation Therapy?
Rehabilitation Therapy:
- Help a person to re-learn abilities they’ve lost

Habilitation Therapy:
- Helps a person with dementia use remaining abilities & skills.
- We do not focus on their limitations or try to teach them what they’ve lost

The Goal of Habilitation Therapy (HT)

Promote a positive emotion in the person with dementia
- Focus on their strengths
- Minimize their limitations
Communication

Environment
Approach to Care

Activity and Purposeful Engagement
Behavior as Communication

5 Domains of Habilitation Therapy

- **Communication** - words, body language and non-verbal communication is very important
- **Environment** - makes a big difference for the person with dementia
- **Our Approach to Care** always starts with the person
- **Activity and Purposeful Engagement** - give the person with dementia a sense of purpose and belonging
- **Behavior as Communication** - When speaking is difficult, behavior becomes the way to communicate
STIGMA

Stigma is the use of negative labels to identify a person with a disability or illness. Stigma around Alzheimer's disease exists, in part, due to the lack of public awareness and understanding of the disease.

Facing stigma is often a primary concern of people living with Alzheimer's and their care partners / givers. Those with the disease report being misunderstood because of the myths and misconceptions others have about the disease.
The experience of Alzheimer's stigma

Stigma and stereotypes are a significant obstacle to the well-being and quality of life for those with dementia and their families. Here are some examples of the impact of Alzheimer’s stigma:

- A diagnosis **tests friendships**. Friends **may refuse to believe** the diagnosis or **withdraw from a person's life**, leaving a feeling of abandonment or isolation.
- **Relationships with family may change**. Family members may not want to talk about the disease, **perceive the person as having little or no quality of life**, and may avoid interacting with the person.
- Others may approach a care partner/giver to ask about the person, rather than asking the person directly how he or she is doing.

- In the **workplace**, employers may not handle the diagnosis well and interactions with colleagues can change.
- Others are **afraid that the person** with Alzheimer's **may act out** or **behave inappropriately**.
- A person with the disease **may not seek the help** they need to protect against feelings of **embarrassment** or **incompetence**.
- **Seeking** medical treatment when symptoms are present
- Receiving an **early diagnosis** or **any diagnosis at all**
- Living the best **quality of life** possible while they are able to do so
- **Making plans** for their future
- **Benefitting from** available **treatments**
- **Developing** a support system
- **Participating** in clinical trials
“There is a stigma that goes along with the disease. Many people are worried about sharing the fact openly that they have this disease because of the negative stigma. I heard someone whisper the other day, “My father has Alzheimer’s.” I just gave him a big hug and said, “You don’t have to whisper – shout it out loud.”

“When people say ‘dementia’ or ‘Alzheimer’s’, everybody thinks you’re going to die.”

“People aren’t quite paying attention to me. They don’t know what to say. I guess it is easier to simply overlook me. It’s like they have already written me off.”

“These are important days. You don’t know how the disease will go. My time is getting chopped away and I regret it.”
Quality of Life

NOUN

The general well-being of a person of society, defined in terms of health and happiness, rather than wealth

Collins English Dictionary

Well-being

Includes the presence of positive emotions and moods (e.g., contentment, happiness), the absence of negative emotions (e.g., depression, anxiety), satisfaction with life, fulfillment and positive functioning.
LIVING LIFE WELL WITH A DIAGNOSIS OF DEMENTIA

**Get Moving**  
Research suggests that moderate physical activity can: Improve blood flow to the brain; Maximize the brain’s use of oxygen; Help prevent death of brain cells; Increase the size of brain areas responsible for memory; and Improve memory and thinking.

**Eat Healthy**  
A Heart Healthy diet is also a Brain Healthy diet. There needs to be a steady stream of nutrients to keep the brain healthy. Nutrients in the food we eat fuel our brain and body.

**Exercise the Mind**  
Throughout life, brain cells, or neurons, organize themselves to respond to new information and learning experiences. Connections between neurons are the building blocks of thought, memory, language and other mental activity. Keeping your mind active strengthens the connections between brain cells that you already have, AND makes new connections in your brain. Many experts recommend daily brain workouts, or mental stimulation, as part of a regular routine to stay healthy.

**Focus on the Positive**  
For many people, memory loss and other cognitive changes can be a source of frustration, anger, sadness, anxiety, and discouragement. Alzheimer’s disease itself can also cause chemical and structural changes in the brain that lead to changes in mood and emotions. Scientists believe there is an important relationship between emotional health, memory and dementia.

**Reduce Stress**  
Stress is a normal part of life. Contrary to popular belief, stress comes about from things that you want and enjoy as well as from things that are worrisome and threatening. In the short term, stress can be mentally stimulating, push you to act and grow, and provide motivation to get things done. On the other hand, long-term stress can damage your health and have a negative impact on your mood and your relationships.
LIVING LIFE WELL WITH A DIAGNOSIS OF DEMENTIA

• Find Meaning and Purpose ⌃ We all strive to find meaning and purpose in life. Just because a person has memory loss or other cognitive changes doesn’t mean that they should let go of what is important to them. In fact, Living with a diagnosis of dementia is a critical time to dig deeply and to discover new ways of engaging in and contributing to life.

• Keep Relationships Strong ⌃ Healthy relationships are a vital component of overall health. Social connections provide a sense of security and meaning. They help us feel loved, useful, and needed. Strong family ties, good friendships, and involvement in social activities also increase self-esteem and provide a buffer against stress, anxiety and depression. Studies have shown that those with little social interaction and few social ties show increased evidence of cognitive decline.

• Manage Health ⌃ A diagnosis of a dementia condition is a call to action. Living well with memory loss means actively managing your health, making wise choices and doing everything you can to stay at the top of your game.

• Establish a Routine ⌃ Living well with a diagnosis of dementia does not happen by accident. Making sure the brain and body are working at the top of their potential takes some planning and effort. Building a routine, or a regular schedule is the key to making sure that things are successful now and over time. Routines support memory and help to develop habits. Creating a new, healthy routine can provide structure to days and help to keep people engaged and active in life.

• Resources ⌃ Have numerous resources at your fingertips, utilize the resources provide by the Alzheimer’s Association. WWW.ALZ.ORG/PA and 24/7 Helpline @ 1.800.272.3900
Action and Advocacy
Mary Read

“Living Well”
with a Diagnosis of Dementia
Memory Café
THE GIFT!!

Yesterday is history, tomorrow is a mystery, today is a gift of God, which is why we call it the present. ~ Bil Keane
Alzheimer’s Disease Bill of Rights

Virginia Bell, MSW and David Troxel, MPH, authors of The Best Friends Approach to Alzheimer's Care, have created "An Alzheimer's Disease Bill of Rights" in which they define the needs of people with Alzheimer's Disease to maintain their selfhood and hopefulness. They write: Every person diagnosed with Alzheimer’s Disease or a related disorder deserves:

- To be informed of one's diagnosis.
- To have appropriate, ongoing medical care.
- To be productive in work and play as long as possible.
- To be treated like an adult, not a child.
- To have expressed feelings taken seriously.
- To be free from psychotropic medications if at all possible.
- To live in a safe, structured and predictable environment.
- To enjoy meaningful activities to fill each day.
- To be out-of-doors on a regular basis.
- To have physical contact including hugging, caressing, and hand-holding.
- To be with people who know one's life story, including cultural and religious traditions.
- To be cared for by individuals well-trained in dementia care.
The Alzheimer programs and services

24/7 Helpline
www.alz.org
Information and referral
Care Consultation
Support Groups
Safe Return
Education Programs and Workshops
Trial Match
Advocacy

Resource can help

Get reliable information and resources at alz.org/care:

Caregiver Center
  Visit and get information, links and resources
Alzheimer
  Create customized portfolio of resources
ALZConnected
  Connect with others via online message boards.
Community Resource Finder
  Find local dementia related resources
E-Learning courses
  Learn any time with online education programs
Questions?

Candy Yingling
Education and Outreach Coordinator
717.568.2595
cyingling@alz.org
Help Line 800-272-3900
The Covenant Café

Early Stage Social Engagement Programs
Types of Groups for Early Stage Memory Loss

• Early Stage Support Groups
  • Connect with others who have Early stage loss who understand how they feel and are having similar experiences
  • There is an educational component to the group
  • Care Partners are often a part of the group
Types of Groups for Early Stage Memory Loss

• Early Stage Social Engagement Groups or Activity Groups
  • Offers a fun and comfortable way for people living in the early stages of the disease to get out, get active and get connected with one another through a variety of social events and community based activities that are determined by individual needs and interests of participants
  • Promotes social interaction and companionship—also a form of support
  • Care partners may participate or use time as a respite or “break” for themselves
The Need for Social Engagement Groups

- Early Stages experience changes in behavior, cognition, daily routines and relationships which can result in isolation, depression and lack of connection with others.
- Early stage individuals need opportunities that allow them to make meaningful contributions and remain involved and active in daily life, friendships and decisions for as long as possible.
Purpose of Social Engagement Groups

• Early Stage Social Engagement Groups gives opportunities for people to get out, get active and connect with others through social activities and community-based events
• Groups promote social interactions and companionship
• Allows people with memory loss to feel “normal” and may help them to regain lost confidence
Appropriate Participants for a Social Engagement Program

- Person should have a diagnosis of early stage Alzheimer’s, other dementia or Mild Cognitive Impairment (nor necessarily a physician referral)
- The person should be able to participate in give and take dialogue and express him or herself—must be able to respond appropriately
- The person must be willing and able to exhibit appropriate behavior in a group setting
Appropriate Participants for a Social Engagement Program

• Must be able to perform Activities of Daily Living while at the group
• The person should be able to acknowledge his or her diagnosis
• Participants are asked to complete an application and a waiver/release of liability form
Appropriate Participants for a Social Engagement Program

- Person should be willing to participate in social activities and be open to meeting new people who are living with memory loss
Importance of Term Limits

- As people advance with the disease, they may exhibit inappropriate behaviors such as physical aggression, sexually inappropriate behavior, combativeness, severe agitation, wandering, or paranoia which can interfere with benefits of activities.

- Including individuals who are not early stage can affect the integrity of the overall program—may negatively impact future participant recruitment; may significantly alter the experience of early stage participants; can be a disservice to those who actually are in an advanced stage.
Importance of Term Limits

• Establish term limits of 3-6 months and re-evaluate for appropriateness—let them know from the beginning what to expect

• Transition the person with advanced disease to other appropriate resources (non-medical and/or medical home care, Adult Day Programs such as Albright LIFE, Personal Care or Assisted Living, Skilled Nursing Facilities/Memory Care Units)
Importance of Volunteers in the Program

- Alzheimer’s Support Group representatives in Clinton County and the Outreach and Witness Committee from Covenant United Methodist Church (where the Cafe meets) collaborated with the Alzheimer’s Association using the Alzheimer’s Association “Guidelines for Facilitating a Successful ESSEP” and formed the Advisory Group that planned and implemented the Covenant Café.

- We recruited additional community volunteers and Lock Haven University student volunteers to help with activities, outreach and recruitment of participants.
Importance of Volunteers in the Program

• A wide variety of volunteers who also participate in the activities with the early stage participants give a feeling of normalcy to the group, aids in the assessment of appropriateness of activities and generally promotes more fun for everyone!

• Gives students valuable practical experience (We have Physician Assistant Students a graduate level and undergraduate Health Science/Pre-PA and Pre-PT, Outdoor Recreation Management and Social Work students)
The Activities of an Early Stage Social Engagement Program

- Appropriate Activities
  - Meaningful activities—not just “time fillers”
  - Individualized—based on participants’ past and current interests (may need modified so as not to overwhelm or frustrate)
  - Stimulating (mentally and/or physically)
  - Pleasurable
  - Memory-stirring
  - Foster emotional connections with others
  - Encourage self-expression
Benefits of Activities in Early Stage Programs

• Improves Quality of Life
• Studies show that mental stimulation slows as Alzheimer’s progresses
• Decreases anxiety, aggression and irritability that dementia might bring
• Decreases nervous tension
• May alleviate other negative behaviors caused by memory loss
• May help to decrease wandering and rumination
• Helps to maintain skills/ADL’s
• Helps person to feel more engaged with life and the outside world
• Promotes socialization and decreases isolation
Continued…

- Improves and/or maintains communication skills
- Gives a sense of purpose
- Improves self-esteem and self-worth
- Maintains a sense of self—reminisces them of who they were and are
- Helps to maintain memory

- Offers a break from the routine
- Enhances and maintains general health
- Strengthens and maintains muscles
- Improves flexibility, dexterity, hand/eye coordination and motor skills
- Improves sleep at night
Suggested Activities and the Activity Programming of the Covenant Café

• We have created fun, engaging projects for upcoming programming
• We are open to suggestions and ideas!
Meet Our Volunteers
Thank You!