

# Elder Care Advisor

Marsha *Raines* & Associates  
ELDER CARE CONSULTING & CASE MANAGEMENT  
LONG TERM CARE INSURANCE

## *A Warm Welcome to Denise Brown, RN*

We are delighted to welcome Denise Brown to our practice. Denise comes to us with a warm smile and extensive professional experience working with care giving families and older adults.

Denise has over 25 years of experience providing nursing and case management services to older adults. As a community health nurse, she has an in depth understanding of how to develop, implement and monitor effective home care plans for frail and/or confused clients.



Denise has worked in a number of health care settings, including home care, hospitals, assisted living and nursing homes. Her responsibilities have included case management and supervision of home health aides and nurses.

Denise's nursing expertise has been developed through work in geriatrics, stroke rehabilitation, cardio pulmonary and oncology specialties.

We are proud and happy to welcome Denise to our geriatric care management team and are certain she will be an asset for our current and future clients. ~

### A MESSAGE FROM MARSHA

***Care Managers in  
our practice meet  
all kinds of  
heroes!***



- *An adult daughter who juggles a full time job, parenting three teenagers and still finds the time to squeeze in frequent visits with her frail mother who resides at an assisted living residence.*
- *A son who travels extensively during the week and is found every Sunday afternoon, visiting his father who doesn't always recognize him.*
- *A care giving family who is determined to keep mom in their guest room, even though it means financial hardship and giving up their "privacy" and leisure time.*
- *A son who travels back and forth from California so that his 93 year old mother may spend just a few more months in her beloved home.*
- *An elderly spouse who has the patience and love for his wife to answer the same questions again and again.*

***Thank you for allowing us the privilege of  
supporting you in your role as a care  
giving hero. ~***

## SPOTLIGHT ON COMMUNITY RESOURCES: ANTHONY LEE, ESQ., UNDERBERG &amp; KESSLER LLP

## Health Care Proxies and Powers of Attorney

*Most people, when focusing on their estate planning matters, only consider their Last Will and Testament. Many people overlook the fact that health care proxies and powers of attorney are also extremely important estate planning documents.*

*We consider our local network of estate planning attorneys to be an important resource for all adults in our community, particularly the elderly. We are pleased to have Tony Lee, an attorney and partner at Underberg & Kessler in Rochester, share information concerning health care proxies and powers of attorney. Tony's law practice focuses exclusively on estate planning and estate administration.*



certainly make life easier for everyone concerned with your health care and well being, including your family, your friends and your physicians.

It is also important to remember that you may only name one health care agent. However, you may also name an alternate agent to serve in place of your

primary agent if your primary agent is unable or unwilling to serve (and we highly recommend that an alternate health care agent be named in every case).

### **Health Care Proxies**

A health care proxy is a written document which appoints a person of your choosing as your health care agent. Your health care agent has the authority to make any and all health care decisions on your behalf that you could have made for yourself if you were capable of doing so, including the decision to remove or provide life-sustaining treatment. It is important to remember that your health care agent's authority does not begin until your physician has determined that you lack the mental capacity to make your own health care decisions. Until that determination is made, you retain the sole and absolute authority to make those decisions yourself.

Health care providers are legally bound to comply with health care decisions made by your agent in good faith under your health care proxy to the same extent as if such decisions had been made by you (subject to any express limitations contained in your health care proxy). Should you become incapacitated without having appointed a health care agent under a health care proxy, a costly and time-consuming court proceeding may be required to appoint someone to act as your guardian for purposes of making health care decisions on your behalf. If your health should fail to the point where you are no longer capable of making your own health care decisions, the prior appointment of a health care agent under a health care proxy will

### **Powers of Attorney**

A power of attorney is a written document which appoints a person (or persons) of your choosing as your "attorney-in-fact" (or agent) to conduct financial and other transactions on your behalf if you are unable to conduct those transactions yourself. For example, your agent under your power of attorney may access your bank account and write checks to pay bills on your behalf in the event that you are unable to do so yourself.

Unlike a health care proxy, your agent's authority under your power of attorney begins as soon as the power of attorney has been signed. In other words, you do not have to be incapacitated in order for your agent to conduct financial or other transactions on your behalf. For this reason, it is extremely important that you have complete trust in the person who you name to act as your agent under your power of attorney.

Should you become incapacitated without having appointed an agent under a power of attorney, a costly and time-consuming court proceeding may be required to appoint someone to act as your guardian for purposes of conducting financial or other transactions on your behalf. If your health should fail to the point where you are no longer capable of conducting your own financial or other

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**Anthony Lee, Esq., continued from Page 2**

transactions, the prior appointment of an agent under a power of attorney will avoid the need for such a proceeding. Also, by signing a power of attorney, you control the choice of the person who will act as your agent.

Also unlike a health care proxy, you may name more than one agent under your power of attorney. And, you can specify whether multiple agents must act together or whether each of them may act separately (that is, without the consent or signature of your other agent or agents).

If you would like to create and sign a health care proxy and power of attorney, or if you simply want to learn more about these important documents, please feel free to call Tony Lee at 258-2846. Tony is also available to help you with respect to your Last Will and Testament and other estate planning matters, if need be. ~

## *Consider Us Your Resource for Long Term Care Issues*

- Do you have a question about how you can best help an aging parent?
- Do you want to know more about a community resource?
- Questions about long term care insurance?

Please feel free to Email your questions to us. We will do our best to respond in a future issue. Email your question to: [Marsha@raineseldercare.com](mailto:Marsha@raineseldercare.com)

## *Answering Your Questions About Long Term Care*

***“Marsha, please share information about the new legislation that affects Medicaid eligibility.”***

The Deficit Reduction Act of 2005 was signed by President Bush in February 2006. The new rules make it much more difficult for people to transfer personal assets in order to qualify for Medicaid coverage of long term care in nursing homes. Under the new rules, the “look back” period for transfers has been increased from three to five years. Further, this “look back” period of eligibility begins at the time you apply for Medicaid, not at the time of the gift.

This new legislation sends a clear message to Americans. Planning for long term care is each family’s responsibility. The cost of long term care services is significant. One DAY with 12 hours of home care services can cost more than \$ 264.00! One year in a Rochester area nursing home can cost more than \$100,000.00.

Planning for long term care is your responsibility, but you don’t have to figure it out on your own! To learn about long term care insurance solutions that just may fit your personal needs and your budget, please contact Marsha for a complimentary consultation. ~

*“Planning for long term care is each family’s responsibility”*

## Tune in to “Living Well” on 950AM August 12th

Be sure to listen to “Living Well” on Saturday morning, August 12, at 10:00 am on WROC NewsTalk 950 AM on your radio. Marsha will be a guest of program host, Carol Silver-Elliott. Marsha will discuss the ins and outs of long term care insurance. “Living Well” is designed for the issues, challenges and joys of senior living. If you want to listen online, go to [www.newstalk950.com](http://www.newstalk950.com).

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- Send Marsha a note at:  
[Marsha@raineseldercare.com](mailto:Marsha@raineseldercare.com)

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