

# THE BEGLEY

# LAWYER ALERT

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## *PLANNING FOR THE SERIOUSLY ILL*

*By Thomas D. Begley, Jr., Esquire*

The American Bar Association has just published a booklet entitled “Legal Guide for the Seriously Ill: Seven Key Steps to Get Your Affairs in Order.” This Alert summarizes the ABA Report.

### *Step 1 – Plan How to Pay for the Health Care You Need*

- 1.1 Worker’s Compensation
- 1.2 Social Security Disability Benefits
- 1.3 Veteran’s Benefits
- 1.4 Medicare
- 1.5 Medicaid
- 1.6 Private Medical Insurance
- 1.7 Accelerated Death Benefits under life insurance policies
- 1.8 Reverse Mortgage
- 1.9 Tax Deductions and Credits
- 1.10 Bankruptcy

### *Step 2 – Make a Plan to Manage to Health and Personal Decisions*

- 2.1 Do a Living Will or Health Care Proxy and select a Health Care Agent or Health Care Representative
- 2.2 Include guidance in your Living Will for your Health Care Representative and communicate personally with that person to be sure they understand your wishes
- 2.3 Consider organ and tissue donations
- 2.4 Make burial and memorial plans

### ***Step 3- Make a Plan to Manage Your Money and Property***

Consider the following legal tools:

- 3.1 Joint ownership of bank accounts or other property with a “right of survivorship”
- 3.2 Power of attorney
- 3.3 Living trust
- 3.4 Appointment of Representative Payee for Social Security or other government benefits
- 3.5 Business Succession Plan
- 3.6 Determine eligibility for public benefits
- 3.7 Prepare a Will
- 3.8 Be sure beneficiaries of life insurance policies, retirement plans and annuities are correct
- 3.9 Consider an Ethical Will

### ***Step 4 – Plan for Care of Dependents***

Arrange for the care of your children and pets:

- 4.1 Arrange for custody/guardianship of minors or other dependents
- 4.2 Establish special needs trust for disabled persons
- 4.3 Consider trusts to protect beneficiaries from themselves, their creditors and ex-spouses
- 4.4 Plan for your pets

### ***Step 5 – Know Your Rights as a Patient***

Core rights for those with serious conditions include:

- 5.1 Good pain and symptom management
- 5.2 High quality of care
- 5.3 Consent to participation in any experimental treatments
- 5.4 Access to and privacy of your medical records
- 5.5 Visitation in hospital and nursing home settings

### ***Step 6 – Know Your Rights and an Employee***

Potential employee rights include the following:

- 6.1 Leave instructions for medical treatment or care, including possible rights under the Family and Medical Leave Act and Americans with Disabilities Act Leave
- 6.2 Know your rights regarding health care and pension plans, including ERISA, ADA protections and COBRA

### ***Step 7 – Get Your Legal Documents in Order***

Certain steps are necessary to avoid confusion and delay:

- 7.1 Collect all of your important legal documents, including adoption papers, birth certificate, citizenship papers, death certificate of spouse, designation of guardian, divorce papers, DNR orders, health care advance directives, marriage certificates, powers of attorney, prenuptial agreements, trust documents, VA discharge documents and Wills
- 7.2 Store your legal documents in a safe and accessible location
- 7.3 Let people know where your important documents are kept

## **Speakers**

If you are interested in having an Elder & Disabilities Law Attorney from Begley, Begley, & Bookbinder speak at an event, please contact Colleen Caruso at (856) 787-4237.

### **Begley, Begley & Bookbinder**

Begley, Begley & Bookbinder, P.C. is an Elder & Disability Law Firm with offices in Moorestown, Stone Harbor and Lawrenceville, New Jersey and Huntington Valley, Pennsylvania and can be contacted at 800-533-7227. The firm services southern and central New Jersey and eastern Pennsylvania.

The Firm provides services in connection with protecting assets from nursing home costs, Medicaid applications, Estate Planning and Estate Administration, Special Needs Planning

and Guardianships. If you have a legal problem in one of these areas of law, contact Begley, Begley & Bookbinder at 800-533-7227.

Begley, Begley & Bookbinder has prepared **Special Reports** concerning:

- ❖ *Planning for Long Term Care*
- ❖ *Estate Planning for Parents with Children with Disabilities*
- ❖ *Understanding Estate Planning*
- ❖ *Estate Administration*
- ❖ *Blended Families*
- ❖ *Bloodline Trusts*
- ❖ *Vacation Area Homes – Tax and Management Issue*
- ❖ *Special Needs Trusts*
- ❖ *Utilizing Special Needs Trusts in Matrimonial Cases.*
- ❖ *Using Special Needs Trust to Protect Public Benefits*
- ❖ *Resolving Your Nursing Home Medicaid Application Challenge*
- ❖ *Domestic Partners*
- ❖ *Providing for Your Pet*
- ❖ *Providing for Your Grandchildren*
- ❖ *Charitable Giving*
- ❖ *Planning for Your Business*
- ❖ *Medicare Set Aside Arrangements*
- ❖ *Lien Resolutions*

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Our web site contains a library of firm newsletters, articles, on-line forms for Medicaid, Estate Planning and Guardianship, as well as our upcoming speaking engagements, our products, and other relevant information.

If you have any comments, e-mail us at [ccaruso@begleylawyer.com](mailto:ccaruso@begleylawyer.com)

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