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OPTIONS FOR CARE OUTSIDE THE NURSING HOME

Dana E. Bookbinder

Today, seniors who need long-term care have many choices outside of nursing homes, depending upon the level of care needed. Each choice, however, entails a list of issues of which consumers must be aware. Many potential problems can be eliminated through advance legal planning and counsel. Below is a short list of examples of the role of legal planning in residency decisions.

Home Care - Senior citizens who wish to remain in their homes may want to consider an in-home aide for health care, housekeeping, and social services. While providing comfort, privacy, and convenience, these services aim to maintain the individual's level of functioning as high as possible. Services can be provided on a "live-in" or "come and go" basis depending on the agency involved.

Receiving care in one's own home certainly has advantages, but elders who receive in-home care are particularly vulnerable to undue influence, abuse, and financial exploitation. However, having standard estate planning documents in place can help prevent a caregiver from overstepping the appropriate level of involvement in an elder's life. By signing a Power of Attorney, for instance, individuals ensure that authorization to deposit and withdraw their assets rests with a trusted family member or friend of their choosing. Through a Power of Attorney, the mechanism for protecting one's assets is rooted before incapacity can take hold.

Assisted Living Facilities - Sometimes known as residential care facilities, personal care homes, retirement homes or community residences, Assisted Living facilities provide residents some assistance with the activities of daily living. These are bathing, dressing, grooming, toileting, and eating. This housing option is appropriate for individuals too frail to live at home but not in need of skilled nursing care.

Assisted Living Facilities in New Jersey are beginning to accept Medicaid. Many facilities have a limited number of slots available that can be funded through public benefits. Therefore, individuals entering assisted living facilities may wish to establish an Asset Protection Plan to safeguard their homes from possible state liens and save assets they would have otherwise needed to spend down if they were to file an application for benefits.

Families should also be aware Assisted Living Facility contracts should include a contract termination clause, terms on whether family members can participate in the

care plan, what services are included in the fee, what types of therapy is available, and the policies with respect to billing, payment, and credit. Inquiry should also be made into whether the residence has a clearly stated procedure for responding to emergencies.



Begley & Begley P.C. is a law firm that concentrates on Estate & Tax Planning, Elder Law, Estate Administration, Guardianship and Will Contests, Real Estate, as well as Medicaid Planning. We are based in Moorestown, NJ, with offices in Avalon and Lawrenceville.

If you have any comments, e-mail us at ldickens@begleylawyer.com

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 are interested in having an Elder Law Attorney from Begley & Begley speak at an event, please contact Laura Dickens at (856) 787-4233.

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