

# THE B&B ALERT

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## *THE NURSING HOME DECISION*

By Dana E. Bookbinder, P.C.

Families are understandably apprehensive when selecting a long-term care facility for their loved ones. As a firm focusing a large part of its practice on elder law, our attorneys and staff are often called upon for assistance with this important decision. Fortunately, nursing home care has substantially improved over the past generation. Federal regulations that set standards for nursing homes particularly in the area of patient rights have been in place over fifteen years. As our attorneys and many staff members who regularly visit homes in our area can readily attest, nursing homes and assisted living facilities today generally strive toward pleasant atmospheres and typically appear well cleaned. In a recent article published in the February 2005 “NAELA News” (produced by the National Academy of Elder Law Attorneys, Inc.) attorneys Christine J. Wilson, RN and Ruth Phelps list several points to consider when choosing a skilled nursing facility. These include:

- 1 – Approach each nursing facility with a positive attitude.
- 2 – Look for quality of care. Expect that nursing home residents will not look as healthy as assisted living residents. Choose a facility that can provide an appropriate level of care. Make sure that your loved one’s special needs will be attended to.
- 3 – Because family involvement is critical to obtaining good care, choose a facility that will make visits easy.
- 4 – Compare three local facilities by visiting each three times. Tour the facility, meet the Administrator, Director of Nurses, social worker and therapy department. Read the facility’s survey report (but remember, this is subjective and may not be representative of the actual case). Ask about the employee turnover rate. Ask about the numbers and ratios of nurses and assistants on each shift. Observe interactions between the staff and residents especially during mealtime. Visit the facility on a weekend as well as during the week to observe the number of activities offered to residents and to meet other families who are visiting their loved ones.

5 – Discuss financial issues. If your family member will require Medicaid, make sure the facility accepts such benefits. Remember, Medicare and health insurance typically pay for a very limited time, if at all.

Do not forget that the reason you are choosing a facility for your family member is that his or her health situation demands it and that you are working for his or her best interest. If the family is considering Asset Protection Planning, remember, too, that the primary goal of planning is to ensure that your loved one can afford the quality of care that he or she needs. Assets can be protected which can later be used to enhance the level of care for the patient. Legal planning to avoid state liens also honors the patient's wishes by seeking to preserve his or her estate plan. Finally, because you will be making frequent visits to the nursing facility, you will help your relative receive a higher level of care.



Begley & Bookbinder, P.C. is a law firm that specializes in Elder & Disabilities Law. We are based in Moorestown, NJ, with offices in Stone Harbor & Lawrenceville.

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

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