

Frequently Asked Questions regarding Care of Loved Ones

What type of Attorney can assist in providing the proper legal documents for the care of loved ones?

Eldercare Attorneys- Elder law is an area of legal practice that focuses on issues affecting seniors and their families. Older individuals have a wide range of specific legal needs ranging from the preparation of legal documents to estate planning. As individuals age, caregivers and families often seek legal advice on the complex issues seniors face such as:

- Planning and paying for long-term health care and senior housing.
- Eligibility and the application process for government benefits such as Social Security, and veterans benefits.
- Eligibility and the application process of Medicare and Medicaid.
- The preparation of legal documents such as advance healthcare directives (living will) and Power of Attorney (POA).
- The preparation of a petition for guardianship.
- Estate planning through the creation of a last will and testament and trust documents.

How to select an elder care attorney

See Attachment- Choosing an Elder Law Attorney

What is a POLST (Physician Orders for Life Sustaining Treatment) form and how does that differ from an Advanced Directive?

POLST forms- are portable medical orders or medical orders that travel with the patient.

All adults should have an advance directive to help identify a surrogate decision maker and provide information about what treatments they want for an unknown medical emergency. A

POLST form is for when you become seriously ill or frail and toward the end of life. A POLST form gives medical orders to emergency personnel based on your current medical situation.

POLST forms and advance directives are both advance care plans *but* they are not the same.

POLST forms are completed by your health care provider after discussing what is important to you, your diagnosis, what is likely to happen in the future and what your treatment options are. A doctor (sometimes physician assistant or nurse practitioner — it depends on your state) **must** sign the POLST form for it to be valid.

It should always be your choice to have a POLST form —*you should never be forced to have a POLST form.*

Talk to your health care team if you would like a POLST form. POLST and an Advance Directive explained

Website: <https://polst.org/polst-advance-care-planning/>

If my loved one needs to move to a facility, outside of where they currently reside, who can assist in finding an appropriate living facility?

Placement Advisory Services- these businesses assist families in locating the appropriate living facility for those loved ones who need more help than can be provided at home. There are many of these services. *Similar to Elder Care Attorney selection, it is best to seek out recommendations from those who have used an advisory service in the past, and to meet with the Placement Advisor, rather than working with an on line or telephone only service.*

Important Considerations in selecting a Placement Advisory Service:

Key in the selection process is that there should not be a fee to the family for use of the service. The family may have to pay for a required Washington State Physical Assessment of the client prior to them being moved to the selected facility. Be sure to ask if there is a separate fee and about the cost of the assessment.

The Advisor first meets with your loved one so that they can properly assess the needs, desires and finances of the client.

The Advisor will tour selected facilities most appropriate and comfortable for your loved one, and provide the level of care needed.

The Advisor assists you and your family in choosing the best housing / care options.

The Advisor follows the client through move-in and they are an advocate throughout the entire process.

If your loved one is on Medicaid, then they will have a case manager assigned that can help facilitate finding the appropriate facilities that accept this form of payment.

What is a Geriatrician?

A subspecialty certification by the Board of Internal Medicine or Family Practice; practitioners have special knowledge of the aging process and special skills in the diagnosis, treatment and prevention of illness in the elderly. These specialists care for geriatric patients in the patient's home, the medical office, in nursing homes, and in the hospital. Geriatricians are trained to recognize the unusual presentations of illness and drug interactions, to utilize resources such as community social services, and to assist with special ethical issues in the care of the elderly. (See **Local Geriatric Doctor's Offices and Services**).

What are the Senior Housing options for loved ones?

Home & Community Based Services- include care options while your loved one is at home. This includes being cared for by family and friends; having in-home care providers come to assist; Home Health Care; participation of your loved one at a local Senior Center or Adult Day Program. (see links).

Independent Retirement Living- these communities typically offer activities and socialization. Meal and housekeeping may be provided. They do not offer much assistance in activities for daily living. If your loved ones needs change you may need to consider hiring outside help (see website listings). If needs cannot be met then your loved one will most likely need to be moved again.

Continuing Care Retirement Community- these communities require a significant buy-in. They offer support the needs of your loved one, as they require more assistance and care. They offer independent living which can transition to assisted living and then to skilled nursing if required. They cannot always accommodate these needs immediately, as there needs to be availability in the next level of care option. There are many other options for continuing care outside of the CCRC, without the initial cost outlay required by these communities.

Assisted Living- these communities offer socialization, activities and transportation, but also offer assistance with activities for daily living, nursing and medication assistance, meals, housekeeping and laundry. These facilities are best for those who do not need a lot of help, as the residence are behind a closed door of their apartment. Your loved one may need to move if care needs increase. Costs increase as care needs increase. The nursing care is not 24/7.

Adult Family Homes- these facilities are more like a home environment which can usually provide a private room, sometimes with its own bathroom. These homes currently can have up to 6 residents. The homes can manage a high level of care and also assist with activities for daily living and medical care. Some homes offer a diversity of activities for the residents. The homes are licensed by the State of Washington. The owner's experience, training and staff can vary. It is advised that you work with a Placement Advisory Service to tour and evaluate Adult Family Homes appropriate for you loved one. Not all, but many AFH's will accept Medicaid after 2 to 5 years of private pay. The Placement Advisor may assist in this negotiation.

Nursing Homes, Rehabilitation Centers (Skilled Nursing Facilities)- these facilities often have an institutional feel and can manage high levels of care. Residents usually reside here for shorter periods to cover rehabilitation (PT, OT, and Speech Therapy). They offer 24/7 nursing care but have many residents and fewer staff. The rooms are often shared. There are opportunities for activities and socialization. They also offer specialized services like tube feeding. They are typically expensive and, in certain situations are covered by Medicare when used specifically for rehabilitation following a hospitalization that lasted for over 3 nights (in Patient - not Under Observation). They can be on Medicare for a certain number of days as long as the client is progressing with their rehab goals. When the client plateaus in their

level of function they will have to move out from the Nursing Home to another facility for long term placement. Some Nursing Homes will have a few beds that are held for Medicaid long term care placement.

Does Medicaid pay for Adult Care facilities in Washington State?

The client needs to apply and meet the minimum financial qualifications. One important consideration is whether the person Medicaid to pay for care. If state funds will be used, the home or facility must have a contract with Washington State to accept Medicaid payment for residents. Some Adult Family Homes and Assisted Living Facilities do accept Medicaid, but there are often spend down requirements. This question needs to be asked of the facilities **before** being toured for placement. (See Link for Applying for Medicaid)

What services does Medicare pay for?

Medicare will only cover qualified healthcare for Rehabilitation while your loved one is residing in a Skilled Nursing facility. It will also pay for home health skilled needs in a long term care facility (such as Physical Therapy, Occupational Therapy or Speech Therapy) following a stay in a Skilled Nursing Facility or a hospitalization.

Is there discharge help available in the Hospital or Skilled Nursing Facility?

If your loved one is in the Hospital or a Skilled Nursing Facility there will be a social worker or discharge planner assigned to them. It is best to stay in close contact with them to be aware of possible discharge dates for your loved one. It is helpful for you or other family members to attend your loved one's Care Conference. If you are using a Placement Advisor, they can also attend the conference if you so desire. When your loved one is going to be discharged from the Hospital or SNF, and if you are concerned that their needs will not be met at home, you need to tell the assigned social worker or discharge planner that you feel this is an **unsafe discharge**. Explain that you will need to explore additional options (finding an alternative Long Term Care facility) that can care for your loved one and meet their medical needs.