Caregiver Voices:
Authority to speak and
Important Issues

First Things First
Laying Foundation

What values apply?

Planning for Life

- Needs change over time
- Plans need to be updated
- **Life needs come before death planning**
- Gift last, not first
- Don’t be afraid to ask “Why”
A good plan should help:

- Budget for Retirement
- Find, get and pay for good care
- Facilitate health care decision-making
- Manage Assets and Increase Income
- Protect assets
  - For your needs; and
  - Surplus assets for heirs

Good Planning can help you navigate the health care maze

Planning for Incapacity
Who makes decisions?

Co-operative Effort

Purpose of Documents

- To appoint
  - An AGENT
  - With AUTHORITY to act
Money & Property

Financial Powers of Attorney

- Can be
  - General/Durable
  - Limited

General Powers of Attorney

- POAs can authorize *almost* anything
- Can be:
  - VERY helpful when used properly
  - License to Steal when abused
  - POAs can be revoked

- Can be revoked
Authority but NOT Control

Select an agent you trust

Health Decisions
Advance Directive for Health Care

- New Georgia form
- Combines old health care power of attorney and living will
- Old forms still valid

Power of Attorney for Healthcare

- Creates a voice
- Designates who will talk to doctors when you can’t
- Everyone should have one

Don’t hide them
Living Wills

- Statutory form
- Not effective until
  - You are incapable of making your own decisions
  - You are either terminally ill or are in a persistent vegetative state
- No voice

Living Wills don’t make informed decision
Federal Patient Self-Determination Act

- Applies to all Medicare and Medicaid provider organizations
  - Essentially, all hospitals, nursing homes, home health agencies and hospices

Federal Patient Self-Determination Act

- Must provide written information at time of admission regarding health care decision making rights under state law including
  - Right to accept treatment
  - Right to refuse treatment and
  - Right to formulate advance directive
- Treatment CANNOT be conditioned on executing an advance directive

Guardianship
Medicaid

Eligibility

- Categorical
- Medical
- Financial
  - Income
  - Assets

Eligibility – Must examine the estate
Assets

<table>
<thead>
<tr>
<th>Countable</th>
<th>Exempt</th>
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<tbody>
<tr>
<td>Single – Less than $2,000</td>
<td></td>
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<tr>
<td>Married – Less than the resource allowance</td>
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<tr>
<td>Unless an asset is exempt, it is probably countable</td>
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Giving assets away

Estate Recovery
Estate Planning

- Traditional Estate Planning focuses on death
- Longer life forces a change in focus

A WILL

- **Definition:**
  - "A document that designates how a deceased person’s estate will be divided"

Everyone needs a Will

- Who gets your toys when you die
- Who will be Guardian for minor children
- Even if you have a Trust, you *still* need a Will
Do you need a lawyer?

WHAT IS PROBATE

- Definition:
  - “A Court Supervised Procedure for Transferring the Deceased Person’s Estate to His or Her Beneficiaries.”

Good Planning puts all of the pieces together

The Right Way
Questions
And
Answers

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