

If the situation is less urgent, there are many protective agencies available to serve and assist the elderly and their families. A list has been provided in this pamphlet. You should contact those agencies to inquire about available community resources. These agencies may offer a solution without taking away your loved one's independence. If you believe your loved one has become mentally incapacitated, you can petition your local court to be named either emergency guardian or, if the condition is long-term in nature, permanent guardian. You should consult a lawyer to find out your rights and obligations upon being appointed a guardian. As a last resort, if your loved one's living conditions have become dangerous, you can take stronger action by petitioning to involuntarily commit that person to a hospital.

### **How Can I Locate an Attorney?**

Call the Pennsylvania Bar Association Lawyer Referral Service toll free at 800-692-7375. Most counties have this same service at the local level. Check your Yellow Pages under "attorneys" for more details.

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# **A Guide for Seniors and Their Families: Issues on Aging**

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Many issues face our aging population. It is important for everyone to face these issues informed about their options and their responsibilities.

This pamphlet is designed to help educate and encourage people to actively participate in planning for the future. It will help to answer some of the questions that most often plague us as we get older and also to provide direction to other sources for additional information.

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## **List of Agencies and Organizations Concerned for the Elderly**

Office of Atty. General — Bureau of Consumer Protection	(800) 441-2555
Centers for Medicare and Medicaid Services	(800) MEDICARE
STEP Office of Aging	(800) 490-8505
National Council on the Aging	(202) 479-1200
Pennsylvania Association of Area Agencies on Aging	(717) 541-4214
Pennsylvania Department of Aging	(717) 783-1550
Pennsylvania Insurance Department	(877) 881-6388
PACE, PACENET, PACE plus Medicare	(800) 225-7223
Social Security Administration	(800) 772-1213
Veteran's Administration	(800) 827-1000
Pennsylvania Long-term Care Helpline	(866) 286-3636
APPRISE Helpline	(800) 783-7067
Veterans Crisis Line	(800) 273-8255
Pennsylvania Office of Consumer Advocate	(800) 684-6560
Office of State Long-term Care Ombudsman	(717) 783-8975

## **Consumer Legal Information**



**Pamphlets**

*by the*

**PENNSYLVANIA BAR ASSOCIATION**

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Visit our website at [www.pabar.org](http://www.pabar.org) or call 800-932-0311

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Special Note: This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.

## **As I Get Older and Need More Help With Everyday Activities, How Can I Continue to Maintain My Independence?**

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There are many agencies in Pennsylvania that assist the elderly with living at home. They provide cleaning services, prepare meals and, most importantly, provide health care services in the home. You should contact the Pennsylvania Department of Aging at (717) 783-1550 or visit them on the web at [www.aging.state.pa.us](http://www.aging.state.pa.us) to find out what services are available in your community.

## **Is There Anything I Can Do to Protect My Assets If I or My Spouse Needs Long-Term Care?**

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You do not have to “lose” everything if you or your spouse needs long-term care. However, protecting your assets requires careful planning in advance. Planning for long-term care and eligibility for government assistance are very complex issues. Therefore, you should consult a lawyer with experience in these areas to explain all the options that may be available and counsel you regarding the best option for your situation.

- Many insurance companies now offer long-term care insurance, which would pay for or offset the cost of nursing or in-home care. Depending on your age and health, this type of insurance can be expensive, and you should obtain quotes for as many policies as possible before choosing one. The Pennsylvania Insurance Department has free educational brochures available to help you be a more informed consumer when shopping for long-term care insurance. The Pennsylvania Insurance Department can be contacted by telephone at (877) 881-6388 or visited on the web at [www.ins.state.pa.us](http://www.ins.state.pa.us).

- Veterans may be eligible for benefits to assist with these costs. If you are a veteran, you should contact the Department of Veterans Affairs to determine your eligibility. A list of County Directors of Veterans Affairs can be found at [www.dmva.state.pa.us](http://www.dmva.state.pa.us).

- You can do estate planning during your life to protect your assets. This type of planning can involve transfers to trusts or to your spouse or other family members. However, it is important that you consult with an attorney prior to making any gifts to family members or transfers to trusts as there may be tax or other legal consequences that could be detrimental to you in the future.

- If you cannot afford the cost of nursing or in-home care, dependent upon certain income and asset restrictions, you or your spouse may be eligible for Medicaid, or Medical Assistance as it is called in Pennsylvania. Medicaid is a joint federal-state health benefit assistance program that is administered in Pennsylvania by the Department of Public Welfare. Medicaid benefits currently are available for home health care and nursing home care in Pennsylvania. Medicaid currently does not pay for personal care or assisted living facilities.

## **What Can I Do If I Suspect a Resident of a Nursing Home Is Being Abused?**

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You should contact the Area Agency on Aging at (717) 541-4214. The agency will provide you with the phone number for a local nursing home ombudsman, who will investigate the nursing home on behalf of the resident. All complaints made to the agency are confidential, and your name will not be revealed without your permission. An ombudsman also will mediate disputes, ranging from quality of care to financial matters that residents or their families may have with nursing homes.

## **What Are Some of the Social Security Benefits Available?**

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You likely are aware of the monthly cash amount available once you reach the qualifying age, as well as the availability of Medicare health benefits. In addition, there are supplemental Medicare health benefits that you can purchase. A Pennsylvania Supplemental Security Income Supplement is available to individuals who financially qualify to help pay for personal care homes. Social Security

also will provide a burial benefit to eligible dependent family members when an individual receiving Social Security dies. Other government agencies in your local county and/or the Veteran’s Administration also may have burial assistance benefits available. You should investigate to see if you or your family members might be eligible.

## **How Can I Protect Myself or My Family From the Scams Aimed at the Elderly? — What Can I Do If I Think I Have Been the Victim of Fraud?**

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Always remember that offers that seem too good to be true probably are. Be overly cautious when considering offers made over the telephone, by mail or at your door regarding home repairs, investments, living wills and annuities. Always ask for identification and verify the information provided to you by contacting community resources such as the Better Business Bureau, Chamber of Commerce, Attorney General’s Office or the National Fraud Information Center before sending any money or giving any personal information to the solicitor. Always consult your lawyer, accountant or personal financial planner before paying any money to someone to provide these services. Never give your Social Security number, credit card numbers or bank account information over the phone unless you first have verified the caller’s legitimacy with someone you trust or one of the community resources listed above.

If you believe you may have been a victim of fraud, you should immediately notify your local police or District Attorney’s Office. Additionally, you should file a complaint with the Attorney General’s Bureau of Consumer Protection. A form is provided at [www.attorneygeneral.gov](http://www.attorneygeneral.gov). In the interest of protecting others in your community, you always should call those community resources listed above to report your experience.

## **What Happens If I Am Unable to Speak for Myself in the Event of a Physical or Mental Illness? — How Can I Assure That My Wishes Are Carried Out?**

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Everyone, at any age, should consider having a Power of Attorney, which appoints someone they trust to make health care and financial decisions for them if they become unable to do so for themselves. A “durable” Power of Attorney will assure that even in the event of a later incapacity, the person you choose to make your decisions (your Agent) will be able to continue to do so on your behalf. It is wise to appoint successor Agents in the event your primary Agent is unable or unwilling to serve in this capacity.

Additionally, it is important to have an advance medical directive, also known as a living will. This assures that in the event of a terminal condition or a state of permanent unconsciousness, your final wishes regarding the use or non-use of life-sustaining measures when there is no hope of significant recovery will be carried out. A properly executed advanced directive is necessary if you only want certain life-prolonging procedures or none at all.

Be wary of online or do-it-yourself Powers of Attorney. Specific language is required in order to maximize your Agent’s ability to make decisions on your behalf and carry out your wishes. If you do not have a Power of Attorney, or have one with insufficient language, your loved ones may have to obtain a court-ordered guardianship, which can be costly and lengthy, in order to act on your behalf.

## **What Can I Do If a Family Member Is Unable to Care for Himself Due to a Mental Disability?**

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If you believe someone’s physical, mental or financial well-being is in danger, you can contact the Elder Abuse Hotline listed in this brochure to report suspected abuse, neglect or exploitation.