

**ATTORNEYS
HELPING THE
ELDERLY AND
PERSONS WITH
DISABILITIES**



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In the Spotlight: National Healthcare Decisions Day

Brigid Fernandez

It's time to start the conversation about end of life care. Monday, April 16, 2012 marks the 5th Annual National Healthcare Decisions Day. On April 16, all across the country, health care facilities, health care professionals, chaplains, the legal community, and many others will be participating in a collective effort to inspire, educate and empower the public and providers about the importance of making advance healthcare decisions and to provide tools for making these decisions.

National Healthcare Decisions Day is a nationwide program committed to ensuring that all adults with decision-making capacity have the information and opportunity to communicate and document their healthcare decisions. On April 16th every year, hundreds of National Healthcare Decisions Day events are held around the country. Attendees of the NHDD events will have the opportunity to learn more about and complete a Health Care Directive.

Imagine that your father had a serious stroke and is not expected to recover. Do you know his wishes? Does his health care team know his end of life wishes? Who will communicate for him?

National Healthcare Decisions Day wants to get the conversation started. This movement began five years ago and seeks to educate the public about advance healthcare planning and advance directives. According to the National Healthcare Decisions Day organization, 90% of Americans have heard of a living will and 71% of Americans have thought about their end of life preferences. Only 29%, however, have a living will.

How can a person's wishes be conveyed? A living will is a form of health care directive and is a declaration that a person makes about whether or not they want certain medical treatments to be withheld or withdrawn under certain circumstances. A living will is given effect only when a person is terminal or not expected to live.

Who will make healthcare decisions for someone that is not able to communicate on their own? A health care power of attorney is a legal document that allows a person to appoint someone else to make health care decisions for them in the event that they are no longer able to communicate their wishes. It allows them to name a substitute decision maker.

Two important decisions a person can make are to have a Health Care Power of Attorney and a Living Will.

For someone to get started they need to think about what is important and meaningful to them. Do they want to have their family nearby? Do they want to be in their own home if possible? Do they find comfort with music or prayer? Do they want to have spiritual support? Next, they should consider what medical treatments they would want or not want to have.

Myths and Facts about Advance Healthcare Directives

- Myth #1 Advance Healthcare Directives are only for older adults.
Fact #1 Advance Healthcare Directives are for persons of all ages. It can be particularly devastating when a younger person is critically ill or suffers a brain injury; they can be kept alive for many years in a vegetative condition.
- Myth #2 A Living Will and a Durable Power of Attorney for Healthcare are the same documents.
Fact #2 A Living Will is a document which allows you to state your wishes about life sustaining treatments if you are *terminally* ill and applies only to death-prolonging procedures. A Durable Power of Attorney for Healthcare is the name of the document that provides instructions about your healthcare wishes and allows you to name an agent to make health care decisions. The Durable Power of Attorney for Healthcare gives the agent the authority to direct a healthcare provider to withhold or withdraw artificially supplied nutrition and hydration.
- Myth #3 A doctor is obligated by law to follow your advance health care directive.
Fact #3 A doctor can refuse to follow a healthcare directive. In Missouri, a physician does not have to honor a health care decision of an attorney in fact if the decision is contrary to the religious beliefs or sincerely held moral convictions, or contrary to the facility's policies. This applies to nurses, any healthcare provider or an employee of a health care facility.
- Myth #4 I give up my right to make my own decisions if I name a health care agent.
Fact #4 While you are still competent, you will always have the right to override the decision of your agent. A health care agent does not take away any of your authority.

Why do we need to do advance health care planning? Without a plan, health care providers won't know their patient's wishes. Family members may not know their loved one's wishes. They will worry and wonder if they are doing the right thing. Having an advance healthcare directive will lessen the confusion and stress that family members will experience at this very difficult time. If a plan is properly in place, a person can give their family the legal authority to make health care decisions with the loved ones wishes in mind and their family will have comfort in knowing they are following their loved ones final wishes.

Make sure your voice is heard. Write down your wishes, complete a healthcare directive. Remember that advance care planning is about these conversations. The attorneys at Martha C. Brown & Associates specialize in elder law and can help with end of life care decisions. For more information, visit www.elderlawstlouis.com or www.nhdd.org.

Mission Statement:

We are a law firm that concentrates on the unique legal needs of people who are elderly, disabled and the families who care for them. We appreciate and understand that each client's legal needs are personal to them. We are prepared to counsel our clients about the many non-legal issues that may arise, including financial, health and long term care concerns. We dedicate ourselves to educating our clients, empowering them to make decisions that are right for them and giving them peace of mind.

What We've Been Up To

What We've Been Up To

Get additional information at our website by visiting:

<http://>

www.elderlawstlouis.com/news-attorneys-speak.shtml

Washington University Welcomes Martha

Martha C. Brown presented "Elder Law-An Update of Recent Developments" during the Missouri Best Practices Seminar. This seminar was presented by Washington University Law Negotiation & Dispute Resolution Program and United States Arbitration and Mediation Midwest, Inc.

Brigid Talks about Estate Planning

Brigid Fernandez discussed "Estate Planning and Important Legal Documents" during the St. Louis Chapter AARP Estate Planning event. This event was at the Heritage House on Olive Street in St. Louis on March 28th.

Martha Presents at NAELA Boot Camp

Martha C. Brown presented "First and Third Party Special Needs Trusts" for the Missouri Chapter of The National Academy of Elder Law Attorneys Boot Camp. This event was held at Bogey Hills Country Club in St. Charles, MO.

A Day of Fun

The firm attended the St. Luke's Rehabilitation Hospital Community Resource Fair on March 28th. Patients and their families visited all the vendors and participated in activities and games. It was an enjoyable afternoon for all in attendance.

Martha Meets with Special Needs Parents

Martha C. Brown participated in a panel discussion during a Giant Steps parent workshop. Giant Steps of St. Louis is a special education school and therapy center for children with autism.

Legal Planning Techniques is Discussed

Brigid Fernandez conducted a 2 part, 3 hour seminar on "Legal Planning Techniques for the Elderly or Clients with Disabilities and Guardianships" during the National Association of Social Workers MO Chapter Continuing Education Series. This presentation was given at the Mother of Good Counsel Home in St. Louis and the MSU Alumni Center in Springfield, MO.

Martha Attends SNA Spring Meeting

Martha C. Brown attended the Special Needs Alliance Annual Spring Meeting on March 30th-31st. The event was at Hotel Valley Ho in Scottsdale, AZ.

Micah Presents Medicare Set Asides

Micah Huff discussed "Medicare Set Asides in Personal Injury Litigation." This event was at the Sheraton Clayton Plaza in Clayton, MO.

Martha Contributes to Career Panel

Martha C. Brown spoke to St. Louis University Law Students on an Elder Law Career Panel. The event was sponsored by St. Louis University Law Career Services.

Brigid Meets with Residents

Brigid Fernandez discussed "Important Legal Documents" to residents of The Sarah Community which include an assisted living facility and an independent living facility.

Martha Facilitates Webinar

Martha C. Brown participated in the MO Bar Webinar titled "The Next Step Series: Guardianship for Adults." This webinar taught participants the process of how to obtain guardianship of an adult in Missouri.

Brigid Discusses Family Dynamics

Brigid Fernandez discussed "Family Dynamics and Difficult Family Situations" during a presentation at Parc Provence Living Community in Creve Coeur, MO.

Martha Meets with Women's Guild

Martha C. Brown discussed Elder Care Law Issues to the St. Peter's Episcopal Church Women's Guild. St. Peter's Episcopal Church is located on North Warson Road in Ladue, MO.

Brigid Speaks at HDSA Conference

Brigid Fernandez spoke at the Huntington's Disease Society of America St. Louis Family Conference. Her presentation was titled "Planning and Paying for Long Term Care." The conference was presented by HDSA St. Louis Chapter and the HDSA Center of Excellence at Washington University School of Medicine. For information about HDSA visit www.hdsa.org/stl.

Martha Speaks to Credit Union Employees

Martha C. Brown discussed Estate Planning to Anheuser Busch Credit Union employees at the location on Lynch Street in St. Louis, MO.

Brigid Speaks with Alzheimer's Group

Brigid Fernandez talked with an Alzheimer's support group about Important Legal documents at Lenoir Woods Lutheran Senior Services Community in Columbia, MO.

Firm Attends Geriatrics Symposium

Martha C. Brown & Associates attended the 2012 St. Louis Times Geriatrics Symposium. This event was hosted by the University of Missouri-St. Louis Gerontology Program and was held at the UMSL J.C. Penny Conference Center.

Brigid Presents Continuing Education Class

Brigid Fernandez gave a continuing education seminar to BJC Social Workers on January 11th. The subject was Planning and Paying for Long Term Care, MO HealthNet and Guardianships.

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Use of e-mail does not protect the confidentiality that is a basic element of the attorney-client relationship. We regret that we cannot respond to e-mails from non-clients seeking legal advice because of the possibility of conflict of interest. Because of this, we will not read the substance of your message. Please contact us by telephone at (314) 962-0186 between the hours of 8:30 a.m. to 5:00 p.m. if you wish to discuss your situation with us.

Calendar of Events

MONDAY, APRIL 16

5TH ANNUAL NATIONAL HEALTHCARE DECISIONS DAY
VARIOUS LOCATIONS THROUGHOUT ST. LOUIS CITY AND COUNTY

Join Americans across the country to talk to others about your future healthcare decisions and to complete your advance directive. For more information about the locations or to join in this worthwhile effort, please call Brigid Fernandez at 314-962-0186 or visit www.nhdd.org.

WEDNESDAY, APRIL 18 -- 8:00 a.m. - 11:30 a.m.

DE SOTO SENIOR EXPO
DE SOTO KNIGHTS OF COLUMBUS HALL
13225 STATE ROAD E
DE SOTO, MO 63020

A fun morning is planned for seniors including bingo, giveaways and many vendors to see. The theme of this expo is travel and they will be putting seniors in the mood in two ways. First, there will be a grand attendance prize. Second, there will be a fun day trip at the conclusion of the expo to River City Casino. Buses will be provided by Huskey Trailways. Contact Leader Publications for additional information at 636-937-7501.

SATURDAY, APRIL 21 -- 11:00 a.m. - 4:00 p.m.

GLENDALE MEMORIAL BAPTIST CHURCH HEALTH FAIR
719 BISMARCK AVENUE
ST. LOUIS, MO 63122

The Glendale Memorial Baptist Church Health Fair is open to the public. There will be a variety of vendors from the St. Louis area to discuss their services and answer any questions. Martha C. Brown & Associates will be attending this event, so stop by and say hello. For additional information please contact 314-962-7314.

SATURDAY, APRIL 28 -- 9:00 a.m.

9TH ANNUAL JOHN TURNER MEMORIAL WALK
TILLES PARK
LITZINGER & MCKNIGHT ROADS (SOUTH OF HIGHWAY 40)
ST. LOUIS, MO 63139

The walk is part of a campaign to raise awareness and funds for the research, education and treatment of Huntington's Disease. In previous years, more than 1,200 walkers participated and this year is expected to attract even more. All proceeds support HDSA's fight to improve the lives of people affected by HD and their families. For more information visit www.hdsa.org/stl.

FRIDAY, MAY 4 -- 8:00 a.m. - 4:30 p.m.

THE CHANGING LANDSCAPE OF LONG TERM CARE OMBUDSMAN PROGRAM WORKSHOP
HOLIDAY INN SOUTHWEST AND VIKING CENTER
10709 WATSON ROAD
ST. LOUIS, MO 63127

This workshop is designed to help individuals and professionals understand the future demands and trends for long-term care as well as the impact of the Affordable Health Care Act on long-term care services and funding. Brigid Fernandez will present information on MO HealthNet benefits and the application process. For additional information please call 314-918-8222.

WEDNESDAY, MAY 9 -- 9:30 a.m. - 2:00 p.m.

MEAAA SENIOR FAIR - A PIRATE PARTY
ST. ANN COMMUNITY CENTER
I COMMUNITY CENTER DRIVE
ST. ANN, MO 63074

Dress like a pirate, talk like a pirate or just come as you are to the 36th Annual MEAAA Senior Fair. Activities will include games, health screenings, entertainment, craft sales, attendance prizes and a large information area providing seniors an opportunity to learn about programs, services and products available to them. This event is dedicated to the memory of Sherri Wahlig, who was the coordinator of the MEAAA for many years. For additional information, please call 636-207-1329 or email at info@mid-eastaaa.org.

MONDAY & TUESDAY, MAY 21-22 -- 8:30 a.m. - 4:30 p.m.

22ND ANNUAL AGING WITH DEVELOPMENTAL DISABILITIES CONFERENCE
HOLIDAY INN SOUTHWEST AND VIKING CONFERENCE CENTER
10709 WATSON ROAD
ST. LOUIS, MO 63127

The Association on Aging with Developmental Disabilities (AADD) is holding their 22nd Annual Conference. AADD strives to develop, link, and support opportunities and services for older adults with developmental disabilities. Martha C. Brown will be giving a presentation called "Legal Issues for Elders with a Developmental Disability" during Tuesday morning's breakout session. She will discuss areas that impact the rights, benefits and financial security of people aging with developmental disabilities. For more information and a list of all session topics check the AADD website at www.agingwithdd.org or call 314-647-8100.



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**If you are
interested in having
an elder law
attorney from
Martha C. Brown &
Associates speak at
your event, please
contact Colleen at
314-962-0186**



Calendar of Events (Continued)

FRIDAY, MAY 25

NASW-MO CHAPTER PRESENTS CONTINUING EDUCATION
QUALITY INN
1612 N. PROVIDENCE
COLUMBIA, MO 65202

The National Association of Social Workers-Mo Chapter presents Continuing Education for the Columbia Region. This collection of professional development and continuing education workshops are for social workers, counselors, case managers, mental health providers, human services professionals and social service workers. Brigid Fernandez will be a presenter at both the morning and afternoon sessions. You may choose to attend the morning or evening session or both. Each session is 3.0 clock hours for all practice levels. Social workers will receive continuing education to maintain their license. The morning session begins at 8:30 a.m. and is titled "Legal Planning Techniques for the Elderly or Client with Disabilities: Health Care Directives, Living Wills and Powers of Attorney." The afternoon session starts at 1:00 p.m. and is titled "Everything You Need to Know About Legal Guardianship and Conservatorship." For additional information visit www.nasw-mo.org or call 573-635-6965.

SATURDAY, MAY 26 -- 9:00 a.m.

NATIONAL ALLIANCE ON MENTAL HEALTH (NAMI) WALKS ST. LOUIS
UPPER MUNY PARKING LOT IN FOREST PARK
MACKLIND DRIVE & UNION DRIVE
ST. LOUIS, MO 63110

NAMI is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness. Every person that walks is helping to fight the stigma around mental illness. The NAMI St. Louis Walk is vital to their efforts. The funds raised help pay for the education classes, support groups and advocacy that they do each year. As the walk grows larger, the stigma of mental illness becomes less. We would like to ask you to come and walk with our team or to donate to support our participation in this great event. If you would like to register to walk with the staff of Martha C. Brown & Associates, visit our team's page at <http://www.nami.org/namiwalks12/STL/everymilecounts> or if you would like to make a donation to sponsor a walker on our team, visit <http://www.nami.org/walkdonation.cfm?id=204115>. For event information visit: www.nami.org/namiwalks/mo or call Nathan Martin at 314-962-3347.

WEDNESDAY, JUNE 20 -- 8:00 a.m. --12:00 p.m.

FESTUS SENIOR EXPO
BEST WESTERN (FORMERLY HOLIDAY INN)
1200 W GANNON DRIVE
FESTUS, MO 63028

There will be many vendors at this annual senior expo including Martha C. Brown & Associates. Participants that register ahead of time with Huskey Bus Service at 636-937-8481 can take a bus over to River City Casino. The bus cost is \$15 and includes a \$5 lunch voucher and \$15 in gaming credits at River City. Please contact Leader Publications at 636-937-7501 for additional information.

Martha C. Brown & Associates appreciates and encourages you to share this newsletter with anyone that is interested in issues regarding the elderly, the disabled, or someone needing information on veterans benefits. If you know someone who would like to receive this or future newsletters, please have them contact us at 314-962-0186 or email us at: marketing@elderlawstlouis.com.

Save a tree and receive future newsletters by email.
Please send your name, email address and the name of your company to:
marketing@elderlawstlouis.com.
Thank you.

Content of this newsletter is for informational purposes only and not intended as legal advice nor does receipt of the newsletter establish an attorney/client relationship.

The choice of a lawyer is an important decision and should not be based solely upon advertisements.

Veterans Advocate Corner: Aid and Attendance Update

In the April 2011 newsletter, we addressed the Aid and Attendance special monthly pension. Since then, the maximum pension rate amounts have increased.

Eligibility Information for Non-Service Connected Aid & Attendance

Veteran, Widowed Spouse or Disabled Adult Child (Any May be a Claimant)

- Veteran must have served at least ninety days on active duty; one day of which had to have been during a war time period
- Veteran must have had an other than dishonorable discharge
- Claimant's physician must declare him/her as housebound and/or in need of assistance from another individual, which may include services offered by home health care, assisted living or nursing home care
- Claimant, if married, must have less than \$50,000 in assets, excluding home, car and personal belongings (see life expectancy tables)
- Meet income requirements
- Widowed spouse must have been married to the veteran at the time of the veteran's death or have had children by the veteran and never remarried (minor or disabled children may qualify for benefits on their own)
- Widowed spouse must have been living with the veteran at the time of the veteran's death, unless the separation was due to medical or military reasons (there may be some exceptions related to separations due to abuse)

2012 Maximum Pension Rates for Aid and Attendance

Single Veteran	\$1,703.00 Per Month or \$20,447.00 Per Year
Married Veteran	\$2,019.00 Per Month or \$24,239.00 Per Year
Surviving Spouse	\$1,094.00 Per Month or \$13,138.00 Per Year
Veteran Married to a Veteran (Both A & A)	\$2,631.00 Per Month or \$31,578.00 Per Year

If you are interested in more information about the Aid and Attendance benefit and how you or someone you know might be eligible, call our office at 314-962-0186. We have ways to assist persons in attaining eligibility.