

THE
ALZHEIMER'S
LEGAL SURVIVAL
GUIDE



9 Steps
to
Peace of Mind
for the
Alzheimer's Family



THE HUGHES LAW FIRM

A PROFESSIONAL CORPORATION

1974

Dear Reader,

Reading this report is an important first step in learning how to deal with the many devastating consequences of memory loss, dementia and, of course Alzheimer's disease.

Memory loss is often compared to a thief because it robs you of your loved one and it robs your loved one of his or her dignity. But, what you don't know is that this devastating disease can also rob you of much more, including the family home and cash assets – perhaps \$200,000 or more, according to studies. There are ways, however, to prevent this result if action is taken sooner than later.

There are several legal issues that should be addressed, even when Alzheimer's disease is merely suspected and not necessarily diagnosed. To hesitate could be costly. We urge you to please read this report completely and put what you learn into practice today.

To encourage, let us offer something extra as our way of saying "Thanks" for having the courage to order this report: **a free 20 minute elder law consultation.**

In the meantime, if you have any questions, or if you know of anyone else who might benefit from this timely report (no charge), let us know by calling **(303) 409-3578.**

Sincerely,



THE HUGHES LAW FIRM

Richard D. Hughes, Laurie D. Wert, Garrett C. Andersen, Rick Best, Chris Gordon, and John J. Campbell

P.S. Memory loss and time are working against you. Making informed decisions about personal business, legal options and healthcare choices are very likely to become more difficult or even impossible if Alzheimer's or other forms of dementia are allowed to progress before you begin taking action. The longer you wait, the greater the risk. With proper planning, you will ensure that things are handled according to your family's wishes and that you have taken the best steps possible to protect your loved ones and your family's financial security. If you would like the guidance of a law firm that has helped hundreds of local families successfully deal with these issues, please call us and ask to speak with one of our elder law specialists. The first call is free.

P.S.S. We have a geriatric care manager on our staff that can be of enormous help. While our attorneys can handle all of the legal details with great skill, they're not the best for "hands-on" care. That's what our geriatric care manager does best. Call us and discover how our unique combination of services can be the answer to your most sensitive needs. Call us today. We're here to help.

INTRODUCTION

- Is anyone in your family suffering from memory loss?
- Do you sometimes feel exhausted from your caretaking duties?
- Are you up all hours of the night making sure your loved one is safe and not wandering about?
- Are you frequently afraid to let your loved one drive alone and even more afraid of being a passenger?
- Are you at your wit's end with the fear that you'll lose everything to this progressive disease?

If you answered "Yes" to any of the above, this report is for you. You are about to learn valuable information that will significantly increase your ability to cope with and manage the effects Alzheimer's or other forms of dementia in your life.

Memory loss is a common problem associated with aging. It may start with forgetfulness and difficulty finding the right words. When a loved one starts to experience more frequent episodes of memory loss you may begin to wonder if Alzheimer's is the culprit. And suddenly, this realization grips you in fear.

But it is your fear that motivates you to learn as much as you can about Alzheimer's and other forms of dementia associated with aging. You learn that as the disease progresses, memory loss, difficulty completing simple tasks, more over personality changes, etc., become more evident. You learn that people with Alzheimer's can also lose their sense of time and place. For example, they might get up in the middle of the night not realizing it's not morning, get dressed and wander off and get lost in what used to be familiar territory. Now your fear has a companion: panic. You begin to wonder, "What am I going to do?" "Who's going to take care of Dad," or "Am I capable of taking care of my spouse now?"

If anyone in your family is having memory problems significant enough that you have taken note, have quietly discussed the problem with them or are worried about them, then the information in this report could mean the difference between having a sudden, costly disaster on your hands, or being prepared to manage the problems that lie ahead.

Alzheimer's warning signs are often downplayed. It is natural to slip into a sense of denial at the first signs of Alzheimer's. In many ways, Alzheimer's is often harder on the caregiver than the victim. Thus, Alzheimer's is not a solo disease. Indeed, the entire family becomes the victim. Alzheimer's robs its victims of their dignity and ultimately their finances.

Our staff members see people every week whose lives have been turned upside down by this devastating disease. We all hope and pray for a cure for this disease. In the meantime, we all too frequently find ourselves looking at the exhausted face of a husband or a wife or a child who's tired, who's struggled and who can no longer care for someone who meant so much to them, who no longer recognizes them.

FACT ABOUT MEMORY LOSS

Age is Not Always a Factor

According to one study by *Duke University*, the age of onset of Alzheimer's disease is generally considered the time at which an individual begins to suffer short-term memory loss or disorientation in a manner serious enough to interfere with daily activities.

The genomic study (a study of the human genes) found that the average age at onset for individuals in the study with Alzheimer's disease is 72.8 years old.

But it can start much earlier for many people. For example, many people assume that Alzheimer's disease and other forms of dementia only affect older people. But according to *Alzheimer's International*, about 1 person in every 1000 develops dementia-related diseases under the age of 65, also known as "early onset dementia."

In some reported cases, although quite rare, symptoms of Alzheimer's disease have appeared in certain people as young as their mid-30s.

Ages of people in the U.S. with Alzheimer's disease in 2016:

Under 65	4%
65 - 74	15%
75 - 84	44%
85+	37%

CARING FOR A SPOUSE WHO HAS ALZHEIMER'S

Your marriage vows said, "For better or for worse." You took those words seriously when you married your spouse, and you still do. But now, sometimes it feels like this terrible disease is killing both of you and your marriage. The strain of memory loss is daunting.

Do you remember how you felt when your loved one began to forget things...or, the day of the diagnosis of Alzheimer's disease? You may have thought back to when you and your spouse were courting. The world was your oyster and your whole life was in front of you. Then, after the children grew up and you retired, you would finally get to spend time together.

But then something went wrong, seriously wrong, something you hadn't planned for. Your loved one began to forget things. At first, it didn't seem like such a big deal. But as time marched on, the symptoms got worse.

Now, looking back, you can go to the checkbook register and probably see where things started to go wrong. Gradually, the handwriting changed and the numbers became more garbled. Both of you knew something was wrong, but neither of you knew what was happening. And you didn't know how to talk about it, at least not at first. It seemed that if you could just ignore it, maybe it would go away. But it didn't.

FACT ABOUT MEMORY LOSS

Things Can Happen Suddenly and Quickly

In an article entitled *Memory* by Anderson D. Smith, appearing in *The Encyclopedia of Gerontology* (1996), Alzheimer's is called a degenerative disease. So, once the damage begins, it will continue until that person passes away. There is no cure, although some research found methods that might be useful in reducing the disorder or slowing down its effects.

When a person is diagnosed with possible Alzheimer's, that person is said to have "dementia" of the Alzheimer's type. But when a person is officially diagnosed with "Alzheimer's," the disease is already very far along. Once such a diagnosis has been made, the person generally lives, on average, another 3 to 9 years.

Perhaps it's not a spouse you're worried about. Maybe it's a parent you're concerned about. An aging parent can go from "mild" to serious memory problems in no time, taking the family by complete surprise. Many times, the family is simply in denial.

Whether you are dealing with a spouse or parent, there are many financial and legal decisions that should be made before there is a formal Alzheimer's diagnosis – before the memory loss becomes severe. However, it's never too late. There are also important things you can do if you have a spouse or parent already suffering from memory loss or Alzheimer's and if you are already struggling with caregiving or financial burdens.

At any stage, there are steps that should be taken now to avoid having your personal and family assets ravaged by medical, pharmaceutical, and long-term care costs.

IT FEELS LIKE YOU DIED TWICE

Some people say that having Alzheimer's is like dying twice.

FACT ABOUT MEMORY LOSS

It's a Slow Grief: From Denial to Peace of Mind

According to C.J. Farran, in *Loss, Mourning, and Suffering: The On-going Funeral of Dementia*, it is common for family members and particularly the caregiver to experience feelings of loss. If you have a loved one with the disease, you will experience both your own loss and loss for your family member.

"As the disease progresses." According to the author, "you will notice fluctuations in your feelings." As the person loses more of his or her abilities, the realization of seeing the person depart – not through death, but through the gradual loss of memory, thinking abilities and changes in personality – may become painful.

Your feelings of loss will likely involve the natural phases of grieving, such as denial, anger, guilt, physical symptoms and eventually acceptance.

In her work on bereavement, Elizabeth Kubler-Ross said that we go through several stages of grief, from denial (when we can't face the truth), to anger (where you might become angry at the disease itself or at "God"), to bargaining (where you try to postpone the inevitable), to depression (where you feel profoundly sad), to acceptance (where you come to terms with the reality of the situation) and ultimately to peace of mind. But what a long journey it is to get to peace of mind.

When your spouse has Alzheimer's, it's hard to get away from the mourning. You can't reach a resolution because you can't ever get away from it. Your loved one is still there, slowly disappearing. One bad day after another, followed by an occasional good day with the hope that things are better, only to have that hope dashed by another string of bad days.

Even though that person may still be living and otherwise in good health, the impact on those around that person is quite the same as grieving over the loss of a loved one. In fact, some people say that the affliction is not only robbing a person of their memory, but their soul.

DO YOU PUT ON YOUR HAPPY FACE?

We've all had it happen. It's been a bad day, the kids are screaming, the dog gets out and terrorizes the neighborhood, the washing machine overflows, all heck is breaking loose and the phone rings. It's your friend on the other end, asking, "How's it going?" You put on your happy face, smile, and say, "Just fine."

Alzheimer's caregivers are famous for wearing happy faces. They may have been struggling with the same repetitive question, or pacing or wandering for the last hour. But when someone comes over, or talks to them on the phone, they say everything is "just fine." And the happy face continues for a while – maybe months or even years – until you just can't do it any longer.

Let's put aside your "happy face" and talk about Alzheimer's disease, what it is, and how you can take control of your life again. We've all heard the saying, "knowledge is power." That certainly is true when trying to cope with memory loss and Alzheimer's disease. But there's more to it than that.

RESTORING YOUR HOPE

We want you to be aware of everything there is to know about Alzheimer's in a way that permits you to care for your loved one without emotionally, physically, or financially destroying yourself or your family. In order to do that, you need to learn how to manage the financial and legal issues presented when this disease affects your life.

Having a plan helps put things into perspective and will help you better manage the effects of Alzheimer's safely and sanely. The steps below will help you get started.

Step 1: Become Informed

There are hundreds of good books and resources on memory loss and Alzheimer's disease. You may have already delved into some literature on the subject. On the other hand, your life circumstances may preclude you from spending a lot of time learning all there is to know about Alzheimer's. Nonetheless, it is important that you do take at least a bit of time to get an understanding of what is going on with your loved one and yourself.

The best resource we have seen for this is a book entitled *The 36-Hour Day: A Family Guide to Caring For Persons With Alzheimer's Disease, Related Dementing Illnesses, and Memory Loss In Later Life*. In it, you will learn tips for dealing with problems that arise in your day-to-day life (such as meals, personal cleanliness, and safety) and information on dealing with your loved one's mood swings. A search on the Internet is also a good way to locate relevant materials. Additionally, your local Alzheimer's organization is another good resource for reading materials.

Step 2: Contact the Nearest Chapter of the Alzheimer's Association

The best place to start is the Alzheimer's Association. In Denver, their number is (303) 813-1669. Their national website is www.alz.org. Another local resource is the Alzheimer's Treatment and Research Center, (800) 229- 2872. Another good website resource is www.alzheimers.org (Alzheimer's Disease Education and Referral Center).

Step 3: Consider Joining a Support Group

Support groups may be intimidating at first, especially if you are not accustomed to openly discussing family matters. However, this may be a time when you should reconsider. There are many emotional and practical benefits associated with attending a support group where others are going through what you and your family are.

Not only will you begin to feel a sense of community and start learning about the types of resources that are available, but you will also achieve a better understanding of your concerns, fears and anger and that these emotions are normal. If this sounds like an avenue worth pursuing, contact the Alzheimer's Association for a list of support groups. Meetings are held at regular times all over the city.

Step 4: Discuss the Situation and Your Feelings

Don't hesitate to talk openly. While this can be a particularly difficult step to take where memory loss is concerned, it is very important to have these discussions while you can. You might say to yourself "I wouldn't know where to begin."

Talk to your family members or a close friend. Tell them what is happening. They have probably noticed some of the changes, but are waiting for you to let them know it is okay to talk.

Step 5: Schedule a Doctor's Appointment

There are a number of reasons why someone may be experiencing memory loss. Not all of them are related to Alzheimer's. Typically, a lessening of mental function is called "dementia." There can be any number of causes for this. Some can be as simple as a vitamin deficiency; others can be related to thyroid problems or depression.

Still others can be Alzheimer's or other related dementias. That's why it's so very important, when someone is experiencing memory loss, to have a medical examination. Quite possibly the dementia or disease is treatable. Even if it is Alzheimer's there are new drugs that actually slow down the progress of the disease.

The place to start is with your family physician. From there, depending on the results, the doctor may suggest that you see a neurologist or other physician who specializes in Alzheimer's and memory loss.

Step 6: Talk to Your Doctor about Other Matters

Ask your doctor if he or she is comfortable with your health care treatment wishes and end-of-life matters. Of course, talking about such matters is not pleasant, but the time to do so is now – before it's too late.

Your doctor may or may not be totally comfortable with the way you and your loved one plan to handle things as the disease progresses. In either case, the time to find that out is now, when the conversation can be held in a non-emergency setting where, hopefully, everyone can participate.

Step 7: Meet With an Experienced Elder Law Attorney

This is an extremely important step. The simple fact is that none of us knows how much time we have on this earth. When Alzheimer's or memory loss is introduced into the situation, planning and timing are critical.

You may know exactly what your spouse or loved one wants, but if those wishes have not somehow been put down in writing, the law may not recognize your supposed "knowledge."

The law requires that the person who has Alzheimer's or memory loss must have the legal capacity to plan. Don't wait until the opportunity is lost.

Schedule an appointment with an experienced elder law attorney soon. At the meeting, your attorney will guide you and your loved ones in a discussion about the steps that need to be taken.

One of the first items to consider is a durable power of attorney. A durable power of attorney gives you the legal authority to make decisions for your loved one if he or she cannot make decisions. There are two basic durable powers of attorney: financial and healthcare.

The power of attorney for healthcare allows you to make decisions concerning doctors, hospitals, medication, and living arrangements. A spouse, child, or other family member has no legal right to make these decisions for a loved one without a valid power of attorney.

Most people simply don't know that they need them. It comes as a shock to most folks when they learn that they have no legal authority to make decisions for their family member. Getting control can be easily handled with a power of attorney (assuming that your loved one still has legal capacity).

The other type of power of attorney is a durable financial power of attorney. This can cover a whole host of situations from selling real estate, to dealing with bank accounts, to paying taxes, to almost anything you can think of from a financial standpoint.

Having solid powers of attorney in place is a critical first step. Then, depending upon your specific situation, a will, a trust, a living will, a HIPAA release, and asset-protection planning may be appropriate.

Revising Wills and Trusts: Whenever a major life event occurs, you must review your wills and trusts. Your current legal documents may no longer be appropriate. You may want to make changes that reflect your new circumstances. Memory loss or a diagnosis of Alzheimer's disease is a major life event worthy of this kind of legal review.

Changing Property Titles: The way in which your real estate and other assets are titled is critically important. In some cases, if asset titling is not handled properly now, dealing with the property later could require going to court. Reviewing property titles is also an important part of planning to ensure that you and your family members are protected if you or your loved one ever need long term care in a nursing home.

Strategies for Financial or Other Gifts: Consulting an attorney is especially important before you transfer any property or make gifts. Your attorney can help you review your financial situation to determine whether a gifting program or other financial strategy is appropriate for your situation. Making gifts can protect your family and help save your estate, but acting improperly can have severe legal consequences and can even make you ineligible for government benefits.

Long Term Care Strategies: You may want to consider various government benefit programs. Medicaid, a federally funded program administered by the states, may pay some health care costs (assistance with bathing, light housekeeping, cooking and laundry) while an eligible patient remains at home, as well as nursing home costs for qualified individuals.

GOVERNMENT BENEFITS – THE RIGHT WAY!

Speaking of Medicaid, you may want to think about using government benefits, but most families are financially unprepared to pay for health care costs for an Alzheimer's patient. Over a patient's lifetime, long-term care can cost hundreds of thousands of dollars!

You should also explore veteran's benefits. There's a little-known program called "Aid and Attendance" that can pay up to \$2,127 per month toward the costs of assisted living, home care, and a nursing home. If you or your loved one is a veteran (even spouses of veterans), call us to request our special report on "Aid and Attendance" to see if you qualify for this outstanding benefit.

FACT ABOUT MEMORY LOSS

Memory Loss is Not Cheap

People with Alzheimer's face a host of difficult decisions. For many, nursing home care – a likely necessity – can cost anywhere from \$96,000 to \$120,000 a year."

Published in the *Journal of the American Geriatrics Society*, a study showed that the average cost of caring for an Alzheimer's patient for six months in a facility is nearly \$48,000. While the cost for patients with mild symptoms was averaging \$38,000, the most severe forms of the disease resulted in costs as high as \$50,000. These figures do not include lost days of work by caregivers and the hours per week they spend on unpaid care for their loved ones. "As Alzheimer's disease progresses, the costs to society in terms of direct health care costs and loss of productivity of caregivers are astronomical," says Gary Small, M.D., from UCLA.

Even if your loved one enters a nursing home down the road as a "private pay" resident, the family may eventually exhaust personal funds and qualify for Medicaid assistance. Even if you believe your family can manage the costs, you may still worry about depleting assets and burdening the family.

You may already share the frequently-expressed fear among potential Medicaid applicants: "I'm afraid I'm going to lose everything." However, with legal assistance and proper planning, you may be able to protect your family's financial security while qualifying for Medicaid sooner than later.

Again, it is critical that you consult an experienced elder law attorney to help you with this planning process. It's like asking a CPA to be sure that you are taking all the legal deductions the tax code allows. Don't apply for Medicaid before making sure you've taken all the steps possible to protect yourself and your family.

Learning about your planning options before you meet with your attorney is a good idea. Consider calling us to order your free report entitled "The Colorado Guide to Medicaid." In this report you will learn little-known facts about the healthcare establishment, Medicare, Medicaid, patient and family rights, and how you can protect your family.

Step 8: Call Us Today

Whether you want to put an action plan in place to protect yourself and your family, or simply want to know your rights and what other steps you and your family can take, call us at **(303) 409-3578**. The call is free.

During that initial phone conversation, we will ask you some questions about your situation, about the symptoms, about the memory loss, about your family and about any planning that you may have already done. We will then guide you from there. If, after discussing the situation, we all agree that a meeting would be helpful, we will schedule one. If it looks like a planning meeting is not necessary at this time, we will tell you that too.

Step 9: Relax

After you have completed the steps discussed in this report, you will have a plan to safeguard yourself and your family. Now take the time to enjoy each precious moment you have with your loved ones.



THE HUGHES LAW FIRM

A PROFESSIONAL CORPORATION

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4155 E. Jewell Avenue, Suite 500
Denver, Colorado 80222

(303) 4-ADVICE

www.thehugheslawfirm.net

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