

Alzheimer's Disease

The Steps You Need to Take Now

You have a loved one who's showing signs of memory loss and you are concerned that it might be Alzheimer's disease. Perhaps your loved one has already been diagnosed.

In either case you're concerned about getting your loved one good care and you're also wondering where you'll find the strength to carry on throughout the course of a disease that can sometimes last many years. And when you think of the cost, you begin to worry about how you might lose everything to Alzheimer's.

The results of a survey at a conference on heart disease issues stunned the researchers. This was a gathering of people from all over who deal with issues of cardiovascular health, heart attacks, stroke and so on.

When the researchers asked the participants what their number one fear was, they were shocked to find that the number one fear of participants at the conference was not heart disease (which they had all come to study). Instead it was **"the fear of becoming a burden to their loved ones due to Alzheimer's disease!"**

When a loved one starts to show signs of memory loss, we may try to ignore it or downplay the symptoms or cover for them. It's understandable. But it's really dangerous to do that.

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

The disease itself is very cruel. It gives you ample opportunity to ignore it (for a while) if you want to act like an ostrich and bury your head in the sand. That's because frequently someone suffering from Alzheimer's Disease or memory loss has what is called "good days" and "bad days."

On the bad days you quickly realize that you've got a problem on your hands. Your loved one may not know you or may exhibit strange behaviors or may not recognize the children or any of a thousand bizarre behaviors.

Then the next day (or perhaps 2 hours later) he may seem fine. He is once again his "old self" participating in conversations, laughing and carrying on like old times. On those days you think nothing is wrong. When there are several bad days, followed by a good day, you latch on to the good day and tell yourself the bad days were just temporary...that your loved one is getting better. But deep down inside you know that's not true. So while you want to ignore it, **you need to take steps right now.**

You Should Tend to the Immediate Medical Issues

It is important that you talk to your doctor as soon as your loved one starts to show signs of memory loss. Even though you may be fearing the worst, that it's Alzheimer's disease, there are any number of less serious reasons why someone might be experiencing memory loss. Not all of them are related to Alzheimer's, but some of them have very similar symptoms. Frequently, that "non-Alzheimer's memory

loss” can be treated if caught early. Even if it is Alzheimer’s Disease, there are drugs like Aricept or Namenda or others which, in many cases, can slow down the progress of the disease.

The place to start would be with your family physician or an internist. From there, depending upon the results, the doctor may suggest that you see a neurologist (someone who specializes in Alzheimer’s and memory loss as well as other related disease).

Even if the medical side is being handled, there are several crucial steps on the legal and financial side of things that you should consider immediately. That’s because the cost of care for someone with Alzheimer’s is incredibly expensive. Studies show that the cost of care averages more than \$174,000 for an Alzheimer’s patient over his or her lifetime.

While that may sound outrageous when you consider that the cost of adult daycare is often \$50 per day or more or that the cost for an Alzheimer’s assisted living facility in our area averages nearly \$3,000 per month or that the cost of an Alzheimer’s nursing home in our area is typically more than \$5,000 per month, you quickly realize that the \$174,000 lifetime figure may be low.

That’s why you should take steps now, while you can still plan. After all, who can afford \$3,000 per month for Alzheimer’s assisted living or \$5,000 per month for nursing home care without some assistance? Fortunately, there are often programs available to help you if you act now and plan ahead. The first step is to consult with an attorney who works with Alzheimer’s clients.

It’s critical that you and your loved ones have a chance to put the proper planning in place while there is still time. The simple fact is that none of us knows how much time we have on this earth. When Alzheimer’s or memory loss is part of the equation, however, life becomes more complicated. That’s because you may “know” exactly what your spouse or loved one would want. But if those wishes have not somehow been put down in writing, then the law may not recognize your supposed “knowledge.”

Instead, the law says the Alzheimer’s patient must have the legal capacity (i.e. the ability to understand) the planning steps. For that reason, **that’s why we suggest you act right now**, while the Alzheimer’s patient can participate in the planning. The longer you wait, the greater the risk becomes.

Then Take Care of Legal and Financial Matters

Consider the case of a husband who has Alzheimer’s and he and his wife have been married for more than 50 years. Their names are on all of the accounts and they have always handled everything together as a couple. They have a home that also has both of their names on it. What if she waited to come an attorney until he was very late in the process. His Alzheimer’s had progressed to the point where he no longer knew her.

One of the planning steps that we might want to take in their case (this doesn’t make sense in every case, but in theirs it might) would be to move the house from both of their names into her name alone. Unfortunately she had never done a power of attorney and neither had he. If his illness has progressed to the point where he no longer recognized her, it would be too late for us to put a power of attorney in place.

This would mean that even though she insisted he would have wanted to move the house into her name to help protect it, it would be too late. So down the road if she needs to sell the house and move to an assisted living, she may need a costly guardianship and then need to account to the court on how she spends his one-half of the proceeds. This could have easily been avoided if she had come to see me when his Alzheimer's wasn't nearly so advanced.

That's why, no matter what "stage" the Alzheimer's patient is in, it's important to see an attorney who works with Alzheimer's patients as soon as possible.

One of the first things to consider is a power of attorney. A power of attorney is a legal document that gives you the authority to make decisions for your loved with Alzheimer's if the disease progresses to the point where he or she cannot make those decisions.

There are 2 different types – a durable power of attorney for health care and a durable power of attorney finances.

The **power of attorney for healthcare** allows whoever is named to make decisions concerning doctors, hospitals, medication and so on. Even if you are the adult child of someone who has Alzheimer's and you've had a good relationship for the last 30 years, if you do not have these powers of attorney in place, then you do not have the legal authority to make health care decisions for your loved one.

The other **power of attorney is one for finances**. This can cover everything from handling real estate to dealing with bank accounts to paying taxes to almost anything you can think of from a financial standpoint.

Having the appropriate powers of attorney in place is a critical first step. But if you wait until your loved one no longer has the legal capacity, then the only alternative may be to go to court and pursue a costly guardianship. Even if you go through the cost of those court proceedings, many planning techniques which would otherwise be available to you may not be permitted under the court's supervision.

“I'm Afraid I'm Going To Lose Everything”

If your loved one needs nursing home care down the road, the family may eventually exhaust their personal funds and need Medicaid assistance. With advice from an experienced attorney who works with Alzheimer's clients, there are often steps you can take now to protect your loved one and the family finances. Getting help from an Alzheimer's planning attorney is like asking a Certified Public Accountant (CPA) to prepare your income tax forms to be sure that you are taking all the legal deductions the tax code makes available.

You need to plan now to make sure you've taken all the steps possible to protect yourself and your family. That's why I co-authored a book entitled **Alzheimer's and Dementia: A Practical and Legal Guide for Nevada Caregivers**. The book discusses the healthcare establishment, Medicare and Medicaid, patient and family rights and how you can take steps to protect your family and your loved one who has Alzheimer's.

The cost of nursing home care in our area can be \$5,000 per month or more for an Alzheimer's patient. From my experience, people simply can't afford that over an extended period of time. That's why it's crucial to put the proper planning in place now.

Case Study - The Brooks Family

Tom and Winnie Brooks (not a real case) have been married for 50 years. Winnie has Alzheimer's and Tom recently placed her in a nursing home when his health got so bad he could no longer care for her. He felt like he had let Winnie down, but the doctor told him that caring for his wife was "killing him."

He might come to see me, deathly afraid that he wouldn't be able to make ends meet with the cost of the nursing home running at \$5,200 per month.

He and his wife had been good savers and had accumulated about \$150,000 in assets. Medicaid says he has to spend down to half of the assets (or \$75,000).

Instead we might be able to reposition assets and qualify her for Medicaid immediately. You can imagine the peace of mind the family had knowing that she would receive good care and that he would have enough income to live on for the rest of his life.

The cost of nursing home care in our area can be \$5,000 per month or more for an Alzheimer's patient. From my experience, people simply can't afford that over an extended period of time. That's why it's crucial to put the proper planning in place now.

The Laws Have Changed and This Forces You to Plan Earlier

You may have heard about changes in the federal laws regarding Medicaid changes. The laws have been tightened, but there are still a number of steps which smart families should consider taking to protect themselves.

By planning early you may be in a position to qualify for those benefits. The law often rewards those who plan early. We work regularly with families of Alzheimer's patients. The comment we hear over and over again, once their planning is done, is that they feel so relieved, and they finally have some peace of mind.

Clients hire us when a loved one is in the very early stages and pre-planning is possible or in the middle or late stages where crisis Alzheimer's planning is needed. We know how the system works, including having a staff member who worked for thirteen years for Medicaid. We know how you may be able to qualify for Medicaid benefits.

Whether you are concerned about a spouse or a parent or other family member, or whether you simply want to know your rights and what other steps you and your family should consider right now, you should call us today: **702- 870-6060 or toll free at 1-877-870-6060.**

During the initial phone conversation we'll ask you some questions about your situation, about the symptoms, about your family and about any planning that you may have already have done. We only work with a limited number of families and only in those situations where we can truly help. As we limit the number of cases we handle, we believe that means more personal attention for you and your family.

Best Regards,

Kim Boyer
Certified Elder Law Attorney