



The Advocate

A Newsletter From Your Regional Ombudsman Program

MARCH 2008

Serving
Alexander,
Burke,
Caldwell,
And
Catawba
Counties

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ECONOMIC STIMULUS PACKAGE

We've been getting questions about the **Economic Stimulus Package** and what residents of long-term care facilities have to do to apply.

Essentially, to qualify, a person has to have more than \$3,000 in income. Even if a person does not have earned income, they can still qualify if their Social Security benefits, Veteran's Affairs benefits, and/or railroad retirement benefits equal at least \$3,000. Supplemental Security Income (SSI) does not count towards the \$3,000 minimum, so SSI recipients must have at least \$3,000 in income from other sources to qualify for the stimulus payment.

Particularly important for many residents of long-term care facilities, receiving a payment under the stimulus package does not affect eligibility for Medicaid. The payment does not count as income in the month it is received, and it does not count as a resource (asset) for 60 days after the month in which it was received.

For a Medicaid recipient living in an assisted living facility or a nursing home, who is close to the \$2,000 resource limit, this would mean the person would have the month in which they receive their stimulus check plus another sixty days to spend whatever portion of the check they wish. The key is they just need to remain below the resource limit. If the amount of the stimulus check does not take the individual above the resource limit, there is no time frame in which they would need to spend the money.

The National Council on Aging (NCoA) has developed informational materials related to the Stimulus benefits and pulled together additional resources that advocates can use to inform and assist consumers. Go to the links below to access the information, available at **www.MyMedicareCommunity.org**:

- Fact Sheet developed by the National Council on Aging (NCoA): **<http://www.ncoa.org/userfiles/file/FactSheetStimulusPckg.pdf>**
- Link to NCoA's My Medicare Community website page with resources, information, and sample forms related to the Economic Stimulus Package: **<http://www.mymedicarecommunity.org/showthread.php?t=2700>**

In response to a question raised about whether representative payees can sign the tax return on behalf of an individual who may not be capable of signing.

When someone can sign for you. You can appoint an agent to sign your return if you are:

1. Unable to sign the return because of disease or injury,
2. Absent from the United States for a continuous period of at least 60 days before the due date for filing your return, or
3. Given permission to do so by the IRS office in your area.

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NCCNHR Welcomes Introduction of Nursing Home Transparency Act

NCCNHR (formerly the National Citizens' Coalition for Nursing Home Reform) is pleased to support the Nursing Home Transparency and Improvement Act of 2008, the first comprehensive national nursing home reform bill since the Nursing Home Reform Act was passed two decades ago.

The bill would institute new disclosure, accountability, and oversight requirements over nursing home owners and operators, including chains; improve public information about nursing homes' staffing and quality; strengthen resident and family protections; and implement improvements in enforcement recommended by the Government Accountability Office and supported by consumer advocates. It has grown increasingly hard for American families and even government agencies to identify who is ultimately accountable for the quality of care in nursing facilities in their states and communities. Corporations—including chains taken over by large, multinational private equity groups—are turning over operation of their facilities to multiple entities and isolating themselves from responsibility for care in facilities from which they are taking large profits. The bill addresses this critical problem while improving enforcement and residents and families' ability to address problems through a complaint process.

ECONOMIC STIMULUS PACKAGE (*continued*)

Power of attorney. A return signed by an agent in any of these cases must have a power of attorney (POA) attached that authorizes the agent to sign for you.

Unable to sign. If the taxpayer is mentally incompetent and cannot sign the return, it must be signed by a court-appointed representative who can act for the taxpayer.

If the taxpayer is mentally competent but physically unable to sign the return or POA, a valid "signature" is defined under state law. It can be anything that clearly indicates the taxpayer's intent to sign. For example, the taxpayer's "X" with the signatures of two witnesses might be considered a valid signature under a state's law.

NATIONAL HEALTHCARE DECISIONS DAY SET FOR APRIL 16, 2008

April 16, 2008 will be the inaugural National Healthcare Decisions Day. On this day, throughout the country, healthcare providers, professionals, chaplains, attorneys, and others will participate in a massive effort to highlight the importance of advance healthcare decision-making. To facilitate this process, initiative organizers will provide clear, concise, and consistent information and tools for public to execute written advance directives (healthcare power of attorney and/or living will) in accordance with their applicable state laws. These resources will be available at:

www.nationalhealthcaredecisionsday.org

Although several states have engaged in advance directives awareness events and numerous organizations have devoted substantial time and money to improving education about advance healthcare planning, only a small minority of Americans have executed an advance directive. National Healthcare Decisions Day seeks to address this issue by focusing attention on advance healthcare planning from a variety of directions simultaneously.

"As a result of National Healthcare Decisions Day, many more Americans can be expected to have a thoughtful conversations about their healthcare decisions and complete reliable advance directives to make their wishes known," said Nathan A. Kottkamp, chair of the National Healthcare Decision Day initiative. "Fewer families and healthcare providers will have to struggle with making difficult healthcare decisions in the absence of guidance from the patient; and healthcare providers and facilities will be better equipped to address advance healthcare planning issues before a crisis and be better able to honor patient wishes when the time comes to do so."

New Advance Directives were approved into law effective October 1, 2007. Nothing in House Bill 634 invalidates old statutory forms. Those forms will still apply under the old general statute as they were written.

New Advance Directive forms can be printed free at **www.secretary.state.nc.us/ahcdr**

PREVENTING STRESS FROM BECOMING HARMFUL: A GUIDE FOR CAREGIVERS

Caring for an ill elderly family member can be physically demanding and exhausting. It can leave caregivers feeling overwhelmed, frustrated or fearful. If the relationship between a caregiver and an ill family member was poor to begin with, caregiving can aggravate tensions or cause resentment. Some caregivers feel guilty that they're not doing enough, while others fear that they will lash out or harm the person for whom they provide care. Here are some things caregivers can do:

1. **Join a Support Group.** Just knowing that you're not alone can bring relief. Developing relationships with other caregivers has actually been shown to reduce stress and relieve fears about lashing out.
2. **Make use of Social Services.** A good place to find out about resources in your community is your local Area Agency on Aging (AAA).

The following are just a few of the services that are available in most communities:

Respite means relief, and respite care comes in many forms. Agency employees or volunteers may come to your home to give you a break. Some programs will arrange for your family member to come to an adult day center for several hours a day.

Support services can ease caregivers' load. They include in-home attendants, transportation, home delivered meals and many more.

Assessments can pinpoint what activities your older family member has trouble with and identify ways to help. Getting an unbiased assessment can help ensure that your family member gets everything he needs without paying for unnecessary services.

Financial and legal planning can relieve stress by reducing uncertainty about the future, maximizing resources and preventing crises. Services include public benefits counseling, estate planning and assistance with advanced directives.

3. **Get Healthy!** Exercise, good nutrition, sleep and relaxation can make any stressful situation more manageable. For example, eating at regular intervals helps maintain a steady blood sugar level, which has a calming effect. Common foods like milk, bananas, walnuts and tomatoes contain amino acids that produce serotonin, a chemical that helps the body relax. Exercise can alleviate tension and anxiety, improve your outlook, and strengthen your immune system.
4. **Hire a Helper.** If your loved one needs more help than you can provide, consider hiring a helper. Referred to as attendants, home care aides, homemakers, personal care assistants or chore workers, these employees help with daily chores and activities such as bathing, dressing, preparing food, shopping or going to appointments. You may be eligible for public assistance to pay for a helper. Find out more by contacting your Area Agency on Aging.
5. **Learn More About Your family Member's Illness.** Learning about an illness or disability—its symptoms, progression and treatment—can reduce anxiety, relieve uncertainty, help you plan for the future, and alert you to changes.
6. **Learn to Identify Your "Stress Triggers"** Learning to identify your personal triggers is the first step in getting back in control. The next steps are learning how to respond to difficult behaviors more effectively and getting help.
7. **Learn to Respond to Appropriately to Difficult Behaviors.** Some behaviors, particularly those associated with dementia, are disturbing and can cause embarrassment, frustration, exhaustion, stress and anger. These behaviors are often a part of the disease process or a response to frustration, pain or the inability to communicate. Aggressive behavior that doesn't pose a physical threat can often be diffused by remaining calm, ignoring the behavior, showing affection and trying to help the person regain a sense of control. Because an aggressive behavior often occurs during personal care activities such as bathing, it helps to remember that you can always postpone the task until a later time when the patient is calmer. Avoid arguments. Confrontation or challenges make matters worse.

TRAINING CALENDAR

**THE MANY FACES OF DEMENTIA 2008: MAKING A DIFFERENCE
15th Annual Spring Education Conference, April 17, 2008
Charlotte Convention Center**

Hosted by: Alzheimer's Association.

Target Audience: Family Caregivers, Concerned Friends, Nurses, Nursing Assistants, Counselors, Social Workers, Facility Administrators, Physicians, Other Health Care Professionals, Persons with Dementia, Psychologists, and the Faith Community.

Registration: \$75.00.

For More Information contact the Alzheimer's Association at www.alz.org/northcarolina or call 704-532-7391.

Western Piedmont Council of Governments
Area Agency on Aging
PO Box 9026
Hickory, NC 28603
Telephone: (828) 322-9191
Fax:(828) 322-5991
Web Address: www.wpcogaaa.org

Roxanne Powell
Regional Ombudsman

Telephone: (828) 485-4213
Email: roxanne.powell@wpcog.org