



LAW OFFICES OF AVIV S. BLIWAS, LLC

MEDICAID PLANNING, ELDER LAW and ESTATE PLANNING

Protecting Families' Life Savings from Nursing Home Costs

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Diary of a Caregiver-Part 3

I touched on the topic of quality of life and end of life decisions in my last article, when I mentioned how my mom's oncologist wanted to give her unnecessary chemo and how no one let me know some of the pills she could stop taking. I want to talk more about that topic this month and why it's so important to at least talk to your family about your wishes or, better yet, have a written plan like an advanced directive (also known as a living will) and a pre-planned (or paid for) funeral.

As you may recall, even though we already knew there was no hope of my mom surviving her illness, her oncologist suggested we start chemo.

This chemo would in no way cure her, prolong her life, or improve her quality of life. It was almost as if the oncologist felt he had to be able to do something, even though it was, not only pointless, but would probably just make my mom's remaining time worse. It was only after some fairly pointed questioning by me of the doctor, that he admitted the chemo would not prolong her life or make her more comfortable in any way. It was only because I put my foot down and said I wasn't subjecting my mom to chemo, that the idea ended.

My dad also managed to surprise me on the issue of end of life decisions. My grandfather had a stroke and lived several years unable to speak or independently function until his death. I remember very clearly my father saying never to let him live like that. But after my dad got sick, every admission to the hospital I would sit there while they would ask him questions like did he want



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WHAT'S NEW WITH US

As I write, I'm getting ready for my vacation in Eastern Virginia. Getting very excited for an agenda of wine tasting, kayaking, riding in a B-25 Bomber airplane, and much more. Maybe I'll have some pictures for the next newsletter.

I've also got a big 3 days of training at the end of July coming up in Philadelphia. But this time I'll have some company, Jennette is along for the ride this time. We'll both be taking in classes on Medicaid and Veterans benefits—hearing what's new and keeping up our skills. But Augusta will be manning home base and checking in with us if need be, so don't worry!



Photo from my recent vacation.

to be resuscitated by CPR and I would hear him answer yes every time. Now maybe he didn't mean if he was brain dead, but we never really talked about it and my dad never made a living will before he died.

So, skip forward several months. My dad was starting to recover and get his strength back when he got a very unexpected infection. He went septic and died. The morning of the day he died the doctor called me and told me it was getting close to time and asked if my dad went into cardiac arrest did I want them to resuscitate him. I didn't know what to answer because of all those earlier yeses by my dad with all his hospital admissions. I explained to the doctor all my thoughts on this, but also told him I didn't want dad to suffer or be on life support indefinitely. The doctor suggested resuscitating dad once but then not again. He said that if my dad went into cardiac arrest twice there was almost no chance of him ever recovering. That sounded like a good compromise to me and that's exactly what we did.

Shortly after I arrived at the hospital my dad went into cardiac arrest. For those of you who have never witnessed something like this, I don't recommend it. The process of resuscitating a person seems very violent. When they shocked him with paddles his whole body jerked. It looked so painful. Whether it was or not, I'll never know because my dad never woke up. His heart started beating again but within minutes it stopped again and this time we let him go.

Several weeks before my mom died, I remember driving in the car with her on our way home. I decided that I would ask her what she would like for her

funeral. She wanted to know why I wanted to talk about it. I said mom, the doctors say you only have 2 months to live, when are we going to talk about it? She never really answered the question. The hospice workers asked me several days before she died what I wanted done with the body, and I thought I had a vague recollection of my mom wanting to be cremated so I told them to have her cremated. But honestly, I have no idea if that's what she really wanted.

Then, once she was cremated, you have to make a decision about what sort of container to put the ashes in. Do you know they have different containers depending on what your plan for the ashes is? They have containers meant for scattering ashes, meant for dissolving in water, meant for biodegrading underground, and meant for keeping in the house. There are an overwhelming number of choices. At the time I didn't know what to do with the ashes, so they stayed in sealed plastic bag in a cardboard box that the crematorium gave me for over a year.

When I mentioned my struggle to come up with a solution, people would tell me to think of where my mom was happiest. My mom was happy in a lot of places. But the answer I kept coming back to, was that my mom was always happiest when she was with me. But at that time, I couldn't bear to think of keeping her ashes in an urn in my home. Not because I didn't love her, but because I was already so brokenhearted, the thought of having her urn someplace where I would see it every day and be reminded all the time how much I missed her seemed unbearable. And so I couldn't make a decision. I agonized for over a year about what to do (and when I say I agonized, I AGONIZED).

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Finally, about two years after she died I resolved that I would get an urn and keep her with me but in a place out of sight. So my mom is in an urn in my closet. Somehow it doesn't seem quite dignified but it's the best I have right now.

My dad on the other hand, made a decision in the midst of his illness, which cemetery he wanted to be buried in and that he wanted to be buried in the Jewish tradition. That made a lot of the decisions for me. There were still questions that I struggled with, what kind of coffin, what to put on the headstone (I struggled with that one for months), and a host of other small decisions.

But the difference for me between my mom and my dad and what decisions I struggled with, how long I struggled and how much anxiety it caused me were worlds apart.

So please remember my story when you don't want to talk about these things because it's hard or uncomfortable. Make sure that you end your life how you want to, on your terms and remember how much the people who love you may struggle with making those decisions if it is left up to them. And please remember who is going to be left behind agonizing over what type of funeral mom would have wanted or where dad would have wanted to be buried. Make it easy and make the decisions now.

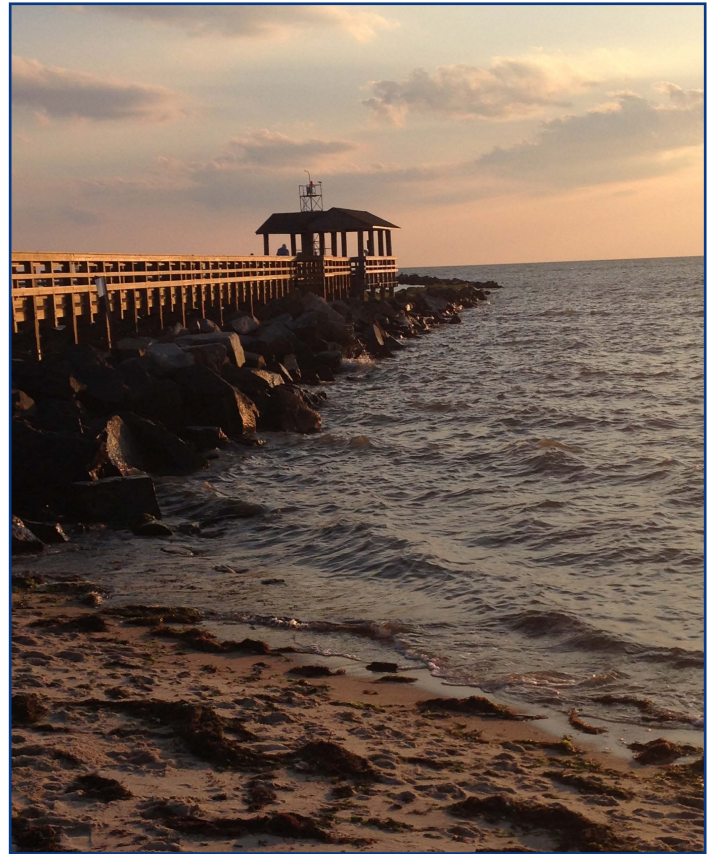


Photo from my recent vacation.

THEATRE SCORNER



by Jennette Harrison

The 2014 Tony Awards took place on Sunday, June 8, 2014 on CBS. Actress Audra McDonald made history by winning her 6th Tony Award, more than any other actor. She won her sixth Tony, best lead actress, for her

role in "Lady Day at Emerson's Bar & Grill". With her latest win Audra now has Tonys in all four acting categories. She previously won as best featured actress in a play ("A Raisin in the Sun", "Master Class"), best lead actress in a musical ("The Gershwins' Porgy and Bess") and best featured actress in a musical ("Ragtime", "Carousel").

Other 2014 Tony winners include:

Best performance by an actor in a leading role in a musical — Neil Patrick Harris, Hedwig and the Angry Inch

Best performance by an actor in a leading role in a play — Bryan Cranston, All the Way

Best performance by an actress in a featured role in a play — Sophie Okonedo, A Raisin in the Sun

Best musical — A Gentleman's Guide to Love & Murder

Best revival of a musical — Hedwig and the Angry Inch

Best play — All the Way

Best revival of a play — A Raisin in the Sun

Around town:

Open Stage of Harrisburg is presenting *Stories from Home: Dauphin County*, which features original work based on stories of the various neighborhoods in the Harrisburg area. It is running at *Open Stage of Harrisburg* from June 7-29, 2014.

In July, you can catch *Legally Blonde the Musical* at *Ephrata Performing Arts Center* from July 24-August 9; *The Dixie Swim Club* at the *Oyster Mill Playhouse* from July 11-July 27; *Hush Little Celia, Don't Say a Word* at *Little Theatre of Mechanicsburg* from July 10-13; *Moon over Buffalo* from July 10-20 at *Gretna Theatre*.

Question of the Month

Q: Do I really need to keep good records and keep money separate if I am the agent under a Power of Attorney for my parent and all the money is just coming to me anyway in the Will?

A: Under the law governing powers of attorney you do, and if you end up being questioned you could end up in some big trouble. But in reality, if you are acting in their best interest, it's probably unlikely it's going to become a problem. That's what most people count on anyway (and I'll be honest, I did exactly that with my dad). But a problem I've been seeing more and more is a problem when someone needs long term care.

Do you know that if a loved one needs long term care and runs out of their own money to pay for it, the government looks back at the last 5 years of financial records? Do you remember what that cash withdrawal was for, 4 years ago? Hey, you reimbursed yourself with a check from mom and dad's account 3 years ago. Remember what you bought them? The government penalizes gifts made in the last 5 years. If you can't account for things, you may be facing a penalty period where you will somehow have to come up with the money to private pay for long term care (about \$10,000/month). So do yourself a favor and keep a record somewhere. It doesn't have to be extensive—just a note-date, amount, bought socks or paid attorney. That's usually all it takes to satisfy the government.

Calendar

July 4 – Office closed

July 3-7 – Aviv tentatively in Erie, PA

July 7 – Aviv presenting at Brownstone Family Life Center on issues related to the Holocaust

July 8 – Aviv attending JFS dinner to honor retiring CEO Helene Cohen at Shogun restaurant

July 23-25 – Aviv and Jennette in Philadelphia for Pennsylvania Elder Law Attorney (PAELA) summer meeting and annual Pennsylvania Bar Institute (PBI) Elder Law Conference

August 2 – GFWC new member party

August 6 – CPAFE meeting

August 15 – Jennette's birthday