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LAW OFFICES OF AVIV S. BLIWAS, LLC

MEDICAID PLANNING, ELDER LAW and ESTATE PLANNING

Protecting Families' Life Savings from Nursing Home Costs

March 2015 • 1st Edition • Vol 1

Calendar

**March 1-Hershey Bears
Game w/ Synagogue
group**

**March 8-Obedience
training w/ Ameena**

**March 8-Daylight Savings
Time—Spring ahead**

**March 13-24-VACATION!!
(Aviv available by email)**



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Question of the Month

Q: Once Medical Assistance (Medicaid) takes over my medical costs, I don't have to worry about medical bills anymore, right?

A: Well, maybe. You may still get bills, but they should be deductible from a patient pay liability, just be sure to notify the facility before paying them to make sure they should be paid, and that they will be deducted. Also, remember that you must prove you still qualify for Medicaid every single year. If your financial or medical situation changes, there's no guarantee you'll still qualify for Medical Assistance. Something that happens to a lot of people to mess up their benefits is an inheritance or personal injury settlement. You should definitely talk to an elder law attorney if either of those is a possibility.

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What's New with Us

I hate to make you guys angry with me, but this month I am off to Turks and Caicos in the Caribbean! I'll be gone for one week soaking up some sun and drinking fruity drinks with umbrellas. With any luck, when I get back it will have started to thaw out around here.

The other big news is that I got a new permanent dog (hopefully no more shoulder dislocations). She is a rescue from the Harrisburg Humane Society and her name is Ameena. If you can't tell from her picture, she is a pit bull and she is about 2 years old. Ameena came by way of New Jersey, from a shelter that was shut down for inhumane conditions. Before that, who knows? She is a sweet girl but very fearful. I just started her in some basic training classes to try to help her get a little more socialized and over her fearfulness. I think it will be a long road but it's nice to have a dog in the house again.

The process is officially started to become a Certified Elder Law Attorney (CELA) with the filing of the short form and the long form. Still to come is the test which I believe I can take in September of this year.



Ameena, not a fan of her new winter boots

The Tough Conversation with Your Parents

This will be the last in my series of having tough conversations. Last month I gave some advice for parents who want to make sure their children understand their wishes and what to do when the time comes. This month is for children, who see their parents getting older and want to make sure they do what their parent would want when that parent is no longer in a position to tell them.



Why Talking to Parents is Different

Because you're the child (even though you're an adult)! The parent is the authority figure. The parent tells you what to do, not the other way around. The parent is used to protecting you from bad things or difficult things. Over the years they have had to learn how to let you make your own choices and live your own life. But this may be the first time they have to learn how to let you exert any measure of control over their lives. And being someone's power of attorney agent is control, believe me.

So what do you do, when a parent refuses to discuss it?

There's a few main reasons this might be happening: The whole parent/child thing I just talked about; fear including fear of loss of control or the unknown or death; or maybe they just don't think you can handle it. So how do you overcome this?

First, review my 6 strategies for talking to kids in the February newsletter (if you don't have it, it's available on my blog at www.bliwas.com). A lot of these same strategies are going to come in handy with different nuances thrown in. So let's review those strategies.

Starting early

Yep, it's the same here. It's so much easier to talk about difficult things when those things seem far away. As hard as it is to imagine a future without your parents, imagine how hard it is for them contemplating the decline in their health and eventual death.

Acknowledging emotions

Same thought, different emotions. Here, I want you to remember that your parents are used to being in charge, in control. As I said before, it's difficult to let children

take charge (how would you feel about your own children being in charge of your life—for some of you that's downright terrifying!). It's also scary, contemplating what might happen. The old adage of, don't stick me in a nursing home! That's a very real and very scary fear. That brings us right to:

Pointing out the benefit to them

If you know what they want, it's more likely you'll do it than if you don't have a clue, right?

Pointing out the benefit to you

Appeal to that instinct in your parents to protect their children. Point out that it's going to be hard enough on you when they are in poor health or pass away. Remind them that it will make it a little easier if at least you know what they wanted and all you need to do is carry out their instructions.

Get help

A third party helps here, as well. Sometimes it's just easier for parents to talk to other people than their children. Whether it's a clergy member, a social worker, or a lawyer, taking some of the emotion out of it really helps.

The other thing that's different here, is help may come in the form of another sibling or family member. You may just not be the child they have in mind to manage their affairs. It doesn't mean they don't love you, trust you, or that the other child is liked better. It means that people have different strengths. You might be the wisest investor of the siblings or the most financially savvy, but maybe they think you would have the more difficult time making the decision to pull the plug on life support. Maybe you live far away and another child lives closer. Maybe you have a challenging life right now—a demanding job or young children and they just don't want to add to your responsibilities. Really, it doesn't matter why. It might hurt, but it's important to put those personal feelings aside and respect a parents wishes. The only time I would advise going against

those wishes, is if you're genuinely concerned that another sibling would take advantage and steal assets or not properly provide for health care for parents; then definitely get a 3rd party involved—a social worker or someone from the County Area on Aging.

The strategy I didn't include here is not taking no for an answer. You can't make them tell you if they just plain won't. But see if you can understand why and figure out a creative way to address it. Maybe they're willing to write things down and put it in a sealed envelope to be opened when needed. Maybe they'll tell someone else—try asking. If you need more ideas or you've tried everything and nothing works, give us a call. We're happy to put our brains to work on a solution

