

those agencies to see what community resources are available. Help from those agencies may help you provide a solution without taking away your loved one's independence.

If you believe your loved one has become mentally incapacitated, you can petition your local court to be named either emergency guardian or, if the condition is long term in nature, permanent guardian. You should consult a lawyer to find out your rights and obligations upon being appointed a guardian. As a last resort, if your loved one's living conditions have become dangerous, you can take stronger action by petitioning to involuntarily commit that person to a hospital.

How Can I Locate An Attorney?

Call the Pennsylvania Bar Association Lawyer Referral Service toll free at 1-800-692-7375. Most counties have this same service at the local level. Check your Yellow Pages under "attorneys" for more details.

This pamphlet has been made available to you as a public service of the Pennsylvania Bar Association. Visit our Web site at www.pabar.org or call 800-932-0311 for a list of other pamphlets, or to order additional copies.



Pennsylvania Bar Association
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Issues on Aging

Many issues face our aging population. It is important for everyone to face these issues informed about their options and their responsibilities.

This pamphlet is designed to help educate and encourage people to actively participate in planning for the future. It will help to answer some of the questions that most often plague us as we get older and also to provide direction to other sources for additional information.

List of Agencies and Organizations Concerned for the Elderly

American Association of Retired Persons (AARP)	(800) 424-3410
Bureau of Consumer Protection	(800) 441-2555
Centers for Medicare and Medicaid Services	(800) MEDICARE
Elder Abuse Hotline	(800) 490-8505
National Council on the Aging	(202) 479-1200
Pennsylvania Association of Area Agencies on Aging	(717) 540-7983
Pennsylvania Council on Aging	(717) 783-1549
Pennsylvania Department of Aging	(717) 783-1550
Pennsylvania Insurance Department	(877) 881-6388
PACE Information	(800) 225-7223
Social Security Administration	(800) 772-1213
Veteran's Administration	(800) 827-1000

Consumer Legal

Information Pamphlets

by the

PENNSYLVANIA BAR ASSOCIATION



Special Note: This pamphlet has been issued to inform and not to advise. It is based on Pennsylvania law. The statements are general, and individual facts in a given case may alter their application or involve other laws not referred to here.

As I Get Older And Need More Help With Everyday Activities, How Can I Continue To Maintain My Independence?

There are many agencies in Pennsylvania that assist the elderly with living at home. They provide cleaning services, prepare meals and, most importantly, provide health care services in the home. You should contact the Pennsylvania Department of Aging to find out what services are available in your community.

What Happens To Everything I Have Worked So Hard For, If I Or My Spouse Has to Enter A Nursing Home. — I Don't Want To Be A Burden. — What Can I Do?

You do not have to “lose” everything if you have to enter a nursing home. However, you must plan for these events in order to protect your estate. There are several options you should investigate to determine what is best for you. Planning for entering a nursing home and eligibility for government assistance are very complex issues. Therefore, you should consult a lawyer to help you consider the options listed below, or others that may be available. It is very important to know all your options before choosing any one.

- Many insurance companies now offer long-term care insurance, which would pay for or offset the cost of nursing or personal care. This type of insurance can be expensive, and you should investigate as many policies as possible before choosing one. The Pennsylvania Insurance Department has free educational brochures available to help you be a more informed consumer when shopping for long-term care insurance.

- Veterans may be eligible for benefits to assist with these costs. If you are a veteran, you should contact the Veteran’s Administration to determine your eligibility.

- You can do lifetime estate planning to transfer certain assets to your family members now, as opposed to transferring them at your death through a will. However, you should consult an attorney before making any transfers or establishing living trusts, as there may be tax or other legal consequences, which could be detrimental to you in the future.

- If you cannot afford the cost of nursing care, dependent upon certain income and asset restrictions, you or your spouse may be eligible for Medicaid, or Medical Assistance as it is called in Pennsylvania. Medicaid is a joint federal-state health benefit assistance program that is administered in Pennsylvania by the Department of Public Welfare. Medicaid benefits currently are available for home health care and nursing home care in Pennsylvania. Medicaid currently does not pay for personal care facilities.

I Know A Resident Of A Nursing Home Who May Be Abused. — What Can I Do?

You can contact the Area Agency on Aging — the number is provided in this brochure. The agency will provide you with the phone number for a local nursing home ombudsman, who will investigate the nursing home on behalf of the resident. All complaints made to the agency are confidential, and your name will not be revealed without your permission. An ombudsman also will mediate disputes that residents or their families may have with nursing homes.

What Are Some Of The Social Security Benefits Available?

You likely are aware of the monthly cash amount available once you reach the qualifying age, as well as the availability of Medicare health benefits. In addition, there are supplemental Medicare health benefits that you can purchase. A Pennsylvania Supplemental Security Income Supplement is available to individuals who financially qualify to help pay for personal care

homes. Social Security also will provide a burial benefit to eligible dependent family members when an individual receiving Social Security dies. Other government agencies in your local county and/or the Veteran’s Administration also may have burial assistance benefits available. You should investigate to see if you or your family members might be eligible.

How Can I Protect Myself Or My Family From The Scams Aimed At The Elderly? — What Can I Do If I Think I Have Been The Victim Of Fraud?

First, be very careful of solicitations and offers made to you over the phone. When receiving calls that seem too good to be true, they probably are. Verify the information provided to you by contacting such community resources as the Better Business Bureau, Chamber of Commerce, Attorney General’s Office or the National Fraud Information Center before sending any money or giving any information to the person calling. Also be careful of solicitations made by mail, over the phone or at your door regarding home repairs, investments, living wills or annuities. Always consult your lawyer, accountant or personal financial planner before paying any money to someone to provide these services. Never give your Social Security number, credit card numbers or bank account information over the phone unless you first have verified the caller’s legitimacy with someone you trust.

If you believe you may have been a victim of fraud, you immediately should report it to the Consumer Protection Division of the Pennsylvania Attorney General’s office and to police or District Attorney’s Office. You also may have the ability to sue in court to recover the money you lost. In the interest of protecting others in your community, you always should call those community resources listed above to report your experience.

What Happens If I Am Unable To Speak For Myself In The Event Of A Physical Or Mental Illness? — How Can I Assure That My Wishes Are Carried Out?

Everyone, at any age, should consider having a Power of Attorney to appoint someone they trust to make decisions for them if they become unable to do so for themselves. A “durable” Power of Attorney will assure that even in the event of a later incapacity, the person you choose to make your decisions will be able to continue to do so on your behalf. The Power of Attorney should be customized to fit the needs of an individual and may be revoked at any time.

It is also very important to have an advance medical directive, also known as a living will. This assures that in the event of a permanent incapacity, your final wishes regarding the use or non-use of life-sustaining measures will be carried out. If a person does not wish to spend his or her final days in pain or hooked up to machines to keep him or her alive, a properly signed advance medical directive is a necessity.

I Believe A Member Of My Family May Be Suffering From A Mental Disability And Has Not Been Caring For Their Physical Needs And Refuses To Accept My Help. — What Can I Do?

If you believe someone’s physical or financial well being is in danger, you can contact the Elder Abuse Hotline listed in this brochure to report suspected abuse, neglect or exploitation.

If the situation is less urgent, there are many protective and assistive agencies available to the elderly and their families. A list has been provided in this pamphlet. You should contact