

Elder Law Today



DURPRENANT RENESKI
Estate, Tax, Medicaid and Disability Planning

Celebrate Grandparents' Day at Eastover Farm!!

131 Hiller Road, Rochester, MA
Saturday, September 19, 2009*
1:00pm to 5:00pm

DOOR PRIZES (\$50 each) announced every half hour! Your RSVP to 1-800-929-0491 (choose option 5) will enter you!

FREE FAMILY FUN: Hot Dogs, Hamburgers, Refreshments, Pony Rides, Wagon Rides, Kids' Craft Table, Face Painting, Games with Prizes and Family Photos! Bring a lawn chair and listen to the music by **The Relics**. Sponsored by **The SouthCoast Senior Resource Alliance**. Please visit our website at www.srasouthcoast.com.

*The Rain Date is Sunday, September 20, 2009
Directions: Take I-95 to exit 20, toward Rochester. Turn Left onto MA-Rt 105 & continue to follow MA-105 for 2 miles. Turn RIGHT onto WALNUT PLAIN RD/ Follow for .5 miles to a stop sign and turn RIGHT onto Mary's Pond Rd. Go .6 miles and Turn LEFT onto HILLER RD. In .2 miles you will be at 131 Hiller Rd!

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35 Arnold Street, New Bedford, MA 02740
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September, 2009

Caregiver Contracts

Our office writes the *Elder Law Today* each month to provide useful information for the elderly and disabled, their family members and friends, as well as their advocates. We occasionally get questions about how to pay family members for care without causing problems with MassHealth. One proper way to handle this is through a "Caregiver Contract". We thought that this was a great topic to write about!

Millions of Americans are currently caring for an elderly family member or friend at home, without receiving regular compensation. Depending on the circumstances, however, it may actually be beneficial for both parties to enter a care contract wherein the caregiver accepts payments for the care they are providing their loved ones and also formally assumes responsibility for that care.

For example, if the loved one you are caring for reaches a point where nursing home placement is the only option, all of their money will be considered available to pay for their care at the nursing home and they will not be eligible for Medicaid assistance until all of their assets have been depleted. Certainly the care they provided by you, while they remained in the community, is just as valuable to them and worthy of payment as that they will be provided in the nursing home. With a care contract in place, they can pay their caregiver, going forward and every penny spent will count towards their "Medicaid spend down" should they apply for benefits.

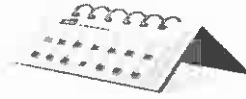
Having a care contract in place also ensures Medicaid will not impose penalties on the money received by the caregiver. Sometimes an elderly person will randomly give sums of money to their caregiver as payment for the care they provide. Without a contract in place, Medicaid will assume they money transferred is a "gift" or a "transfer of assets" and will impose penalties resulting in ineligibility for Medicaid benefits.

From a caregiver's perspective, although they willing to provide services for free, it is often difficult for them when, at the time of their loved one's passing, the caregiver who has provided several years of care receives the same inheritance as the other heirs, many of whom have not been involved in caring for the loved one. On the flip side, if a caregiver is receiving payment and there is no contract in place which defines the care they have been working hard at providing, other heirs may be upset by the additional monies the caregiver received.

The bottom line: if you are caring for a loved one or receiving care from a loved one, a care contract is a good idea for both parties involved, for multiple reasons. Before entering into such a contract, be sure to contact someone experienced in drafting such contracts and knowledgeable with respect to their effect on Medicaid qualification.

Also, if you are the child who has been caring for your parent for over two years, there is another Medicaid planning technique that may be available which would allow your parents to transfer their home to you with out incurring Medicaid penalties. This is not true in all cases, buy if you & your parents meet certain criteria, the exemption known as the "Caretaker Child Exemption" could be a great way to ensure your parent' home stays in the family. If you would like to have a free consultation to discuss protecting assets through a "Caretaker Contract" or the "Caretaker Child Exemption", please call our office today!

Mark Your Calendars For These Upcoming Events in September! Call 1-800-929-0491 To Reserve Your Seat!



Living Trust Seminar

All programs are from 6:30pm-8:00pm

Wednesday, September 16th (code: NBCC)

The New Bedford Country Club, 585 Slocum Road, North Dartmouth.

Long Term Care Presentations, including Veteran Benefits

Thursday, September 10th (code: Hathaway) from 6:30pm-8:00pm

Hathaway Manor, 863 Hathaway Road, New Bedford

Thursday, September 17th (code: Autumn Glen) 6:30pm-8:00pm

Autumn Glen Assisted Living, 239 Cross Road, North Dartmouth

Thursday, September 24th (code: Tremont) 6:30pm-8:00pm

The Tremont, 605 Main Street, Wareham

Long Term Care Presentations on the Cape

All Programs are from 1:30pm-3:00pm

Tuesday, September 15th (code: Cape)

Cape Cod Island Association of Realtors Conference Center

22 Mid Tech Drive, West Yarmouth

If you prefer, you can also register for our seminars on-line by going to: <http://www.the-sb-lawfirm.com/upcoming-events/long-term-care-planning-workshop> for our long term care seminars and, <http://www.the-sb-lawfirm.com/upcoming-events/revocable-living-trust-planning> for our trust seminars.

**As you may know, many of our local food banks are overwhelmed with requests. Many are running low or are empty. Together, we can make a difference to help fill their shelves. We ask that you bring one canned good or other non-perishable item with you to one of our free seminars. All donations will go to our local food banks. In advance, we thank you for your support!*

Support the Surprenant & Beneski, P.C. 2009 Memory Walk Team

Surprenant & Beneski, P.C. will be participating in the 2009 Memory Walk to support the Alzheimer's Association and the S.E. Massachusetts Alzheimer's Partnership. The Walk is **Sunday, September 18, 2009, 10:30 am at Bristol Community College**. Help us meet our goal of \$1500. Please Donate to our team by mailing a check made out to the Alzheimer's Association to our office 35 Arnold St., New Bedford, MA 02740 or donate on line: copy this link into your web browser and it will take you right to our donation page:

<https://www.kintera.org/faf/donorReg/donorPledge.asp?ievent=295907&lis=1&kntae295907=863AF2F3983F4C65AC10588BDF0609B&supId=261637999>

If you want to participate join our team or form one of your own.! Thank you for your support.

Elder Law Today is produced by Robert L. Surprenant, Daniel M. Surprenant & Michelle D. Beneski, Attorneys at Law.

This newsletter is published as a service of Surprenant & Beneski, P.C.,

35 Arnold Street, New Bedford Massachusetts 02740 and 336 South Street, Hyannis, MA 02601

COASTLINE NUTRITION NEWS

From the desk of Kim Ferreira, MS, RD, LDN, Coastline Elderly Services, Inc

Vitamins and Minerals

Vitamins and minerals are essential to your well being. They have specific jobs in order to keep your body healthy. Although they do not give you energy in the form of calories, they assist in making sure your body is working properly.

VITAMINS: *Water-Soluble* Vitamins (vitamin C, and B Vitamins) do not store in your body and are excreted when taken in excess. *Fat-Soluble* Vitamins (vitamins, A,D,E,K) can be stored and made in your body, so it's important to avoid consuming high dosages.

MINERALS: *Macrominerals* (calcium, phosphorus, magnesium, sodium, potassium, chlorine, sulfur) are needed in larger amounts. *Microminerals* (iron, copper, manganese, iodine, zinc, cobalt, fluoride, selenium) are needed in smaller amounts.

As we get older, specific nutrients are extra important to maintain health. These include:

Calcium & Vitamin D:

Older adults need more vitamin D and calcium to help maintain bone health. The most rapid loss of our bone density occurs between the ages of 50-60. Our ability to produce Vitamin D in our skin decreases with age, resulting in a higher susceptibility to osteoporosis and falls/fractures. Calcium needs increase to 1200-1500 mg/day as our body's ability to absorb calcium carbonate also declines. Include 3-4 servings of calcium daily to ensure adequate intake. Calcium-rich foods include Vitamin-D fortified, low-fat/skim milk, yogurt, fortified cereals and dark green leafy vegetables. If taking a calcium supplement or multi-vitamin, choose one with Vitamin D.

Vitamin B12:

Many people over 50 do not get enough Vitamin B12. Changes in our stomach decrease the ability to absorb B12, increasing risk for anemia and possibly dementia. Foods rich in Vitamin B12 include meat, poultry, fish, clams, sardines, flounder, eggs, milk, blue cheese and fortified cereals.

Multi-vitamins designed to "supplement" healthy eating, not to compensate for a poor diet. The best way to get enough vitamins and minerals is to eat a variety of foods. However, if you still think you are in need of a little extra, check out which brands have been tested to be the best!

According to Nutrition Action Healthletter (2003), the following are considered "Best Bites" when choosing a multivitamin (for men and postmenopausal women):

- CVS Daily Multiple 50+
- Eckerd Therapeutic M or Eckerd Vitamin
- One A Day 50+
- Theragram-M Advanced
- Walgreens Gold Seal One Daily 50+

CUTTING CALORIES CORNER

Did you know?

One cup of spinach contains:
338 mcg of vitamin A
20 mg of vitamin C

One cup of iceberg lettuce contains:
18 mcg of vitamin A & 2 mg of vitamin C

Choose Spinach in place of Iceberg Lettuce for added nutrients!

Please contact me with any questions at (508) 999-6400 x194 or email: ksferreira@coastlineelderly.org