

Eye on elder issues

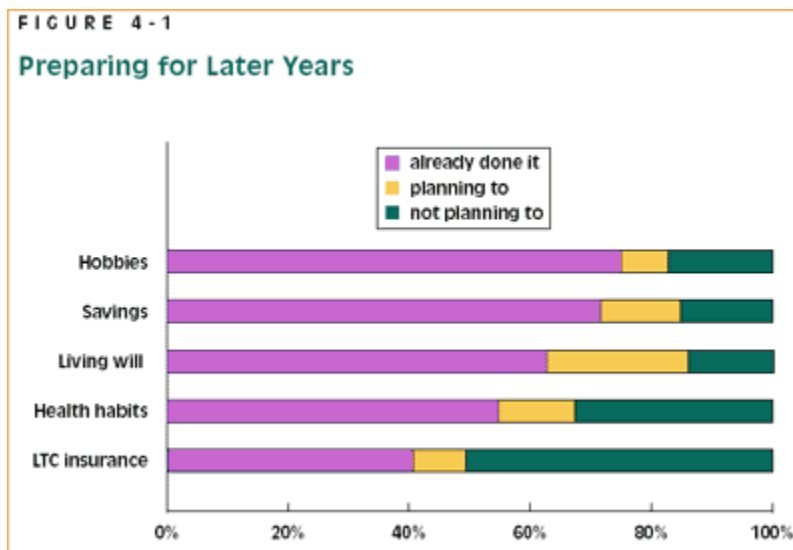
Note to Our Readers: This e-newsletter, **Eye on Elder Issues**, is presented as a public service by the National Academy of Elder Law Attorneys (NAELA). We are pleased to send you this inaugural issue and welcome your comments. You can expect to receive this newsletter monthly as NAELA explores, reports and provides insight on timely topics affecting our nation's seniors and their families. In addition, the growing population of Baby Boomers is addressing issues for themselves and their families that are new and unique. This publication is intended to explore those issues from all sides and to educate consumers, aging network professionals, law makers, and members of the media.

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EYE on ELDER ISSUES
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A Viable Alternative: Zealous Advocacy

Health, money, and aging are predominant issues on the minds of Baby Boomers, according to a study done by The National Council on the Aging -- and a new legal specialty has arisen in response to these concerns.



Source: The National Council on the Aging, 2000

Elder law attorneys are zealous advocates for people of age and those with disabilities. When clients seek the advice of an elder law attorney, it is not usually for just a single issue. Health care decisions, long term care financing decisions, or end of life decisions often involve complicated legal, medical, and social

issues that affect the individual seeking assistance, as well as their families. The legal concerns of this population can tear at the heart as people grapple with major life-changing decisions.

Many of our nation's seniors are facing debilitating diseases, as they grow older than the generations before them. Alzheimer's, Parkinson's disease, Lupus, and even Fibromyalgia and Osteoporosis can be devastating to those with limited financial means and family support. They wonder how they will care for themselves, where they will live, how to avoid outliving their money, and what rights they have under existing health care insurance plans, Medicaid and Medicare programs.

Our nation's laws are fragmented and confusing, at best. Our federal benefit programs (Social Security, Medicare, Medicaid, Veteran's Benefits, etc.) are under constant change and new financing products come on the market daily. This vulnerable population often has no one to help them sort through the issues in a logical and personal way and are often subject to unscrupulous salespeople selling products that do not really meet their needs.

There are a myriad of housing options available: from assisted living to nursing home care to group homes. There are several financial vehicles being offered: home equity loans or reverse mortgages, credit cards or debit cards, loans and viatical settlements; and a variety of insurance programs: from health insurance to disability insurance to long-term care insurance. There is also a range of family situations that must be taken into account: providing for disabled children, frail spouses, or the support of parents. **The reality is: it takes an elder law attorney to sort through the issues in light of the individual's personal situation and what may be confronting him/her in the future.**



One of the newest products to come out in the last few years is long-term care insurance. Many insurance agents have marketed this product as the best way to finance long term care. As with any product, the evaluation needs to be done with the individual's circumstances in mind. This particular product provides a perfect example of the value that the elder law attorney brings to the client. If the client has a pre-existing condition, this type of insurance is often not available or may be too expensive to purchase. **The elder law attorney will explore long-term care insurance as an option and then offer other viable alternatives that may fit the client's situation better.** It is the elder law attorney's legal and ethical obligation to explore all possibilities available to the client. This may be applying for unused benefits, using untapped resources, or doing Medicaid planning. The main focus is to allow the senior to live out their lives comfortably with as much dignity as possible and the peace of mind that their loved ones will not be burdened by their circumstances.

Elder law attorneys are working with our nation's seniors on a daily basis. They are in a position to see the deficiencies of our federal benefit programs, to identify products that fit specific needs and to work with families to meet the needs of their loved ones. Our nation owes our elders the opportunity to live and die with dignity. **Elder law attorneys bring concern, care, and compassion to vulnerable individuals who are often in very delicate and complicated situations.**



For more information about elder law attorneys and the National Academy of Elder Law Attorneys, visit <http://www.naela.org/>. Established in 1987, NAELA provides a resource of information, education, networking and assistance to those who deal with the many specialized issues involved with legal services to the elderly and people with special needs.

Next EYE on ELDER issue: *When is Medicaid Planning Appropriate?*

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