



The Elder & Disability Law Firm  
of Victoria L. Collier, PC

# VICTORIA'S VOICE: COMFORT NEWS TO USE CONFIDENCE . COMFORT. CARE.

*It is the mission of The Elder & Disability Law Firm of Victoria L. Collier  
to EMPOWER not impoverish our clients.*

*Second Quarter Edition  
2015*



## **MAY IS OLDER AMERICAN'S MONTH Be Sure to HUG a SENIOR Today!!**

***\*\*FREE\*\* Hearing Screening  
on May 27, 2015 at 9:30AM***

When my children were getting their 5 year annual medical exam, my daughter failed the hearing test with her right ear. Since they tested her left ear first and she made all the appropriate "clap" responses, we were very concerned when she didn't clap at all for the right ear. She had recently had an ear infection in the right ear so the pediatrician told us to wait three weeks and then return for another evaluation. Trying to reflect on whether we had noticed any changes, we did notice that Katherine had been speaking a lot louder during the month leading up to the test. We spoke with her teacher at pre-school who had not noticed a change. Katherine said she could hear. Three weeks later she tested and failed again. No inflammation, no fluid on the drum, no immediate explanation. A different doctor looked inside and suggested it may just be wax build-up and ordered a flush of the ear. I have never had a flush of the ear, but I understand that it is quite painful. My daughter took it like a champ. And, fortunately, that was the issue and she subsequently passed the exam.

When seniors begin losing their hearing, they believe it is a natural consequence of aging. To deny the progression of aging, they also frequently deny they have a hearing problem and, thus, do not get tested. Yet, through testing it can be determined if it is just wax build-up requiring only an ear flush or if it is damage to the drum requiring hearing aids. I recently watched a video on Facebook where people who are deaf used a device which allowed them to hear for the first time, including a baby. It brought tears to my eyes to see the sheer joy and excitement when they heard their parents' voices and music.

Hearing can enhance quality of life and lack of hearing can reduce quality of life and quality of care provided. A person with mild dementia will be perceived to have severe dementia if they have hearing loss and do not appropriately respond to questions. When that occurs, different medications and treatments may be ordered to treat the dementia instead of the hearing loss. Don't let this happen to you or someone you love. Bring them to our office on May 27, 2015 for education, hearing exam and fun! Feel free to bring friends as well. If you are going to live, live well!

*"I was facing a personal mountain of uncharted territory—the maze of decisions. Navigating government bureaucracy is a daunting task. Victoria, Sabrina, Melanie and others on the team "took my hand" and led me professionally and compassionately through a difficult process. I am extremely grateful to them and have and will continue to highly recommend their services to others!"*

*- J. Roberson*

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## \*\*\*UPDATE\*\*\*

### UPDATE on VA Law Changes

The Veterans Administration proposed changing the laws affecting WARTIME Veterans and their surviving spouses who apply for Improved Pension with Aid and Attendance to assist in paying for long term care costs. The changes would include imposing a 3 year look back for transfers of assets and penalties of up to 10 years; limiting the deductibility of home health care expenses to \$21 per hour and counting the home place property as an asset if the land exceeds 2 acres. The law requires a "public comment" period before a law can become final. Quite unexpectedly, the VA received over 883 public comments from Veterans, family members, lawyers, professionals and national organizations serving the needs of Veterans. The VA must review and respond to each comment. Thus, the laws have not become final, and it is unknown as to when or if they will. Nevertheless, as the National Expert on VA Pension Benefits, you can feel assured that I will update you again once we have more information. In the meantime, NOW is the time for Veterans and surviving spouses of Veterans to PRE-Plan to beat the changes. If you or someone you know is a Veteran who served in the military during a wartime period, or the surviving spouse of a wartime Veteran, seek counsel now to determine how we can legally preserve your assets and qualify for VA benefits now or at some point in the future to help offset the costs of home health care, independent living care, assisted living care, and nursing home care.

### HOUSE BILL 72 SIGNED BY GOVERNOR DEAL TO COMBAT ELDER ABUSE IN GEORGIA

There are a lot of bills the Governor is signing that I do not agree with, but I support Bill 72 which will enhance law enforcement tools to prosecute perpetrators of elder abuse and financial exploitation. The struggling economy coupled with people living longer creates a prime situation for abuse and exploitation. The prior laws have not been sufficient to adequately identify and prosecute these crimes. If you know of any seniors or adults with disabilities being abused or financially exploited, call the police.

Unfortunately a bill Governor Deal will likely veto is House Bill 86 which would move the current Division of Aging Services out of the Department of Human Services and create a new state agency, Adult and Aging Services Agency, which if passed, would be attached to the Department of Community Health which manages Medicaid. The reason this change is necessary is that while aging services are under the purview of the Department of Human Services (DHS), it is always overshadowed by the needs of children. The mass majority of funding for DHS is for children, leaving seniors without necessary and critical resources, further exacerbating ageism. The Senate voted to approve 45-1 and the House voted to approve 160-3, so why would the Governor not sign this bill? It boils down to either (1) perceived increased funding or (2) political move against the legislator who introduced it. Either way, vetoing the bill is a huge statement that Governor Deal does not care about the future of our Seniors and is not intending to focus on necessary funding and programs our seniors need.

## CLIENT

### TESTIMONIAL

*Victoria has been such a big help through the years helping with Mom and Dad's business issues. We would never have known the services available to them.*

*When our parents died, everything was so easy and our interests were protected.*

*Victoria is caring and it makes a difference.*

*- Kelly E.*



## PLACEMENT DECISIONS ARE DIFFICULT

Clients and families of clients turn to us because they want to “get the best care” and “not go broke” in the process. Naturally we audit their legal documents to make sure they will actually do what they need them to do when they need it. There is almost nothing worse than ineffective documents that a family thought “was all I needed!” At our law firm, we also assess the financial ability to pay for care, how much and for how long. With that, decisions around where to get the care are important. Once a person begins to realize physical or cognitive decline, and after family members have provided all the support they are physically or financially able to do, they may then look to transition into a senior community. These transitions are not always welcome by the senior who may be moving.

One client of mine, the daughter of a very independent man living on his own, but with a much younger roommate who was running drugs through the house, refused to move. He threatened his daughter that he would kill himself if she moved him. He had guns in the house which made the threat much more intense. Although he had dementia, was not bathing regularly and was no longer eating properly or taking necessary medication, he believed he could take care of himself and that his roommate was helping him. This case warranted the assistance from the court through guardianship procedures. While we try to avoid this process, it may be the only thing we can do to protect our loved one. In this situation, dementia can actually be a blessing. After petitioning for and being awarded guardianship, the daughter moved her father to a safer environment. He retained no memory of the court hearing and settled into his new home very easily.

Another client of mine threatens to “run away” if she is placed into a “home.” Facilities today are not like they used to be, even nursing homes. They may not be where we want to live the remainder of our days, but many people actually stop declining and begin to thrive socially, physically and mentally when moving to a stable environment with social stimulus, good nutrition and a regular schedule. The sons of this client wanted to honor their mother’s desire to stay home but also knew they could no longer provide the care or finance the care. To make the transition smoother, I asked what behaviors their mother had been displaying. One son said that “mom keeps asking me about when she can go to work” and feared that his mother would be “taking care of all the other residents” if she moved somewhere. I actually saw that as a benefit to help create a transition by capitalizing on his mother’s needs – the need to work and serve others. Just because we age does not eliminate the innate desire to be of service to others. Thus, through the assistance of my in-house, full-time social worker, Melanie Richardson, the family was able to locate an assisted living facility that encourages “work” for residents by folding towels, setting the table, and other familiar tasks.

Working with the right professionals who focus on the individual needs of their clients, and not just legal documents or government benefits programs, is critical when making life changing decisions. With my background working as a nurse’s aide in a nursing home and doing home health care, with Melanie Richardson’s experiences and credentials as a licensed masters of social work, and the other gifts our law firm team members share, we are here to help your transition be as smooth as possible.

## CLIENT TESTIMONIAL

*Preparation and planning our estate plan was extremely thorough and very informative. Every question was answered clearly and in depth. All staff were very friendly and pleasant. Through this step by step process, we learned a great deal and received great advice specific to our needs.*

*- Nadine S.*

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## ***UPCOMING EDUCATIONAL WORKSHOPS at Our Office***

***There is no fee to attend the workshops, however  
due to a limited number of reservations available,  
you are required to call the office to secure a seat.***

***The time of the workshops are  
3:00PM—5:00PM.***

***Wednesday, May 27th***

***Wednesday, June 10th***

***Wednesday, June 24th***

## **CONTACT US**

Give us a call for more  
information about our  
services and products .

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