

I. Department of Aging

The Department of Aging is a state agency designed to specifically address the concerns and advancement of Pennsylvania's older citizens. The Department oversees many services and benefits to older people - most of them provided through the state's 52 Area Agencies on Aging (AAA).

The AAA's act as advocates for the aging and help keep Pennsylvania's older citizens active and independent in their own community. It can provide you with information regarding transportation, healthcare, homemaker services, legal aid, and other programs designed for the aging.

Shared Ride Program — Provides reduced-fare transportation services for individuals 60 or above who use shared-ride transportation.

Aging Programs — Subsidizes a number of programs offered by the Department of Aging.

Senior Center Rehabilitation — Provides for the rehabilitation and for accessibility projects in senior centers.

Pennsylvania Department of Aging

Forum Place
555 Walnut Street, 5th Floor
Harrisburg, PA 17101-1919
(717) 783 - 1550
www.aging.pa.gov

York Area Agency on Aging

The York County Area Agency on Aging oversees and provides services for eligible adults in York County. Through coordinated efforts with families, community members, and other agencies, its goal is to enhance independent living in the community for as long as feasible.

The York County Area Agency on Aging

100 West Market Street, Suite 102
York, PA 17401
(717) 771 - 9610
(800) 632 - 9073
www.ycaaa.org

Services Provided:

Adult Day Care Centers	Legal Service
Adult Foster Care	Long Term Care Ombudsman
Advocacy Services	Long Term Placement Assessment
Care Management	Nursing Home Division
Family Caregiver	Prime Time Health
Financial Counselor	Protective Services
Friendly Visitor	Rent-A-Kid
Health Insurance Assistance	Respite Services
Home Care Services	Senior Centers
Home Delivered Meals	Transportation
Informational and Referral	Volunteer Services
Judicial Center Tour Guides	

Services are focused in the home and supplemented via a network of nearly 700 Senior Centers and agencies. All Pennsylvanians over the age of 60 are eligible for service from their local Area Agency on Aging. Specific guidelines may apply to individual service programs.

As growing older has become more confusing and expensive, the AAA's provide services to help older Pennsylvanians cope with the challenges and changes related to their physical and emotional health, living conditions, family situations and care giving responsibilities. Prior to receiving such services, an assessment is provided by an AAA representative. Based upon that evaluation, specific services are recommended. Depending on each person's situation and level of need, services may be of a wide-ranging variety or be as simple as providing information as to the location and programs in the local senior adult activities for recreation and entertainment. Other services may include a referral to the APPRISE Program, which provides telephone assistance to older adults in understanding Medicare and Medicaid eligibility benefits.

In addition, you may also contact the **Pennsylvania Council on Aging**. The council was set up as an advisory group to the Department of Aging and the Governor. The council uses several regional councils within the state whose members represent organizations and groups involved in aging programs and services. The council takes complaints regarding state government issues. These issues include unemployment compensation, road conditions, etc.

Pennsylvania Council on Aging
Forum Place
555 Walnut Street, 5th Floor
Harrisburg, PA 17101-1919
(717) 787-4644

The Pennsylvania Lottery

The PA Lottery is the only U.S. lottery that dedicates its net profits for programs to benefit older Pennsylvanians.

II. Cost Savers

As an older citizen, you are eligible for special discounts. Below is a list of some of the discounts you may be eligible for. Note: some of the following “cost savers” are marked with an asterisk * meaning that the required forms may be found at my district office.

Drivers’ Licenses

Having a drivers’ license is considered a privilege. Therefore this license may be recalled or suspended and the privilege to drive an automobile may be revoked upon determination of incompetence or a finding by a physician of a condition that prevents one from safely operating a motor vehicle. Upon the report of a physician or psychologist, the Commonwealth of Pennsylvania Department of Transportation Bureau of Driver licensing will send a letter to inform you that your license has been revoked or suspended and must be returned in approximately one month from the date of the letter.

If this occurs, the recall or suspension of a license can be appealed. A petition for appeal must be filed in court. However, the filing of the appeal will not act as a stay or postponement of the driver’s license. A hearing will be held in court sixty days from the filing of the appeal. The attorney for the Pennsylvania Department of Transportation will argue that the license should remain revoked based upon the medical evidence of the examining doctor or the statements of the psychologist.

This evidence can be countered by presenting medical evidence and reports of other doctors or by successfully passing an actual road test that is given by various hospitals that may administer driving rehabilitation programs. They make a determination whether the individual can or cannot drive. If the driver is successful, they will send a letter to the Pennsylvania Department of Transportation (PennDOT) and the license will be returned. If unsuccessful, there is always further review by a higher court, although again, filing an appeal will not reinstate the license until the next court decision.

Identification Cards

Most establishments require a driver’s license for identification. An ID card, similar in appearance to a driver’s license, can be obtained by non-drivers at the Pennsylvania Department of Transportation Driver License Centers. Any Pennsylvania driver who voluntarily surrenders his/her license for medical reasons can obtain this ID free of charge. All others, including those who have never had a driver’s license, must pay a \$30.50 fee. You must bring proof of identification such as a birth certificate (with a raised seal), your old driver’s license, and your Social Security card.

Handicapped Parking*

If you have a disability and are interested in a special parking placard or plate, you may contact your local notary, the Pennsylvania Department of Transportation toll-free at 1 (800) 932-4600, or your local State Representative.

Auto Insurance Discounts

Pennsylvania has a mandated discount on auto insurance for drivers (aged 55 and above) who complete a mature driver improvement course. Two approved courses are conducted by the American Association of Retired Persons (AARP) and the American Automobile Association (AAA).

55 Alive/Mature Driving

55 Alive is a unique program for drivers to sharpen their driving skills and prevent traffic accidents. This program is offered by AARP to **all** motorists, both members and non-members alike. Participants in this specially designed 8-hour refresher course, plus 4-hour refresher course every 2 – 3 years, are charged a fee of \$15.95 (member) and \$19.95 (non-member). Online registration is available with a fee of \$15.95 (member) and \$19.95 (non-member). For more information contact:

American Association of Retired Persons (AARP)

Pennsylvania State Office
30 North Third St., Suite 750
Harrisburg PA 17101
1 (866) 389-5654
www.aarp.org/drive

Mature Operators Driver's Education

AAA Southern Pennsylvania is now offering a new course for Senior Drivers. In addition to the 8-hour Safe Driving for Mature Operators classes, Senior Drivers can also participate in a 4-hour "Refresher" course. Approved by PennDot, this one-day, course is offered to seniors 55 and older who have already taken AAA's Safe Driving for Mature Operators class in the past. For additional information about the "Refresher" class contact:

AAA

1 (800) 222-1469, extension 221

Automobile Registration*

If you are retired, receiving Social Security, and have a total annual income not exceeding **\$19,200**, you may be eligible for a reduction in the cost of your motor vehicle registration from the regular price to \$10. You can get the necessary forms from your local State Representative's office, the Area Agency on Aging, PennDOT's Motor Vehicle Bureau, or going to their website at www.dmv.state.pa.us, click on "Forms and Publications", click on "All Motor Vehicle Forms/Pubs/FAQs", and then scroll down and click on **MV-371**.

Pennsylvania Department of Transportation
1101 South Front Street
Harrisburg, PA 17120
Toll Free: 1 (800) 932-4600

Dog License

Dog licenses are half price for senior citizens. They are \$4.50 for spayed or neutered dogs, and \$6.50 for productive dogs. The lifetime fee is \$31.50 for non-spayed or non-neutered dog, and \$21.50 for spayed and neutered productive dogs. To obtain a lifetime license, the owner must present certification that a tattoo number has been marked on the inside right flank of the dog. To apply for the reduced license contact:

York County Treasurer's Office

Barbara Bair
(717) 771 – 9603
www.yorkcountypa.gov, click on *Department Directory*, then click on *Treasurer*,

Dog Law Enforcement Bureau

Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110
General Information: (717) 787 - 4737

Free/Reduced Transportation

If you are 65 years or older and have proof of age, you may be eligible for free transit service on local established route buses, trolley and rapid transit lines all day. For SEPTA commuter rail lines, service is free if you have a valid PA Senior Citizen Transit ID card, Railroad Retirement Annuity card, or Medicare card, \$1.00 if not. One of the following documents is required as proof of age: birth certificate, driver's license, passport or naturalization papers, baptismal certificate, armed forces discharge, papers, PACE card, or statement of age from Social Security Administration. For more information, or for your free Senior Transportation Services Guide, contact:

York Adams Transportation Authority

(717) 846 – 7433
www.rabbittransit.org

Hunting, Furtaking, and Fishing License*

If you are (turning) 65 years of age or older, you are eligible for reduced fees on hunting, fur taking, and fishing licenses. A hunting license would be \$13.90, a lifetime license \$51.90, a combination license (hunting, furtaking, archery, and muzzleloader) \$101.90, a fishing license \$11.90, and a lifetime fishing license \$51.90. Proof of age and state residency are required.

All three licenses are free to PA veterans with 100% service connected disabilities through York County's Treasurer's office (see above). For more information contact:

PA Game Commission

(717) 787 – 2084

www.pgc.pa.gov

PA Fish Commission

(717) 705-7930

www.fishandboat.com

Free Legal Services

The SeniorLAW Center is located in Philadelphia, and has recently acquired funding through the AARP to provide this statewide service to seniors. The helpline is open to Pennsylvania residents 60 years of age or older. Services are limited to telephone advice, information and referrals. Helpline attorneys will advise callers on any civil legal matter, to the extent they are able. No brief services are performed. Legal Helpline clients needing representation are referred to their local area legal service, Title IIIB project or the Bar. Days and hours of operation are Monday through Thursday from 10:00 a.m. to 2:00 p.m. Attorneys will answer the telephone if they are not on another call. Callers may leave messages during the call hours only. Callers cannot leave messages during Helpline downtime and will be instructed to call back during Helpline hours.

Contact the **SeniorLAW Helpline** at:

SeniorLAW Center

1500 JFK Boulevard, Suite 1501

Philadelphia, PA 19102

1 (877) 727-7529

www.seniorlawcenter.org

Low Cost Legal Services

For individuals who qualify, legal services at a reduced cost may be obtained through Pennsylvania Legal Aid. Low-income individuals may call 1 (800) 322-7572 or look in the Guide to Human Services section of your local telephone book for the area Legal Aid office. Pennsylvania Legal Services also has a website at www.palegalaid.net. By accessing the website you can obtain information from a state map, color-coded by region, which will direct you to the appropriate Legal Aid office. Individuals needing assistance with problems such as bankruptcy, debtors' rights or landlord/tenant issues, even if they do not qualify for Legal Aid, should still seek legal advice.

You may contact the Pennsylvania Bar Association Lawyer Referral Service at (717) 238-6807 to refer you to a lawyer in your area or contact your local bar association for their lawyer referral service if available.

Pennsylvania Local Lawyer Referral Services

If you are looking for an attorney in York County, please contact York County's bar association's lawyer referral service (LRS) directly.

- York County, York: (717) 854-8755

If you think you may qualify for free legal assistance, the legal aid office near you can be located by accessing the website: www.palegalaid.net. When you reach this site, click on *Get Legal Help*, and then on your county in Pennsylvania. Most legal services offices will do the “intake” to determine if you qualify for legal service assistance.

Pharmaceutical Assistance Contract for the Elderly (PACE)*

PACE is a state prescription drug program that helps to pay for prescribed medicines for Pennsylvania residents 65 years or older whose annual income is under **\$14,500** for single persons and under **\$17,700** for couples. PACE cardholders have a \$6 co-payment for generic drugs and a \$9 co-payment for brand name drugs. State Lottery funds pay for the balance. **PACENET** is a prescription program if your annual income is between **\$14,500** and **\$27,500** for single persons and **\$17,700** and **\$35,500** for married persons. There is a \$40 monthly deductible that must be met before the co-payments will take effect.

To receive more information about **PACE** or **PACENET** call:

1 (800) 225 - 7223

OR

TTY 1 (800) 222 - 9004

OR

www.aging.pa.gov

Property/Rent Tax Rebates*

You may be eligible for up to a \$650 property or rent tax rebate if you are 65 years of age or older; if you are a widow/widower of 50 years or older; or if you are 18 years or older and totally disabled. For all three of the requirements listed your total household income must be less than **\$35,000** annually excluding half of your Social Security and Railroad Retirement Tier I Benefits. One person per household may apply. For application or further service, you may call your local State Representative, call the toll-free number of 1 (800) 772-5246, or visit the website at www.revenue.state.pa.us.

Seniors who own their homes in the Dallastown or Red Lion school districts may also be eligible for a property tax rebate through the school district. For more information, contact your local school district at:

Dallastown Area School District

700 New School Lane
Dallastown, PA 17313
(717) 244-4021

Red Lion Area School District

696 Delta Rd.
Red Lion, PA 17356
(717) 244-4518

Southern York County School District

PO Box 128
Glen Rock, PA 17327
717-235-4811 x7300

Recreational Opportunities

You are eligible for reduced admission to Pennsylvania State Historical and Museum Commission museums, sites and properties if you are 65 years of age or older. People 62 years of age or older, with proof of age, will be given a \$4.50 reduction on the base campsite price at any campground operated by the Pennsylvania Bureau of State Parks, for any night, or a \$27.00 reduction on the weekly rate. To receive the reduced price, a senior citizen must be part of the camping party.

Admission to state parks is free and most state park facilities are free for your use. For further information contact:

Bureau of State Parks
1 (888) PA-PARKS
www.dcnr.pa.gov

PA Historical & Museum Commission
(717) 787 - 2723
www.phmc.pa.gov

State Income Tax Exemptions

Individuals do not have to pay Pennsylvania's personal income tax on retirement income, including the following: Social Security, railroad retirement, any pension benefits—including veteran's pensions, and Supplemental Security Income (SSI). For further information, contact:

Revenue Department
(717) 787-8201
www.revenue.pa.gov

*** Application Forms and Further Information are available at my local office (information on the back of this booklet).**

III. Employment, Volunteer and Educational Opportunities

Older citizens have the right to work and further their education if they choose. If you are unemployed and want to work or if you are considering returning to school, you might want to consider the following:

Employment Opportunities

Senior Community Service Employment Program (SCSEP)

Through this program, seniors, age 55 years of age or older, benefit from training, counseling, and community service assignments at faith-based and community organizations in their communities, prior to transitioning into the workforce. Participants are placed at eligible host agencies (primarily at faith-based and community organizations) for which they are paid the minimum wage for an average of 20 hours per week. For more information contact any of the following and ask for your local information:

York Community Progress Council Senior Community Service Employment Office

(717) 846 – 4600 ext. 272
www.yorkcpc.org

Experience Works

2 East Main St., Room 209
Shamokin, PA 17872
(877) 314-7382

American Association of Retired Persons (AARP)

Washington DC
1 (888) 687-2277
www.AARP.org

National Council on the Aging, Inc.

251 18th St. South, Suite 500
Arlington, VA 22202
571-527-3900
www.NCOA.org

Senior Service America
(301) 578-8900
www.seniorserviceamerica.org

National Caucus and Center on Black Aged
Washington, DC PA State Office (Philadelphia, PA)
(202) 637-8400 (215) 765-4030
www.ncba-aged.org

National Association of Spanish Speaking Elderly
Philadelphia, PA
(215) 426-1212

PA Human Relations Commission

The commission investigates complaints of age discrimination by employers, employment agencies, or labor organizations, as well as complaints on grounds of race, sex, color, religion, creed, ancestry, national origin, or non-job-related handicap or disability.

Main Office:

333 Market St., 8th Floor
Harrisburg, PA 17101
(717) 787-4410
(717) 787-4087 TTY
www.phrc.pa.gov

Regional Office:

Riverfront Office Center
333 Market St., 8th Floor
Harrisburg, PA 17101
(717) 787-9780
(717) 787-7279 TTY

Similar services are available from the **U.S. Equal Employment Opportunity Commission**, with offices in Philadelphia and Pittsburgh. Either office can be reached at: 1 (800) 669-4000.

Office of Vocational Rehabilitation (OVR)

This office provides a variety of services to those persons with disabilities that present a substantial handicap to employment and independence. Among the service provided are: diagnosis, counseling and guidance, training, independent living services, comprehensive medical and allied services, and job training. Diagnostic, counseling and job placement services are free, but there may be cost-sharing involved for other services after a financial needs assessment is done. You can Contact the OVR at:

Vocational Rehabilitation Services

2550 Kingston Road, Suite 101 (717) 771-4407 or 1 (800) 762-6306
York, PA 17402 (717) 771-4433 TTY or 1 (866) 466-1404 TTY

Age Discrimination in Employment Act (ADEA)

The Age Discrimination in Employment Act is designed to protect people who are age 40 and over from discrimination in the workplace. Discrimination in this instance is any act by an employer that treats a person unfairly because of their age. This not only includes firing someone because of their age, but also includes actions that result in those over the age of 40 being treated differently and less favorably. For instance, if someone over the age of 40 is receiving less pay for doing the same job as someone who is younger, when both employees are otherwise on the same level, there may be a claim for age discrimination. The protection also extends to hiring practices. If a person feels that they are being passed over for a job solely because they are age 40 or over, the ADEA may offer protection. The person claiming discrimination in this instance should be able to show that they are qualified for the job, that someone younger and less qualified was hired in their place, and that there was no other valid reason for the failure to hire.

Sometimes employers try to disguise age discrimination by claiming that the layoff or discharge of an employee is caused by a reduction in workforce or downsizing. Even in such an instance, if the discharged employee is over the age of 40 and can show that they are as qualified for the position as other younger employees who were retained and not fired, that employee may have the basis for a claim for protection under the ADEA.

Protection for Discrimination Against Caregivers

Recently, the ADA (Americans with Disability Act) and the EEOC (Equal Employment Opportunity Commission) regulations have been the subject of federal court cases. The regulations found in both these laws are very clear that people who may not have disabilities, whether age-related or otherwise, but who are discriminated against anyway based on their known relationship or association with a person with a disability may find protection in these provisions of these laws.

It is generally known that the ADA protects individuals with disabilities from employment discrimination. However, it also offers protection against discrimination that a current or future employer may impose based upon their knowledge and the employer's actions taken based on that knowledge. If the employer knows about a family member or friend's disability and then limits or terminates your job opportunities, you may be protected by this federal law. For example, if a family member who is a caregiver to either a chronically ill or disabled person or to a person with an age-related disability is offered a job, but then has the offer withdrawn when the employer finds out that you have a family member in this situation. Watch out for employers who may deny you opportunities or promotions at work under the pretext of "reducing your stress." Also, an employer may terminate or limit hiring or job opportunities due to their concern about increasing health insurance costs for a person's relative or caregiver. The courts may extend protection in the event that it is proven that the employer discriminated based upon their knowledge of the caregiver being related or associated with a disabled or chronically ill person. However, the courts have not been overwhelmingly favorable to the assertion of these types of associational claims.

Special Agencies

The Pennsylvania Human Relations Commission (PHRC) is the agency set up by Pennsylvania to assist in discrimination cases; the Equal Employment Opportunity Commission (EEOC) is the parallel agency of the federal government. These agencies are fairly “user friendly,” designed to assist you with any claim for discrimination you feel you may have. However, you have a deadline by which you must notify either the EEOC or the PHRC of any act of discrimination. The PHRC gives you 180 days after the discriminatory act to give them notice and file the necessary paperwork. The EEOC gives you 300 days to do so. If you feel your employer has treated you unfairly because of your age, you should not wait to take action. You should contact the EEOC or the PHRC without waiting for the matter to be resolved by your employer, because if it doesn’t get resolved within their time frames, you may have lost your right to make a claim. The ADEA is there to protect your rights but in order to be protected you must discharge your responsibilities in the matter.

Volunteer Opportunities

Pennsylvania has many programs in which older citizens can volunteer their services. These programs include volunteering for state museums, historical sites, foster grand-parenting, local businesses, senior companion, and volunteer tax preparer. Information about most of these programs can be obtained through your Area Agency on Aging. Other programs in York County include the following:

National Senior Corps Programs

Senior Corps connects today’s over 55s with the people and organizations that need them most. We help them become mentors, coaches or companions to people in need, or contribute their job skills and expertise to community projects and organizations. Senior Corps offers several ways to get involved. Volunteers receive guidance and training so they can make a contribution that suits their talents, interests, and availability. The first volunteer opportunity is the Retired Senior Volunteer Program (RSVP) and the second is the Senior Companion Program. RSVP volunteers (aged 55 years or above) work with people of all ages at designated locations. The Senior Companion Program volunteers (aged 55 or above, meeting income requirements) serve adults, particularly older adults, who are receiving nursing care, are disabled or have special needs. For more information, contact the Senior Corps Program at:

Senior Corps

1201 New York Avenue, NW

Washington, DC 20525

(202) 606-5000

1 (800) 942-2677

www.seniorcorps.org

or

www.getinvolved.gov

Foster Grandparent Program

This federal program is managed by Community Progress Council. It offers an opportunity for older adults to volunteer with children who are developmentally disabled. Currently, there are 20 volunteer sites throughout York City and County. In most cases, volunteers will travel less than 2 miles to work.

Benefits to volunteers include a complimentary meal, accident and liability insurance, transportation assistance and a tax free stipend. Foster grandparents volunteer a minimum of 20 hours and a maximum of 40 hours a week and accrue sick and annual leave according to the sponsors' established policy. To be eligible, you must be 55 years of age or above and meet income guidelines.

Contact the Community Progress Council for more information.

Community Progress Council
Foster Grandparent Program
226 E. College Ave
York, PA 17403
(717) 846-4600 ext. 313
www.yorkcpc.org

Ombudsman Volunteering

An ombudsman is a trained individual who can help if you have a complaint or problem with any long-term care service. Ombudsmen provide information about your rights as a consumer and assistance in exercising those rights. Volunteer ombudsmen are community neighbors who are specially trained to find answers and resolve problems people experience in the long-term care system. Volunteer ombudsmen frequently visit and take time to listen to concerns on a person-to-person basis. For further information contact:

Pennsylvania Department of Aging
Office of the State Long-Term Care Ombudsman
(717) 783-8975
www.aging.pa.gov

Spiritrust Lutheran

Senior Companion Program

Volunteers 55 and over provide companionship and support to other older adults. In turn, these volunteers find purpose and meaning while receiving a tax-free stipend. For more information, contact:

Senior Companion Program
750 Kelly Drive
York, PA 17404
www.spiritrustlutheran.org
1(888) 629-4096
(717) 852-4357

Stephen Ministry

Stephen Ministers are trained lay people who provide ongoing Christian care to people experiencing a wide range of life needs or crises. Stephen Ministers do not take the place of one's pastor, but actually expand the pastor's ministry by making available more workers from within the church family.

Spiritrust Lutheran provides training to interested individuals in Adams, Franklin, Fulton and York Counties. For more information, contact:
(717) 854-4313 *York County*

Touch-a-Life

Volunteers transport people for medical appointments or groceries; visit or telephone shut-ins; provide short-term assistance with light household chores or yard work; help with minor repairs. For more information, contact:
(717) 854-4313 *York County*

Memorial Hospital Volunteer Opportunities

For more information call (717) 849 - 5492
www.MHYork.org

PA Historical and Museum Commission

Volunteers work at state museums and historical sites. Duties may include craft instruction, exhibit upkeep, and maintenance or administrative duties. For more information, and open positions contact any commission site near you or the:

PA Historical and Museum Commission
State Museum Building
300 North Street
Harrisburg, PA 17120
(717) 787-3362
www.phmc.pa.gov

Small Business Administration Program

SCORE "Counselors to America's Small Business" is a nonprofit association dedicated to educating entrepreneurs and the formation, growth and success of small business nationwide. SCORE is a resource partner with the U.S. Small Business Administration (SBA). SCORE volunteers are successful business professionals who volunteer their time to mentor small business owners. Both retired and working professionals are welcome in SCORE. For more information, contact the SCORE Association office at 1 (800) 634-0245, or the nearest SBA office:

Small Business Administration
2601 North Third St.
Suite 503
Harrisburg, PA 17110
(717) 782-3840
www.sba.gov

York SCORE Office
HACC Goodling Center
2101 Pennsylvania Ave.
York, PA 17404
(717) 845-8830
www.score.org

Volunteer Tax Preparer

IRS Tax Counselor

The IRS trains volunteers to assist and counsel elderly, low income disabled, or housebound individuals in completing federal, state, and local tax returns. Free training is provided and volunteers are certified through testing. Call the IRS at:

1 (800) 829-1040

www.irs.gov

AARP Tax-Aide

With special attention to those age 60 and older, trained volunteer counselors assist low and middle income individuals in preparing their taxes. To learn more about becoming an AARP Tax-Aide volunteer call: **1 (888) 227-7669**

Educational Opportunities

Most public school districts and many colleges and universities offer opportunities for continued education. There is usually a charge for this instruction, although it may be reduced for older persons. Contact the admissions office at the college or university or local school district offices to find what they offer.

IV. Health and Home Services

Pennsylvania has a wide variety of programs and organizations that can assist older citizens with health related issues. On the next few pages there is a list of these programs and what they can offer you.

Health

The Pennsylvania Dental Association

For more information about **Senior Dental Care**, call: (717) 234-5941 or write to:

Pennsylvania Dental Association
P.O. Box 3341
Harrisburg, PA 17105

A compilation of free and reduced-fee dental clinics and centers are listed for Pennsylvania by county. Go to www.padental.org, click on *Patient*, and then *Find Free/Reduced-fee Dental Clinics*.

AIDS Factline

1 (800) 662-6080
<http://www.health.pa.gov>

Alcoholics Anonymous

This office provides information on alcohol problems and will give local group telephone numbers.

www.aa.org

Alzheimer's Disease Information

1 (800) 438-4380
www.nia.nih.gov/Alzheimers

American Cancer Society: York County

1 (800) 227-2345
www.cancer.org

American Diabetes Association

1 (800) 342-2383
<http://www.diabetes.org>

American Heart Association: *Lancaster Area*

(717) 730-1700

www.americanheart.org

American Lung Association of Pennsylvania

(717) 971-1129 (Mid-Atlantic Office, Camp Hill, PA)

www.lungusa.org

Arthritis Foundation: *Central Pennsylvania*

(412) 566-1645

www.arthritis.org

Cancer Information Center

1 (800) 422-6237

www.cancer.gov/

Domestic Abuse: ACCESS York

ACCESS York provides a shelter for abused women and their children. For information or assistance call:

1 (800) 262-8444

(717) 846-5400

(717) 637-2235 (Hanover)

www.ywcayork.org

Elder Abuse

The Attorney General's Elder Abuse Unit investigates and prosecutes those who cheat, deceive or abuse older Pennsylvanians. If you have any reason to suspect that an elderly person may be victimized in any way, call the Pennsylvania toll free, Elder Abuse Hotline:

1 (866) 623-2137

Or contact your local Area Agency on Aging for more information:

The York County Area Agency on Aging

100 West Market Street

York, PA 17401

(717) 771-9610

(800) 632-9073

www.ycaaa.org

The Leukemia and Lymphoma Society

(800) 955-4572

www.lls.org

Spiritrust Lutheran

Lutheran Home Care & Hospice

1651-A Mt. Zion Rd

York, PA 17406

(717) 757-0774

www.spiritrustlutheran.org

Center for Deaf and Hard of Hearing

Deaf Center services include interpreting technology and other resources bridging the gap between the deaf and hearing communities. For more information on the Spiritrust Lutheran Deaf Center, contact:

The Village at Kelly Drive

Lower Level

750 Kelly Drive

(717) 852-4357

1 (888) 629-4096

Lutheran Counseling Services

Lutheran Counseling Services provides holistic, faith-based counseling for individuals and families experiencing difficult and crisis situations.

Lutheran Counseling Services

1 (866) 319-5137 (York County/Hanover)

www.spiritrustlutheran.org

Touch-a-Life

This program provides service to those of any age with specific short-term need for support—including companionship, errands and transportation. For more information, contact:

(717) 854-4313 (York)

(717) 227-8517

(717) 646-2460 (Hanover)

National Eye Care Project

Free eye tests for persons age 65 and up.

www.eyecareamerica.org

PA211/ FIRST

For General Information about services in York County contact the **Free Information and Referral System Teleline (FIRST)**, now a part of PA211. FIRST is an information system that can provide you with information about counseling, health, food and financial assistance, education, clubs, and organizations. In addition, FIRST can provide you with information about the various **support groups** in York County. These support groups include ones pertaining to Alzheimer's disease, Cancer, Arthritis, Diabetes, Strokes, among many others.

211 or (800) 673-2529
www.unitedway-york.org

OPTIONS

OPTIONS is a Pennsylvania Department of Aging program that assesses Long Term Care (LTC) needs of people and accommodates those needs. OPTIONS directs people with service needs toward the most appropriate and least restrictive level of care. It provides services that help maintain the independence and meet chronic needs of individuals.

For more information contact the York Area Agency on Aging at (717) 771-9610.

PA Office for the Deaf and Hard of Hearing

1521 North 6th Street

Harrisburg, PA 17102

(717) 783-4912 or toll-free 1 (800) 233 - 3008

www.dli.pa.gov, scroll down, and then click on Services for People with Disabilities

Patient Assistance Programs

LillyMedicareAnswers

LillyMedicareAnswers is a new patient assistance program that provides eligible Medicare recipients access to affordable medications outside of their Medicare Part D plan. The LillyMedicareAnswers program provides assistance to eligible patients prescribed **FORTEO®** (teriparatide injection), **ZYPREXA®** (olanzapine) or **Humatrope®** (somatropin for injection). To be eligible for LillyAnswers, you must be enrolled in a Medicare Part D plan, not eligible for Medicare or Medicaid, and have an annual income at or below the program's set percent of the *Federal Poverty Level*.

For more information about the LillyMedicareAnswers program, call toll-free 1-888-545-6962, or visit them online at www.lillytruassist.com

Merck US Patient Assistance Program

The Merck Patient Assistance Program provides Merck medicines free of charge to individuals who do not have prescription drug coverage and who cannot afford to pay for their prescriptions. In general, a person without pharmaceutical coverage and a household income of \$44,680 or less for individuals and \$60,520 or less for couples may be eligible. For incomes above these levels, consideration for an exception to these requirements may be requested by the prescribing healthcare provider as a part of the application process. Please note that all third party options for prescription coverage must have been exhausted by the patient. Examples of third party coverage include private insurance, HMOs, Medicaid, Medicare, state pharmacy assistance programs, any Veterans' assistance, and other social service agency support. In order to provide you with the brochure and an application for the program, you must be a resident of the United States. While eligible people of all ages can participate in the program, the information can only be sent to persons 18 years of age or older.

Most Merck products are included in this program. A partial list of Merck medicines provided through the Patient Assistance Program follows. If you have a question about whether a specific Merck medicine not listed below is provided through the Patient Assistance Program, please call **1 (800) 727-5400**.

- **COSOPT** (dorzolamide hydrochloride-timolol maleate) Ophthalmic Solution
- **JANUMET** (sitagliptin/metformin HCL)
- **JANUVIA** (sitagliptin)
- **MAXALT** (rizatriptan benzoate) Tablets
- **MAXALT-MLT** (rizatriptan benzoate) Orally Disintegrating Tablets
- **SINGULAIR** (montelukast sodium) Tablets and Chewable Tablets
- **STROMEKTOL** (ivermectin) Tablets
- **TRUSOPT** (dorzolamide hydrochloride) Ophthalmic Solution

Patients can call toll-free **1 (800) 727-5400** to obtain a brochure outlining the program and an enrollment application or find more information online at www.merckhelps.com. The enrollment application will need to be completed by the patient and his or her physician.

Pfizer Helpful Answers

Pfizer Helpful Answers offers patient assistance programs to people without prescription coverage. These programs provide savings on Pfizer medicines, regardless of age or income; or free Pfizer medicines for people with limited incomes who qualify. For more information, visit Pfizer Helpful Answers online at www.pfizerxpathways.com or call 1 (866) 706-2400 to find a patient assistance program that may best meet your needs.

Emergency Prescription Assistance

Criteria and guidelines may change depending on availability of funds. For more information, please call:

The Caring Ministry
First Presbyterian Church
225 E. Market St.
York, PA
(717) 848-8869
www.thecaringministry.com

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act was designed to protect people who suffer from a disability and to prevent discrimination against any person because of a disability. Significantly, this protection extends to a person's right to be employed. The ADA mandates that, under certain circumstances and presuming certain conditions are met, a person cannot be denied employment solely because of a disability.

Disability Defined

The first question to consider is what, exactly, is a "disability?" The language of the ADA defines a disability as "a physical or mental impairment that substantially limits one or more major life activities of an individual." That means if a person has a long-term physical illness or injury or has a mental condition that prevents or limits him/her from doing something that other people normally do, they probably would be labeled as having a disability under the ADA. What are the things that people normally do? They are the simple things that the average person does with little or no difficulty, such as caring for oneself, walking, seeing, hearing, speaking, breathing, learning, sitting, standing, lifting, reaching, reading, etc. Many written cases in the law define what a major life activity is and what is not. To be considered a disability under the ADA, the disabling condition must be permanent or long-term. So even if a temporary condition, such as a broken bone, the flu, or pneumonia, limits a person's activities as described, it is not considered a disability under the ADA.

Accommodations

Under the terms of the ADA an employer must make what is called "reasonable accommodations" to an employee, or potential employee, who has a disability. If an employee can perform the essential functions of a job, i.e. the primary duties of a job position, with a reasonable accommodation being made by an employer, then the employer cannot fire or refuse to hire the employee because of a disability. If an employer refuses to hire a person, or fires a current employee solely because of a disability or to avoid having to accommodate that disability, then that employer has discriminated against that person, according to the ADA.

Reasonable accommodation is necessarily determined on a case-by-case basis. As a general rule, an accommodation is any change in the work environment or in the way things are normally done on the job so that a person with a disability can perform the essential functions of

the job safely and adequately. This change or accommodation will vary according to the circumstances, i.e. what type of job and what type of disability. The accommodations an employer makes can be as simple as bending the work rules (perhaps allowing more breaks to a person with a chronic bladder problem), or as difficult as removing a physical barrier (such as installing a ramp so that a person in a wheelchair can get up a flight of steps). The most common forms of accommodation are physical changes to the work area (as with the handicap ramp); part-time or modified work schedules (for example to accommodate therapy appointments); modified equipment (i.e. an amplifier for a phone for someone who is hard of hearing); or special equipment, such as a Braille typewriter for someone who is blind. But there are limits to how much an employer is obligated to do to accommodate a person with a disability.

First of all, no employer is required to lower production standards or eliminate an essential job function or duty as a reasonable accommodation. This applies across the board. While an employer may be obligated to make accommodations so that an employee can meet production standards, or perform their job duties, the production standards and job duties themselves do not have to be changed as part of that accommodation. Furthermore, an employer may argue that making a certain necessary accommodation will cause an “undue hardship” to their business, and thus they should be relieved of that obligation. This is a very “sticky” point and is decided on a case-by-case basis. However, as a general rule, an undue hardship is any accommodation that would cause significant difficulty or expense to the company, or that would be so disruptive as to seriously affect the operation of the business and the ability of the business to continue operating.

An important factor to consider regarding undue hardship is the size of the company. What may be considered a financial hardship to a small restaurant or shop may be no big effort for a large corporation. Also the nature of the business itself is a big factor. For instance, if a waitress in a restaurant needs to take a five-minute break every half hour, this might be considered an undue hardship since it would be disruptive to the normal demands of the business. However, if the employee requesting the five-minute break every half hour is a computer programmer, this may not be quite so disruptive to the job or the business in general. Similarly if the very nature of the job makes an accommodation impossible or impracticable an employer will be relieved of the obligation. For instance, a blind person cannot be a proofreader of news articles and a person with a serious speech impediment cannot reasonably perform the job of a telephone receptionist.

Reassignment

In order to qualify for protection under the ADA, an employee should be able to perform the essential functions of their job, with reasonable accommodation. However, the courts have found that if a person is unable to perform the essential job functions of their current position, the employer may still be obligated to reassign them to another position that they can perform, with or without accommodation. This obligation to reassign an employee kicks in under three different circumstances:

- If the employee cannot perform the essential functions of their present position, despite reasonable accommodations
- If the employer claims the accommodation needed to keep the employee in their current position would cause undue hardship
- If no accommodation is practicable or possible for the person to perform the job duties of their current position

Furthermore, if reassignment is appropriate, there has to be a position available; the employer need not create one. The position must be vacant and the employee must qualify for the new position. In the example where the employee has a speech impediment and cannot act as a telephone receptionist: if the employer has a vacant word processing position available and the employee can effectively use a word processor and perform the duties of that position, then reassignment is appropriate. Although reassignment seems like a great idea, it can be to a lower paying position, or outside the geographical area, in which case the employee pays the moving expenses. If the employee refuses the position because of lower pay or a move being required, they cannot later come back and make a claim against the employer under the ADA, since the employer satisfied the obligation. For more information, contact the ADA information center at 1 (800) 949-4232 or www.adainfo.org.

Home Health Care

Home-Based Care

Lutheran Home Care Services, Inc., a division of Spiritrust Lutheran, offers home-based care and hospice services to provide individuals and families with several levels of skilled care. Home health care services make it possible for people to recover from illness or surgery in the comfort of their own home. In-Home Support is another program offered by Spiritrust Lutheran which recognizes the need for qualified companions and homemakers to assist with non-skilled personal and household services. The services help keep loved ones safely at home. For more information on Spiritrust Lutheran's Home-Based Care, contact:

(717) 757-0774 (York County)
OR
1(800) 840-9081

Memorial White Rose Home Health & Hospice

Memorial White Rose Home Health & Hospice services include professional nursing, physical, occupational, and speech therapy, medical social work, and home health aide. All services are provided in accordance with physician's orders. For more information contact:

Memorial White Rose Home Health & Hospice

1412 Sixth Avenue
York, PA 17403
(717) 843 – 5091 or **(717) 849-5635**
www.memorialwhiterose.com

Heartland Home Health Care

Heartland offers a variety of home health care services to patients experiencing an illness, hospitalization or surgery, or for those facing a new health care diagnosis requiring a change in daily lifestyle. For more specific information on Heartland services contact:

Heartland Home Health Care

3417 Concord Rd., Suite C
York, PA 17402
1 (800) 830 – 9750 or **(717) 840-9750**
www.hcr-manorcare.com

Hospice Care

Hospice is a philosophy of care that seeks to alleviate physical symptoms while providing emotional, spiritual, and bereavement support to the terminally ill patient and their family. This care and support is provided by a team of hospice professionals and volunteers and is available 24-hours a day, seven days a week.

Hospice focuses on palliative (comfort) care rather than looking for a cure. It is a proactive alternative when a person's body no longer responds to aggressive medical care – or the individual chooses to no longer continue treatments.

Hospice services are delivered in the patient's home whether that be a private home, assisted living facility, or nursing home. A person must have a terminal illness to be eligible for hospice services. This includes the following illnesses:

- Alzheimer's disease
- Cancer
- Heart disease
- Kidney disorders/failure
- Liver disease
- Lung disease
- Stroke/coma

A full team of hospice professionals, under a physician's supervision, supports the patient and family. The hospice team includes:

- The patient and family
- Nursing
- Social Workers
- Hospice Medical Director
- Trained Volunteers
- Chaplain
- Home Health Aides
- Bereavement Services

Hospice care is a benefit that is paid for by Medicare, Medicaid, and many insurance plans.

Three hospice care organizations in York County may be contacted at:

AseraCare Hospice (717) 845-8599 or toll-free 1 (888) 273-0935
984 Loucks Rd., Suite 1
York, PA 17408
www.aseracare.com

Heartland Home Health Care (717) 840-9750 or toll-free 1 (800) 830-9750
3417 Concord Rd., Suite A
York, PA 17402
www.hcr-manorcare.com

Hospice & Community Care (717) 793-2113
235 St. Charles Way, Suite 250
York, PA 17402
www.hospicecommunity.org

V. Meal Services

Delivered Meals

The Home Delivered Meals Program is designed to provide a well-balanced daily meal to homebound older adults who are unable to prepare adequate meals for themselves and have no other means for assuring healthful nutrition. On Monday, Wednesday and Friday, a hot meal is delivered to the older adult's home. Tuesday and Thursday meals are a cold bag lunch delivered with the previous day's hot meal. The delivery of meals may occur any time between 11:00 AM and 1:00 PM.

Volunteers from the local senior center deliver the meals to the older adult's home. Although this is a brief contact it does provide a check on the well-being of the homebound individual. To be eligible for Home Delivered Meals services an individual must be: a York County resident in a non-institutional setting, 60 years of age or older, have a physical, mental or emotional disability, which prohibits the individual from leaving his/her residence on a regular basis and/or prevents them from preparing a nutritious meal, & living alone or with someone who also meets the above criteria. For more information contact:

The York County Area Agency on Aging
100 West Market Street, Suite 102
York, PA 17401
(717) 771 - 9610
(800) 632 – 9073

Senior Food Program

This program is available once a month on a first come first serve basis. Contact your local CPC for more information regarding eligibility:

York City Community Progress Council
226 E. College Avenue
York, PA 17404
(717) 846-4600

Food Pantry Clearinghouse

The Salvation Army food pantries provide groceries for families and individuals in need. To be eligible your income must fall within the *Federal Poverty Guidelines*. To set up an appointment, or for further details call **(717) 846-8899**.

Emergency Food Program

The Salvation Army also has an emergency food program. Eligibility is based on the *Federal Poverty Guidelines*. To set up an appointment, or for further details call **(717) -848-2364**.

Food Distribution

The Benevolent Association distributes food seasonally. For more information please call:

The Benevolent Association
301 Kings Mill Rd.
York, PA 17403
(717) 854-2494

Emergency Food Assistance

A 3-day emergency bag of food is available for an individual once every 30 days. For more information on criteria and guidelines please call:

The Caring Ministry
First Presbyterian Church
225 E. Market St.
York, PA
(717) 848-8869

VI. Housing

As an older Pennsylvanian, you might need financial assistance for housing or you might want help finding an affordable and comfortable place to live. Below is a list of housing organizations that can assist you with concerns or problems related to housing.

Pennsylvania Housing Finance Agency

Funding for these programs comes from a number of sources, including the sale of the Agency's securities to private investors throughout the nation, program fees, State and Federal programs and investment earnings. PHFA's expenses are paid for by fee and investment income. A substantial part of the Agency's investment earnings is used to subsidize the housing programs. PHFA programs include Homeowners' Emergency Mortgage Assistance, Multifamily Rental Housing Development, PENNVEST – Individual On-Lot Sewage System Loans, and Homeownership Programs.

For more information on PHFA programs, you may visit the website: <http://www.phfa.org> or call the Homeownership Programs Hotline at **1 (800) 822-1174**.

Homeowners' Emergency Mortgage Assistance

HEMAP provides short-term, temporary funding to cure loan delinquencies, by providing mortgage payments to lenders on behalf of qualifying homeowners for up to 24 months. Recipients must meet eligibility guidelines defined in state law (35 P.S. Section 1680.401 ET seq, as amended). Repayment of assistance is required.

For more information on HEMAP, call 1 (800) 342-2397

Multifamily Rental Housing Development

Programs to finance affordable rental housing offer projects sponsors financing from a wide variety of sources: PHFA general fund set-asides, the sale of Agency-issued securities, federal HOME dollars, and the allocation of housing tax credits. Restriction and application deadlines vary among programs.

For more information on Multifamily Rental Housing Programs, call (717) 780-3874.

PENNVEST – Individual On-Lot Sewage System Repair Program

This program provides up to \$25,000 for 20-year, very low interest rate loans to homeowners for the repair or upgrade of malfunctioning on-lot septic systems. These loans are insured under the FHA Title I Home Improvement Loan Program. For more information,

contact a PENNVEST Participating Lender to see if you qualify for a loan. For homeowners in York County:

333 Market St., 18th Floor
Harrisburg, PA 17101-2210
717-783-6798 or 1 (877) 787-8137

Homeownership Programs

PHFA offers a number of opportunities for Pennsylvania families to buy homes of their own. Qualification factors vary among programs, and in some cases, from county to county. All PHFA homeownership programs are available to persons with disabilities.

For more information on Homeownership Programs, please call 1 (800) 822-1174.

Housing Information & Referral

There are a number of federal and state programs, organizations and non-profit agencies that may be useful for seniors to help meet housing needs. Contact your Area Agency on Aging or the contacts listed below for more information.

Area Agency on Aging
(717) 771-9610
www.ycaaa.org

Housing Alliance of York
(717) 854-1541

Housing Authority for City of York
(717) 845-2601
www.yorkhousingauthority.com

York Area Housing Group
(717) 846-5139
www.yorkareahg.org

Energy Assistance

LIHEAP

The Low Income Home Energy Assistance Program (LIHEAP) provides help to low-income families with winter heating bills. There is no lien placed on the home and the client does not have to pay the money back. You must meet income guidelines to qualify. The program generally runs from November to March. However, the length of the program may change depending on the availability of funding and other factors. Contact your local County Assistance office for more information.

York County Assistance Office
(717) 771-1100

Statewide LIHEAP Hotline
1 (866) 857-7095

The Benevolent Association

The Benevolent Association has a seasonal winter program that helps individuals who have received *shut-off* notices for their gas, electricity, or have run out of oil. You may only receive help one time per winter. To see if you may qualify, call *Thursday* between 9 a.m. and Noon:

The Benevolent Association
301 Kings Mill Rd.
York, PA 17403
(717) 854-2494

The Salvation Army

The Salvation Army has a seasonal fuel assistance (propane and oil) program that helps individuals who have depleted their LIHEAP and Crisis Fund. The program is based on available funds and as such may be limited. The Salvation Army is also able to help individuals apply for PCAP and CAP with Columbia Gas, MetEd, and Dollar Energy. For more information on criteria and guidelines, please call:

The Salvation Army
(717) 848-2364

Utility Grants Assistance

The Caring Company is able to help individuals apply for PCAP and CAP with Columbia Gas & Met Ed, as well as Dollar Energy. For more information on criteria and guidelines for assistance, please call:

The Caring Ministry
First Presbyterian Church
225 E. Market St.
York, PA 17403
(717) 848-8869

Home Improvement Programs

The Housing and Community Development Department of the York County Planning Commission has been designated by the York County Commissioners to administer various housing related projects and programs. Through these housing programs, the department provides funds to individual property owners to rehabilitate existing housing, to access energy saving services, and to provide down payment assistance to first time buyers. These programs are designed to benefit low and moderate income individuals and families in York County. For more information, or to apply contact:

York County Planning Commission
28 East Market St., 3rd Floor
York, PA 17401
(717) 771-9870

Home Weatherization-Winterization

The York County Weatherization program is designed to reduce heating and cooling costs for low income families by saving energy. Services are provided at no charge and there is no lien placed on the property. Services are available to both homeowner and renters (with the permission of the landlord). You must meet income guidelines to qualify.

Home Improvement

This program is a loan program designed to help income eligible resident homeowners in York County by providing financial and technical assistance to obtain necessary home repairs. An *Emergency Program* is available to provide assistance in situations where existing conditions threaten the life, health, or safety of the occupants and are so extreme that normal processing time could constitute a danger to the property occupants.

Sewer Hook-Up Assistance

This program is available to help homeowners pay for the cost of their sewer installation. The same residency and financial criteria are required as the Home Improvement Program. For more information on the Home Improvement Program or the Sewer Hook-Up Assistance Program, contact a Financial Specialist at the York County Planning Commission:

(717) 771-9870

Retirement Communities

Such communities usually offer independent living in an apartment or cottage. They are intended for healthy, mobile older people. They generally offer no special medical services.

Spiritrust Lutheran offers a variety of retirement community opportunities. The Spiritrust Lutheran network of services includes residential (independent) living in cottages or apartments, personal care options, skilled or rehabilitative care, and HUD apartments for income-eligible seniors.

Nursing Care: Spiritrust Lutheran provides older adults with sensitive long-term skilled nursing care. This happens in environments planned to enhance the dignity of each resident. Each resident receives care for mind, body, and spirit. Spiritrust Lutheran campus chaplains play an important role in this holistic approach to healing.

In-Patient Rehabilitation: People recovering from surgery or other medical events benefit from confident and caring support. Spiritrust Lutheran provides short-term rehabilitative care with emphasis on wellness and independence.

Assisted Living/Personal Care and Catered Living: An increasing number of aging adults benefit from a comfortable and safe living environment that does not require skilled nursing care. Spiritrust Lutheran meets this growing need with campus settings that include personal assistance with daily living activities.

Residential Living: Many older adults intentionally choose these communities for lifestyle comfort and convenience. Spiritrust Lutheran retirement villages offer pleasing community life with supportive health and community services.

Housing and Urban Development (HUD) Partnerships: Spiritrust Lutheran and the federal government together provide safe, affordable housing for income-eligible older adults. HUD apartments offer comfortable housing options on established Spiritrust Lutheran campus settings for adults.

For further information on Spiritrust Lutheran retirement communities, contact:

The Village at Kelly Drive

Kelly Manor
750 Kelly Drive
York, PA 17404
(717) 848-2585

Shrewsbury Lutheran Retirement Village

800 Bollinger Drive
Shrewsbury, PA 17361
(717) 227-3000

The Village at Sprenkle Drive

1802 Folkemer Circle
York, PA 17404
(717) 764-9994

Or, for further information on retirement communities in general contact your local Area Agency on Aging.

Subsidized Housing

Rental assistance programs are available for the low-income elderly and disabled. For further information contact your local AAA office or Housing Authority.

Housing Assistance and Housing Options

The Pennsylvania Department of Aging outlines several types of housing options for all levels of independence.

Services for Individuals Who Remain in Their Homes

- Homemaker assistance for daily household activities.
- Personal care for those who cannot manage alone.
- Home delivered meals.
- Family caregiver support that includes one-time grants for home modifications to help with mobility problems.
- Transportation services.
- Senior community centers where older people can get together for social activities, recreation, education, creative arts, physical health programs, and nutritious meals.

- Adult day care centers that provide personal care and medication management for individuals who cannot be left alone during the day.

Independent Housing Options

- Continuing Care Retirement Community (CCRC) offers independent living, usually in an apartment or cottage, and access to a higher level of care such as personal care or a nursing facility. Residents move between levels of care as their needs change. Services, such as meals, medical care, social and recreational activities, are provided through a contractual arrangement for the lifetime of the resident. Residents usually pay an entrance fee and a monthly charge.
- Retirement Communities offer independent living in an apartment or cottage. They are intended for healthy, mobile older people and generally offer no special service. Units may be rented or purchased. Many retirement communities offer recreational amenities such as golf, swimming, or tennis.
- Subsidized Housing is made available by the federal government providing rental assistance to low-income elderly people. Income eligibility is 50% of the median income for the county of residence; individuals must be age 62 or older. Assistance is determined by an individual's income with tenants paying 30% of their income toward the rent.

Housing Options for Individuals Who May Require Assistance or Supervision

- Domiciliary Care Services for Adults is a supervised living arrangement in a home-like environment for adults who are unable to live alone because of demonstrated difficulties in accomplishing daily activities, social or personal adjustment, or resulting from disabilities. The Area Agency on Aging is responsible for assessment and placement of residents in domiciliary care homes. Residents are eligible for a domiciliary care supplement payment if they are eligible for SSI or have an income less than the combined federal/state payment for domiciliary care and are not related to the provider.
- Nursing Facilities provide medical care, rehabilitation, or other health services to individuals who do not require the care and treatment of an acute-care hospital. Most nursing facility residents are unable to take care of themselves on their own and may have chronic illnesses or were transferred from a hospital following a serious illness, accident or operation.
- Personal Care Homes, sometimes called "assisted living facilities," offer room and board and assistance with the activities of daily living (such as bathing, grooming and meal preparations, taking prescription medication) but do not require the level of care offered by a hospital or nursing home.

Pennsylvania Family Caregiver Support Program

Family Caregiver Support Program responds to the needs of family caregivers who are providing care for an older relative (care receiver) at home. The consumer is the caregiver. In this program the caregiver can choose the services most needed to help care for the older relative at home. The caregiver is reimbursed for care giving expenses authorized by the York County Area Agency on Aging through a sliding fee scale based on the household's income.

The Pennsylvania Family Caregiver Support Program targets caregivers who are caring for a functionally dependent relative age 60 or older (care receiver). The program will also assist caregivers of adults under age 60 who has a documented diagnosis of global loss of cognitive functioning.

Types of services eligible for reimbursement under the Family Caregiver Support Program are respite (either private pay respite in the home or respite through adult day care) and Consumable medical supplies (such as Incontinence Supplies; Meal Prep; Diabetic Supplies; Nutrition Supplements, etc; which help the caregiver, provide care to the older adult. Supplies covered by Medicaid, Medicare or insurance cannot be reimbursed)

Authorization for Pennsylvania Family Caregiver Support Program requires an in-home assessment of the caregiver and care receiver's needs. During the assessment verification of household income must be provided. The care manager and the caregiver will determine what services and consumable supplies will be eligible for reimbursement by the Agency. It is the responsibility of the caregiver to purchase the respite, supplies, etc., and to keep an accounting of what has been spent. The percentage of eligibility determines the amount to be reimbursed per month to the caregiver up to \$200 per month.

Federal Family Caregiver Support Program

Many of the same regulations apply for this program as with the Pennsylvania program except for the following differences:

- The care receiver must be sixty (60) years of age or older
- The care receiver needs assistance to perform at least two (2) activities of daily living
- The caregiver and the care receiver do not need to be related
- The caregiver provides daily care giving activities
- The caregiver and the care receiver do not need to reside in the same household
- Maximum amount eligible for reimbursement is \$400-\$500 per month, depending on their level of care

Authorization for Federal Family Caregiver Support Program requires an in-home assessment by the York County Area Agency on Aging. Call the agency to request a referral:

York County Area Agency on Aging
(717) 771-9610
1 (800) 632-9073

Geriatric Care Managers

What is a Geriatric Care Manager? In this day and age of many options for seniors, a Geriatric Care Manager can help connect families to services that are appropriate for their needs. A Geriatric Care Manager can:

- Provide assessment, if certified to do so
- Evaluate physical, emotional, and financial needs and propose an individualized life care plan for you or your family members
- Evaluate housing options for seniors
- Help select an appropriate placement and assist with the admission process
- Coordinate a move or home sale by working with real estate agents, moving services, and others

In the event that staying in the home is appropriate, a Geriatric Care Manager can provide a variety of services including:

- Arrange for home health care services
- Review adult daycare options
- Help coordinate insurance and public benefits and suggest consultations with elder lawyers and other professionals
- Provide every day assistance to the homebound such as shopping for seniors, transporting seniors to doctors' appointments and following up with care

Occasionally, assistance in financial matters is necessary and Geriatric Care Managers can even provide bill paying and record keeping services, coordinate insurance, Medicare, and other entitlements and assist in these matters. There are even banks that have financial programs that are specifically tailored to Geriatric Care Managers and their clients.

In the event of nursing home placement, a Geriatric Care Manager can interface with the facility and advocate on behalf of the resident, if necessary. As always, in selecting the Geriatric Care Manager with whom you wish to work, your referral network should be consulted.

VII. Long Term Care

Long Term Care Facilities

Long-term care facilities can be thought of as housing with integrated supportive services. The level of service varies with the type of facility. This section outlines important aspects of the most common types: nursing homes, assisted living facilities, and continuing care retirement communities. For lists of these facilities contact your Area Agency on Aging.

The Pennsylvania Department of Aging has a new toll-free number to help consumers with questions about long-term living and services for people with disabilities. The Link to Aging and Disability Resource Center line, (800) 753-8827, is answered by trained customer service staff. Hours of operation are 8:30 a.m. to 4:00 p.m. Mondays through Fridays, excluding holidays.

Nursing Homes

A nursing home is a facility where residents receive round-the-clock nursing care designed to help an individual with the activities and needs of daily living and health care. These residents do not need the kind of acute health care provided in a hospital. A person usually enters a nursing home after all other long-term care options, such as an assisted living facility or living at home with supportive services, are found to be inadequate.

Paying for Care

Medicare

Under certain limited conditions, Medicare will pay some nursing home costs for Medicare beneficiaries who require skilled nursing or rehabilitation services. To be covered, you must receive the services from a Medicare certified skilled nursing home after a qualifying hospital stay. A qualifying hospital stay is the amount of time spent in a hospital just prior to entering a nursing home. This is at least three days. To learn more about Medicare payment for skilled nursing home costs, contact the **State Health Insurance Assistance Program (SHIP)** by calling APPRISE toll-free at 1 (800) 783-7067.

Medicaid

Medicaid is a State and Federal program that will pay most nursing home costs for people with limited income and assets. Eligibility varies. Check the requirements to learn if you are eligible. Medicaid will pay only for nursing home care provided in a facility certified by the government to provide service to Medicaid recipients. For more information about Medicaid payments, call your local Assistance Office:

**York County Assistance Office
130 N. Duke St.
York, PA 17405-7041
(717) 771-1100**

Personal Resources

About half of all nursing home residents pay nursing home costs out of their own savings. After these savings and other resources are spent, many people who stay in nursing homes for long periods eventually become eligible for Medicaid.

Managed Care Plans

A managed care plan will not help pay for care unless the nursing home has a contract with the plan. If the home is approved by your plan, learn if the plan also monitors the home for quality of nursing care.

Medicare Supplemental Insurance

This is private insurance. It's often called Medigap because it helps pay for gaps in Medicare coverage such as deductibles and co-insurances. Most Medigap plans will help pay for skilled nursing care, but only when that care is covered by Medicare. Some people use employer group health plans or long-term care insurance to help cover nursing home costs.

Long-Term Care Insurance

This is a private policy. The benefits and costs of these plans vary widely. For more information on these plans, contact the National Association of Insurance Commissioners (NAIC). It represents state health insurance regulators and has a free publication called "A Shopper's Guide to Long-Term Care Insurance." You also can get a copy of the Guide to Health Insurance for People with Medicare; by calling 1 (800) MEDICARE.

Counseling and Assistance

SHIPs have counselors who might be able to answer your questions about how to pay for nursing home care, the coverage you may already have, or whether there are any government programs that will help with your expenses.

For further details, call 1 (866) 286-3636. Most importantly, seek counsel with a competent elder law attorney.

Residents' Rights

Upon admission to a nursing home, a resident or his/her family will be required to sign an admission contract. Entering into a nursing home can thrust a family into emotional turmoil. A prospective resident or the family member or members responsible for the resident might feel pressure under emergency circumstances to sign a nursing home admission contract without a careful review of its terms. Do not be pressured. Read the contract and have it reviewed by an attorney before signing. Federal and state laws have been enacted to protect individuals entering nursing homes and an experienced advisor can make sure that you get the benefit of these protections. For example:

- A nursing home cannot require a resident to waive his/her right to apply for Medicaid. Furthermore, a nursing home cannot discriminate against a resident who is receiving Medicaid. Nursing homes must establish and maintain identical policies and practices regarding transfer, discharge and covered services for all residents regardless of source of payment.

- A nursing home cannot require a third party guaranty of payment as a condition of admission or continued stay. A nursing home is allowed to require that an individual having legal access to a resident's income and assets, such as an agent under a power of attorney, sign a contract, without the agent incurring any personal liability, promising to pay for a resident's care from the resident's funds.
- A nursing home cannot require a resident to agree to pay privately for a specified period of time before the nursing home will "allow" the resident to convert to Medicaid.

Once admitted to a nursing home, a resident enjoys certain rights mandated by both federal and Pennsylvania law. For example:

- A nursing home must conduct a comprehensive assessment of every resident's functional capacity within 14 days of admission. This assessment must be used to develop, review, and periodically revise, as necessary, an individualized plan of care for each resident. The resident, the resident's family and, if desired, the resident's legal representative must be given full opportunity to participate in the development of the plan of care.
- A resident has the right to choose a personal attending physician and to be kept fully informed about care and treatment.
- A resident has the right to remain free of physical and chemical restraints that are not required to treat the resident's medical condition.
- A resident has the right to privacy with regard to communications in writing and by telephone and with regard to visits of family and meetings of resident groups. A resident must be provided with reasonable access to the use of a telephone where calls can be made without be overheard.
- A resident has the right to access to clinical records upon request by the resident or the resident's legal representative.
- A resident has the right to voice grievances with respect to treatment or care without fear of reprisal.
- A resident can only be transferred or discharged from a nursing home under limited circumstances that are spelled out in the law, upon 30 days advance written notice.

A nursing home must inform every resident of his/her legal rights, orally and in writing, at the time of admission. Pennsylvania maintains an ombudsman program to investigate and resolve complaints made by or on behalf of residents of nursing homes and other long-term care facilities. The Pennsylvania Department of Aging has designated the Area Agency on Aging for each county to be the local providers of these ombudsman services. Your Long Term Care Ombudsperson can be contacted at your local Area Agency on Aging.

Nursing Home Transition

Given a choice, many older adults would rather live at home than in a nursing home or similar facility. Pennsylvania's Nursing Home Transition Project helps eligible nursing home residents safely return to a more self-sufficient lifestyle by providing home and community based support services. The Nursing Home Transition Project was implemented in 2005 by the departments of Aging, Health and Public Welfare in collaboration with the Governor's Office of

Health Care Reform. The Nursing Home Transition Project has been enhanced to provide Long Term Living Counseling.

The York County Area Agency on Aging provides Nursing Home Transition and Long Term Living Counseling to all residents newly admitted to a nursing facility. The Long Term Living Counselor and York County Area Agency on Aging staff are trained to help nursing home residents and people being discharged from hospitals explore their care options.

Nursing Home Transition offers long term care alternatives. This program is designed to help those who:

- Prefer to live in a community based-setting but are not aware of their options.
- Have questions about planning care for themselves, or a loved one, when it is uncertain what level of care is needed.

LTL Counselors will:

- Provide information about housing, community programs, and in-home services.
- Explain any financial or medical requirements.
- Coordinate with your discharge planner to find services that support dignity, choice, and independence.
- Help you and your family to make the necessary arrangements so that you will be happy, safe, and cared for in a appropriate community setting.

Assisted Living Facilities

Assisted living is housing for older individuals who need some assistance with the activities and needs of daily living and perhaps some medical help, but who do not need the degree of care provided in a nursing home. The goal of an assisted living facility is to help people live as independently as possible.

An important benefit of residency in an assisted living facility is help with medication. A resident can be reminded when to take medication and a nurse can assist the resident in taking medications.

Payment for residency in an assisted living facility is almost exclusively through private arrangements with the resident. Neither Medicare nor Medicaid covers residency in an assisted living facility. If a resident needs some sort of skilled medical or nursing care, Medicare may cover such care under the same rules that would apply to home health care in general. Long term care insurance will pay benefits for residency in an assisted living facility if the policy's "benefit triggers" requirements are met by a resident's need for assistance with activities of daily living or by a resident's cognitive impairment. Most long term care insurance policies define "activities of daily living" as including dressing, eating, bathing, toileting, and transferring from a bed to a chair, and usually require that an individual needs assistance with a certain number of these activities of daily living.

Contract Questions

Upon entrance to an assisted living facility, a prospective resident should carefully review the admission contract. Significant issues to consider in evaluating an admission contract include:

- What personal care services are to be provided? Who delivers these services? Is the service provider licensed or certified?
- What are the monthly or other charges for such services? Are housekeeping services included? How can fees be increased and what happens if fees are increased and a resident cannot afford the higher fee?
- In the case of a married couple, what happens upon the death of a spouse? Is a change of living unit required? How would fees be affected?
- What recreation or cultural activities are available and are they included with the monthly fee?
- Is transportation provided to such things as doctor appointments, shopping and community activities? Is a separate fee charged?
- Are nursing services available at the site? What happens if a resident's health declines? Is the facility responsible for coordinating medical care?
- How does the facility determine the point at which a resident cannot be served by the facility? What recourse does a resident have to challenge the facility's decision? Is there a grievance process?

Residents' Rights

Under Pennsylvania law, residents of an assisted living facility have the following rights:

- The right to privacy, including the right to have access in reasonable privacy to a telephone and the right to have uncensored access to the mail
- The right to receive visitors
- The right to leave and return to the home
- The right to participate in religious activities
- The right to exercise the rights of a citizen and to voice grievances
- The right to be provided with 30 days advance written notice of the facility's intent to terminate a resident's stay and the reason for termination
- The right to be free of chemical and physical restraints

Continuing Care Retirement Communities (CCRC)

Continuing care retirement communities provide different levels of care based on the particular needs of the individual resident. New residents usually move into independent living units. As they age and become physically disabled and need assistance with the activities and needs of daily living, residents move to an assisted living facility located on the grounds of the continuing care retirement community. Some continuing care retirement communities provide assisted living services in the independent living units so that a resident does not have to move. If physical decline continues and more intensive care is needed, nursing home care is also available within the confines of the continuing care retirement community.

Upon entrance into a continuing care retirement community, a resident enters into a contract whereby the continuing care retirement community agrees to provide housing, a certain level of activities and health care support as needed in return for the resident's payment of an entrance fee and monthly occupancy fees. In most cases, residents do not own their living unit. The services offered can vary; most provide house cleaning, laundry facilities and at least some meals. The monthly fee for residents who move into the assisted living or nursing home facilities may be higher than if they had remained in an independent living unit.

A careful review of the contract, preferably by an attorney, is advised to make sure the resident understands what they are buying. Some continuing care retirement communities offer unlimited health services in exchange for the entrance fee, while others provide that residents pay an additional fee for health care services as they are needed. Still others offer a combination of the two. The fee-for-services arrangement is becoming increasingly more common. Other important issues to be reviewed in a continuing care retirement community contract are:

- Who determines when a resident must change living arrangements due to a decline in health?
- What are a resident's rights and responsibilities with regard to furnishing and altering his/her living unit?
- Under what circumstances would the entrance fee be refundable?
- Under what circumstances can the monthly service fee be increased?
- What services does the monthly service fee not cover?

Pennsylvania law mandates that all continuing care retirement community contracts:

- Provide for continuing care;
- Specify all services to be provided and provide that a resident cannot be liable to a health care provider for services that the continuing care retirement community promises to furnish;
- Describe any exclusions or limitations on coverage for pre-existing conditions;
- Provide for termination by either party upon 30 days written notice and the terms for refund upon termination;
- Contain notice of rescission rights before moving in.

The advantages of living in a continuing care retirement community are:

- An individual whose health declines can move into an assisted living unit or, if necessary, to a nursing home within the same residential community.
- Payment of the entrance fee locks in a fixed price for continuing care at an amount that is usually less than the market rate for nursing home care. For this reason, some people consider a continuing care retirement community as a form of long term care insurance. However, if there will be a substantial increase in the monthly service fee upon moving into the assisted living or the nursing home portion of the continuing care retirement community, there could still be a need for long term care insurance.
- A couple that moves into a continuing care retirement community ensures that, if one spouse must enter the nursing home, the other spouse will be living on-site and can easily visit.

Because a continuing care retirement community comprises both assisted living and nursing home care, different activities within the continuing care retirement community can be governed by different laws and regulations. Residents would be protected by the laws that apply to assisted living facilities while they are receiving assisted living services and they would be protected by the laws that apply to nursing home when residing in the nursing home component of the continuing care retirement community. See previous sections covering assisted living facilities and nursing homes for a description of these protections.

Other Alternatives to Nursing Homes

Homemakers assist persons that are having difficulty with household duties because of age or health condition.

Home Health Aides are trained to help people with their physical needs. This includes rehabilitation, monitoring, therapy, and personal care.

These two types of services can help older citizens remain as independent as possible, and can be alternatives to nursing home care. Look in the **Health** section of this booklet for a list of these types of services.

Personal Care Homes provide room, board and personal care. Look in the next section for a list of these facilities in York County.

PDA 60+ Waiver Program

A long-term care program that assists frail elderly (60 years of age and older) with the services they need to live independently in their own home or home of a caregiver. The benefits of the PDA 60 + Waiver Program are as follows: provides an alternative to long-term care placement in a nursing facility; offers a wide array of services; gives consumer choice of approved services and providers; provides on-going support and assistance from a care manager.

Home health and personal care services, home support, personal assistant, respite care, adult day care, transportation, home modifications, specialized medical equipment and supplies, counseling, home delivered meals and personal emergency response are the types of services available to consumers. The York County Area Agency on Aging staff provides care management and service coordination. Care managers will regularly assess the consumer's needs; help develop and maintain an adequate and appropriate plan of care; assist in selecting Medical Assistance and program approved services and product providers, and monitor the quality of those services provided.

There are no consumer payments or co-payments to providers for the purchase of approved services. Consumers authorized in the PDA 60+ Waiver Program receive services funded by Medical Assistance; Estate Recovery does apply. Information on Estate Recovery is provided during the referral and assessment process. Consumers receive an Access card.

Eligibility for PDA 60+ Waiver

You must be at least 60 years of age, and **meet all** of the following criteria:

- Consumers must be assessed and determined eligible for nursing facility care. The determination is based on a medical evaluation conducted by the consumer's physician, and an assessment conducted by the YCAAA.
- Can be served in the community by available health and social services.
- Meet the financial requirements set by Department of Public Welfare.
- Agree to the requirements and responsibilities of the program.

Contact:

The York County Area Agency on Aging

100 West Market Street, Suite 102

York, PA 17401

(717) 771 - 9610

(800) 632 – 9073

www.ycaaa.org

Nursing Home Licenses: Problems, Sanctions, and Revocations

Although nursing home placement is a difficult decision, there are people to help you to verify that you are placing your loved one in a secure environment. One contact person is your county's Long Term Care Ombudsperson who responds to care issues in all licensed facilities in your county. Your county's Area Agency on Aging can provide you with the telephone number.

Any employee or administrator of a licensed facility who has reasonable cause to believe that a resident of the facility is a victim of abuse is required under Pennsylvania law to report the abuse immediately. The law does not require that the reporter be a direct eyewitness; having more than a suspicion obligates them to make an oral report at once, followed up by a written report to law enforcement officials. This reporting requirement protects a care-dependent person and applies to all caretakers. Civil and criminal fines and imprisonment for up to one year can be imposed upon the person or facility that commits the violation or abuse.

Pennsylvania law protects nursing home residents by requiring criminal history background checks by the Pennsylvania State Police of all employees of public or private nursing homes, personal care facilities, adult daycare, and home healthcare providers. Employees with certain felony and misdemeanor convictions are precluded from working in these facilities.

The final sanction under Pennsylvania state law is that a facility can have its license revoked or its licensing withheld in the first place for any one of the following reasons: gross incompetence, negligence, misconduct in operating the facility or mistreating or abusing an individual cared for in the facility. This sanction applies to both physical and mental abuse of a patient. This law serves as a deterrent to such abuse since the facility cannot do business without a license. Court cases in Pennsylvania have upheld the decision to revoke the license of homes for abuse of patients.

To investigate licensed personal care homes, contact your county's Department of Public Welfare Facilities. To find out about nursing homes, check with your county's Department of Health. To search for various types of long term care facilities, visit the website www.longtermcare.state.pa.us.

The Pennsylvania Department of Health website, www.health.state.pa.us, is another resource that reports the results of surveys and on-site inspections of all long term care facilities in the state. The website contains valuable factual public information. Survey results of complaints and deficiencies are reported for the last 18 months to two years. Constant vigilance and checking of the website is recommended, especially in the event of a change in administration at the facility, which is a frequent occurrence.

Resources

- "How to Select Long Term Care in Pennsylvania;" "A Guide for Selecting a Nursing Home in Pennsylvania;" and "Know Your Rights as a Nursing Home Resident;" Pennsylvania Department of Aging, (717) 783-1550.
- "Home Away From Home: A Consumer Guide to Board and Care Homes and Assisted Livings;" American Association of Retired Persons, 1-888-687-2277, www.aarp.org.

The Centers for Medicare and Medicaid Services provide online publications that help choose the proper skilled nursing facilities and nursing homes. For information on long-term care options, including continuing care retirement communities, go directly to www.cms.hhs.gov

Nursing Homes Contact Information

Colonial Manor Nursing Home

970 Colonial Ave.
York, PA 17403
(717) 845 – 2661

Rehabilitation and Nursing Center

267 Frederick St.
Hanover, PA 17331
(717) 637 – 8937

Normandie Ridge

1700 Normandie Dr.
York, PA 17408
(717) 764-6262

Manor Care North

1770 Barley Rd.
York, PA 17404
(717) 767 – 6530

Manor Care South

200 Pauline Dr.
York, PA 17402
(717) 741 – 0824

Misericordia Nursing and Rehab Center*

998 S. Russell St.
York, PA 17402
(717) 755 – 1964

Spiritrust Lutheran Shrewsbury

800 Bollinger Dr.
Shrewsbury, PA 17361
(717) 235-6895

Spiritrust Lutheran at Utz Terrace

2100 Utz Terrace
Hanover, PA 17331
(717) 637-0633

Dallastown Nursing Center

623 East Main St.
Dallastown, PA 17313
(717) 244 - 2295

HCR ManorCare Dallastown

100 W. Queen St.
Dallastown, PA 17313
(717) 246 - 1671

Homewood at Plum Creek*

425 Westminster Ave.
Hanover, PA 17331
(717) 637 – 4166

Manor Care of Kingston Court

2400 Kingston Court
York, PA 17402
(717) 755 - 8811

Margaret E. Moul Home

2050 Barley Rd.
York, PA 17404
(717) 767 - 6463

Rest Haven York

1050 S. George St.
York, PA 17403
(717) 843 - 9866

Pleasant Acres Nursing and Rehabilitation Center

118 Pleasant Acres Rd
York, PA 17402
(717) 840-7100

Spiritrust Lutheran the Village at Sprenkle Drive

1801 Folkemer Circle
York, PA 17404
(717) 767-5404

* provides some personal care

Personal Care Homes

Personal care homes are residential facilities that offer personal care services, assistance and supervision to four or more persons. Sometimes they are advertised as *assisted living residences*, *retirement homes* or *boarding homes*. They are inspected and licensed by the Pennsylvania Department of Public Welfare. The state licensing regulations are aimed at protecting the health, safety and well-being of the residents. There are no federal regulations for personal care homes. There is **no third party reimbursement** for personal care homes, but many personal care homes accept residents of low income who receive Supplemental Security Income (SSI).

Autumn House West

914 W. Market Street
York, PA 17403
(717) 845-7214

Accolades, Inc.

101 S. Broad Street
New Freedom, PA 17349
(717) 227-0945

The Brunswick at Longstown

2830 Carol Road
York, PA 17402
(717) 755-7600

Normandie Ridge

1700 Normandie Drive
York, PA 17404
(717) 764-6262

Senior Common at Powder Mill

1775 Powder Mill Road
York, PA 17403
(717) 741-0961

Country Meadows of York I, II, III

1920 Trolley Road
York, PA 17404
(717) 764-1190

Wonder's Personal Care Home

1441 Baltimore Pike
Hanover, PA 17331
(717) 633-7001

Autumn House

2618 East Market Street
York, PA 17402
(717) 755-5911

Village at Kelly Drive

750 Kelly Drive
York, PA 17404
(717) 848-2585

Marissa's Corner

1404 Third Street
York, PA 17403
(717) 812-8069

Providence Place of Dover

3377 Fox Run Road
Dover, PA 17315
(717) 767-4500

Country Meadows of Leader Heights

Retirement Village
2760 Pine Grove Road
York, PA 17403
(717) 741-5118

Victorian Villa

621 East Main Street
Dallastown, PA 17313
(717) 244-9722

Fair Havens

3101 Grandview Road
Hanover, PA 17331
(717) 637-0703

Pine Manor Home
687 Greenbrair Road
York, PA 17404
(717) 764-2989

The Haven at Springwood
2321 Freedom Way
York, PA 17402
(717) 741-9919

**Spiritrust Lutheran
Retirement Village at Shrewsbury**
800 Bolinger Drive
Shrewsbury, PA 17361
(717) 227-3000

**Columbia Cottage
Assisted Living Community**
2228 Grandview Road
Hanover, PA 17331
(717) 630-9178

For up-to-date information on both Nursing Homes & licensed Personal Care Homes please contact your local Area Agency on Aging at (717) 771-9610 or visit them online at www.ycaaa.org.

Long Term Care Insurance

The term “long term care” is generally understood to mean the kind of care needed by the old and frail who are, for example, suffering from a dementia such as Alzheimer’s disease or other disabilities of old age. Long term care mostly consists of custodial care, i.e., care designed to assist an individual to perform the activities and needs include eating, bathing, dressing, toileting and transferring from a bed to a chair. Supervision or assistance to assure the safety of those with cognitive impairments is also considered custodial care. Long-term care can be provided in the home or in a long-term care facility, such as a nursing home or an assisted living community.

Generally, long-term care isn’t covered by the health insurance you may have either on your own or through your employer. Neither Medicare nor supplemental Medigap insurance covers long-term custodial care. Long term care insurance sold by commercial insurance companies can be purchased to cover “long term care.”

Long Term Care Costs

The average cost of nursing home care in Pennsylvania is currently more than \$90,000 a year. Home health care can cost up to one-half this amount depending on the intensity of the care services provided. In fact, around-the-clock nursing care approaches the cost of a nursing home. Assisted living facilities can run from \$70 to \$200 a day or more.

Services Covered

When you purchase a long-term care insurance policy, it is critical that you understand the types of services that will be covered. Some policies only cover care provided in a nursing home, while others also cover services provided in assisted living facilities, adult day care centers or other community facilities. A policy should be carefully reviewed so you understand exactly the kinds of services that it will cover.

If you want to remain at home as long as possible, consider a policy that includes home care coverage. Policies differ widely in how home care coverage is provided, so a very careful review of this type of coverage is strongly advised. Some policies limit home care coverage skilled services, i.e., those performed by registered nurses, licensed practical nurses and occupations, speech or physical therapists. Some policies offer a broad range of home care benefits that include services of home health aides who can assist with custodial care. Some policies will also cover homemaker or chore worker services that would pay for aides who cook meals and do housework. Most policies will not pay benefits to family members who perform home care services.

Coverage Needed

Most policies express benefits in terms of a daily amount. In order to make an informed decision as to the amount of coverage that you will need, you must have an idea of the amount of long term care costs that you anticipate. If your ideal long-term care facility charges \$150 a day, you will need a policy that pays a daily benefit of \$150 less the amount of your income. For example, if you receive Social Security benefits of \$1,500 a month (\$50 a day, based on 30-day month), you will need, at the bare minimum, a policy with a daily benefit amount of \$100.

Factors Affecting Costs

Most policies include a waiting period, sometimes called an “elimination period,” before benefits can begin. This means that you can choose to have benefits begin 20, 30, 60, 90, or 100 days after you enter a long-term care facility. The longer the waiting period, the lower the cost of the policy. Of course, you will have to have resources to cover the cost of long term care during the waiting period.

An important feature to consider in any long-term care insurance policy is inflation protection. Long term care that costs \$3,300 a month now will cost \$5,375 a month in 10 years and \$8,756 a month in 20 years, assuming an annual inflation rate of 5%. The younger you are when you purchase the policy, the more important it is to consider adding inflation protection. Obviously, this protection adds to the cost of the policy.

Benefit Triggers

When the benefits are payable under a long term care insurance policy is determined by what are commonly called “benefit triggers.” A benefit trigger is a medical condition or a degree of physical or mental disability that an individual must meet before qualifying for benefits.

For a person with a physical, as opposed to a mental disability, policies usually provide for benefits to begin when that person cannot perform a specified number of “activities of daily living,” i.e., eating, bathing, dressing, toileting and transferring from a bed to a chair. Policies can differ on the number of activities of daily living that a person must need assistance with before benefits can be triggered. Also, it is important to understand how a policy defines the inability to perform a particular activity of daily living. Does the policy require the need for “hands-on” assistance or does it only call for the need for someone to supervise the activity? The more clearly a policy defines its benefits triggers, the easier it will be to make a claim when necessary.

For a person with a mental or cognitive disability, some policies provide that benefits are triggered by a diagnosis of “cognitive impairment,” such as Alzheimer’s disease or Parkinson’s disease. This is an important feature to look for in a policy. A person can have a cognitive impairment and need long term care services because it would be unsafe to leave them alone, but if a safe person could perform the activities of daily living without assistance, benefits would not be payable without the cognitive impairment trigger.

Cost Considerations

Long-term care insurance is most appropriate for individuals under age 65 whose assets are between \$200,000 and \$700,000. Premiums are usually set for life, based on your age when you buy the policy; therefore, it is cheaper to buy at an earlier age. If you have less than \$200,000 in assets, it may not be worth paying the premiums over a long period of time to protect an estate of that size against the risk of long-term care costs. The chances that you will need any sort of long-term care are minimal until you reach your eighties. It takes about \$700,000 in investment assets to produce the income necessary to meet annual long term care costs; therefore, a long person with assets of this magnitude can essentially self-insure against the risk of long term care costs.

Consumer Tips

- Ask questions.
- Take your time.
- Get the actual policy and read it before you buy it.
- Ask the insurance agent for a thorough explanation of what degree of disability triggers benefits.
- Do not let the attractiveness of a lower premium push you into a policy that provides less coverage than you really need. A cheap policy that leaves you underinsured is no bargain and a waste of money.
- Consider policies from at least three companies. No two long term insurance policies are alike.

- Do not spend more than 5% or 6% of your annual income on long term care insurance premiums.
- Check the financial stability of the insurance company you are considering.
- Do not be pressured. Once you receive a policy that you have purchased, you have 30 days to review it and return it if you change your mind.

Independent Advice

Examining long term care insurance policies is fraught with difficulty for the consumer. This section has outlined the more important provisions of such policies and has tried to convey a sense of this complexity of the issues raised. Other similarly complex provisions not covered in this chapter are duration of coverage, exclusions from coverage and various optional coverages. Once you start shopping for long term care insurance, it would not be unusual for you to be confronted with six or seven policies, each with different provisions, different definitions of the same terms (such as “benefits triggers”) and, of course, different prices. Comparison shopping is very difficult because you are never comparing “oranges to oranges.”

An independent advisor, such as an attorney, can be invaluable in providing the following services:

- Determining the financial suitability of an individual for long term care insurance.
- Reviewing the financial soundness of prospective insurance companies.
- Understanding, explaining and comparing policy features.
- Pinpointing uncertain terms in the policy and obtaining written clarification from insurance.
- Recommending a policy that serves the individual’s needs over the long term.

Resources

- “A Shopper’s Guide to Long Term Care Insurance;” The National Association of Insurance Commissioners, 816-842-3600.
- Aging and Disability Resource Center; Department of Public Welfare, 1 (866) 286-3636
- Long Term Care Planning Guide, 9th Edition, 1999; by Phyllis A. Skelton.
- American Health Care Association; www.ahcancal.org
- Long Term Care Insurance National Advisory Council; www.longtermcareinsurance.org.
- Health Insurance Association of America; www.hiaa.org; from homepage select *Consumer Info*, then *Consumer Guides* for “Guide to Long Term Care Insurance.”

VIII. Financial Services and Information

As with any citizen, you may find yourself in need of financial assistance. Below are some organizations that you can contact with financial questions for information.

Spiritrust Lutheran: Case Management

Case Management provides support for individuals and families faced with inadequate financial and other resources. In doing so, case managers help clients work through difficult times.

To contact Spiritrust Lutheran: Case Management, call (717) 848-1012.

Salvation Army of York County

The Salvation Army offers a wide variety of services. To find out more about any services offered, please call (717) 848-2364.

Social Security Administration Teleservice Center

Call this number for any reasons pertaining to social security. These might include applications, non-receipt of check, change of address, SSI, General and Specific information. 24 hours a day, 7 days a week.

1 (800) 772-1213

York County Assistance Office

Use this number to register for public assistance, food stamps, and low cost fuel.

(717) 771-1100

Financial Planning

As people grow older they become increasingly aware that "...in this world, nothing is certain but death and taxes." Elder law underscores other sayings: "Plan ahead!" and "An ounce of prevention ...". Senior citizens need to plan now, while they are able, to make sure that their estates are passed to intended beneficiaries. Planning can reduce death taxes, administrative expenses and the possibility of disputes among family members and others. Even more important: the peace of mind that comes from knowing that financial affairs are in order.

Income Tax Planning

An excellent starting point for information affecting senior citizens is IRS Publication 554, "Tax Guide for Seniors." This brochure is available free of charge by calling the IRS at 1 (800) 829-3676. You may also want to check the IRS website: www.irs.gov/formspubs/.

Tax Preparation

Many times senior citizens, especially those with fixed incomes, find it difficult to hire a tax professional. For elderly people with limited means, volunteers are available in many areas to prepare tax returns. Your local public library is usually able to help you locate the nearest volunteer income tax assistance program. The Internal Revenue Service also provides walk-in tax preparation service free of charge. For the IRS service center nearest you, call 1 (800) 829-1040.

Standard Deduction at Age 65

You should be aware that you are allowed an additional standard deduction when you reach age 65. You will want to go over all instructions very carefully, especially as you choose between using the standard deduction and itemizing deductions. When elderly taxpayers itemize deductions, they lose any benefit from the additional standard deduction.

The general rule is that a person must have attained age 65 before the end of the tax year. However if your birthday is on January first, you are permitted to increase the standard deduction for the tax year prior to reaching age 65. As of 2004, a married couple must earn in excess of \$20,000 to pay any federal income tax. *Please seek the assistance of a qualified tax professional if you have any questions in regards to tax preparation.*

Income Tax Credit Age 65 or Older

Taxpayers age 65 or older may receive a “tax credit” that is subtracted from your income tax if you have limited income. The allowable credit varies according to the taxpayer’s filing status. A single individual’s credit can be as much as \$5,000, whereas a married couple’s maximum credit is \$7,500. Presently, Schedule R of Form 1040 is needed to determine your “income tax credit”. The calculations for determining your tax credit can be complicated and may require the assistance of a tax professional.

Medical Expense Deductions

Medical expenses are deductible only to the extent they exceed 7.5% of a taxpayer’s adjusted gross income. Beginning in 2013 you may only make these deductions if they exceed 10% of a taxpayer’s adjusted gross income. The medical expense deduction is limited to unreimbursed, i.e. out-of-pocket, expenditures. Such medical expenses are only deductible if the taxpayer is itemizing. You determine the amount to deduct on Schedule A of Form 1040. Those electing to take the standard deduction do not benefit from medical expense deductions.

The entire cost of a long-term care facility, including meals and lodging, is a deductible medical expense if the principal reason for admission to the facility is the availability of medical care. However, in an assisted living facility or personal care home only a portion of the cost may be deductible.

Equipment and home modifications to accommodate the handicapped (no age limit) that do not increase the market value of the home are deductible as a medical expense. Examples of such deductible improvements include building wheelchair ramps and widening entrances to the home.

When a person dies owing medical expenses, and those expenses are paid by the estate within one year, a medical expense deduction can be taken on the decedent's final income tax return (Form 1040) or on the federal estate tax return (Form 706). If the estate is under the federally taxable limit, or if there will be no estate tax due because of the unlimited marital deduction, it makes sense to deduct these expenses on the personal income tax return.

Sale of Residence; Exclusion of Gain from Income

Recent changes in tax laws have greatly simplified the tax aspects of selling a home. Generally speaking, capital gains are the increase in value of a home from the date of purchase, less the cost of major improvements made over the years such as a new roof or new windows. An unmarried taxpayer may exclude up to \$250,000 of capital gains realized on the sale of a principal residence; married taxpayers can exclude up to \$500,000 of capital gains. To qualify for the capital gains exclusion, one must have used the real estate as their principal residence for at least two of the five years prior to sale. The majority of senior citizens will not have to pay a capital gains tax on the increase in the value of their home when they sell it.

Tax Basis; Special Rules for Surviving Spouse

You or your tax preparer will need to know the "tax basis" rules whenever calculating capital gains tax on the sale of appreciated property, such as stocks or mutual funds, and dividends. The maximum capital gains rate for long-term investments is now 15%, while collectibles are still taxed at the old higher rate of 28%.

In simplified terms, capital gains tax on appreciated stocks and mutual funds is paid on the difference between the purchase price and sales price of the security. Special rules apply however, where one owner of jointly held property dies. For a surviving spouse, these rules, known as the tax basis rules, can result in significant tax savings when they sell jointly owned stock or other appreciated property after the death of a spouse.

The following illustrations show the potentially significant tax savings involved:

Illustration 1:

If during their lifetimes, a husband and wife sold jointly owned stock worth \$10,000 which they bought for \$1,000, they would pay capital gains tax on \$9,000, the sale price minus the purchase price. The tax due would be about \$1,350 at the 15% rate.

Illustration 2:

If the husband in Illustration 1 dies and the same jointly held stock is worth \$10,000 on the date of death, the tax basis is increased from \$1,000 to \$5,500, one half of the date-of-death value plus half the purchase price. If the surviving spouse sells the stock for \$10,000, taxable gain is only \$4,500 and the tax due is cut in half to \$900.

Obviously these savings can be significant. Many married people own at least part, and perhaps all, of their property jointly. Since the tax basis rules are important and complicated, elder couples need to discuss these issues and their possible effects with a qualified tax professional to avoid paying more tax than necessary.

Reverse Mortgages

In retirement many seniors are land rich but cash poor and typically cannot qualify for loans. Recognizing this dilemma, the federal government passed a law authorizing home equity conversion mortgages for older homeowners. The law is intended to mitigate the hardships of some seniors by the increased costs of health, housing and subsistence.

In these so-called *reverse mortgages*, a lender loans money to a borrower using the borrower's home as security. The loan proceeds may be disbursed in a single lump sum, monthly payments, or through a line of credit. Unlike traditional mortgages, which are usually repaid in monthly installments, reverse mortgages are repaid at death, at a specified maturity date, at resale of the home, or at refinancing of the mortgage. These mortgages are a good way to overcome the "house rich but cash poor" dilemma that confronts many elderly homeowners.

These mortgages may be provided by the federal government as HOME EQUITY CONVERSION MORTGAGES, or by state or local government agencies, or by banks and private lenders. Home equity conversion mortgages that are provided by the federal government may require that the funds be used for a specified purpose, such as home repairs, and the borrower may have to meet certain income requirements.

Counseling

The Reverse Mortgage Counseling program is available to homeowners 62 years of age or older who are interested in using the equity in their home to supplement their income. A certificate is issued upon completion of comprehensive counseling. A lender of the client's choosing determines eligibility. For more information regarding Reverse Mortgages contact:

Y Housing Resources
Housing Alliance of York
290 West Market Street
York, PA 17401
(717) 855-2752

CCCS of Western PA
55 Clover Hill Road
Dallastown, PA 17313
1-888-511-2227
www.advantagecccs.org

Property Tax and Rent Rebates

In Pennsylvania, home owners and renters age 65 or older, widow/widowers age 50 or older, or individuals permanently disabled during all or part of the claim year and 18 years or older during the claim year and unable to work because of a medically-determined or mental disability, with a total household income of **\$35,000** or less, may file a claim with the Pennsylvania Department of Revenue for a real property tax or rent rebate and inflation dividend. For renters, the total eligible annual household income must be **\$15,000** or less. Claims applications are due for filing between January 1 and June of the year following the year in which the individual paid the tax or rent. Beginning in claim year 1999, claimants may exclude 50% of their Social Security/Railroad Retirement income in determining their eligibility requirements.

In addition, owners must have paid taxes prior to filing and renters must make certain their landlords were required to pay property taxes or made payments in lieu of property taxes on the rental property. Claimants who qualify can be reimbursed up to **\$650** a year for the amount they paid in property taxes or rent; rebate checks are mailed beginning July 1st of each year. Proof of income is required, such as copies of the state or federal income tax returns for the claim year in which you are filing. If you are claiming a rental rebate, you must include proof of the rent you paid, such as an affidavit signed by the landlord or the landlord's agent. If the landlord's signature cannot be obtained, the claimant must complete and submit a notarized rental occupancy permit.

Amount of Rebates

The amount of reimbursement is calculated as a percentage of the claimant's income. A homeowner can be reimbursed from 10% to 100% of the total taxes paid, up to a **\$650 maximum**. A renter might be reimbursed 2% to 20% of the total rent paid, again up to a **\$650 maximum**. However, there are no guarantees of these payments. If you require further information on this program, you may call 1-888-728-2937. This toll-free number provides a menu of telephone numbers whereby information specific to your area of inquiry is given. The Taxpayer Service Information Center for Tax Questions is (717) 787-8201. Businesses or homeowners may call (717) 787-1064 with their rent or rebate questions.

If you qualify for the property tax and rent rebate program, you may also be eligible for PACE or PACENET, which are prescription drug programs funded by the Pennsylvania lottery. See the pages on PACE in this publication. For further information regarding property tax and rent rebates you can contact the Pennsylvania Department of Revenue at 1 (888) 222-9190 or 1 (800) 772-5246 or at their website: www.revenue.state.pa.us. You can get help in filling out PACE and tax rebate forms through your local Area Agency on Aging or at most local senior centers.

Public Benefits

The Pennsylvania Department of Public Welfare administers several other programs that may provide benefits such as food stamps and medical assistance. For information you should refer to the Guide to Human Services Section (blue pages) of your local telephone directory for

the location nearest to you. The Department of Health that serves you can also be located in this way, as can Meals on Wheels. An excellent website launched to help connect people age 55 and over is www.benefitscheckup.org. By accessing the website, you can receive information, addresses, and telephone numbers for programs such as Supplemental Security Income, Medicaid, state prescription drug benefits, Meals on Wheels, food stamps, health insurance counseling, veterans' medical care and transportation for which you may qualify. This is determined by answering a confidential on-line questionnaire.

Railroad Retirement Benefits

A variety of benefits, such as retirement annuities, are offered for railroad workers and their families. An applicant may also be eligible for other benefits including benefits for survivors, sickness, unemployment and temporary or permanent disability. Information and applications for benefits may be obtained by accessing the independent website of the United States Railroad Retirement Board at www.rrb.gov or by contacting your local district office of the Railroad Retirement Benefits Board. Military service in a branch of the uniformed Armed Forces of the U.S. may increase or provide eligibility for a RRB benefit. Proof of birth is required for all applications. Retirement benefits are available if the worker is age 62 or older and were employed by the railroad industry no less than ten years. If a railroad employee was employed for 30 years or more, that employee may be eligible for retirement with benefits at age 60.

Disability Benefits

Occupational Disability – If a railroad employee has been employed for 20 years with the railroad, or is age 60 and has worked for ten years for the railroad, that worker may obtain disability benefits providing other conditions are met. Those conditions are that the worker be disabled from work in their regular railroad job and has been employed for the railroad job for 12 months of the previous 30 months before the month the railroad retirement annuity began. This is the “current condition” requirement that may entitle an applicant to benefits.

Total Disability – Total disability benefits may be available to a railroad employee permanently disabled from all regular railroad work providing they had at least ten years of employment and meet other requirements.

Benefits for a Spouse, Widow(er), Unmarried Parent, and Divorced Spouse – Benefits may be available for these additional classes of people. You should investigate whether you are eligible for benefits.

Public Benefits for Non-Citizens

As of August 2001, some non-citizens (aliens) who were present when the Welfare Act was passed in 1996 that subjected them to a five year ban may now become eligible for Medicaid, Medicare, and Social Security benefits if they fit the definition as being qualified immigrants. Aliens who were receiving SSI prior to August 1996 retain their program eligibility. Also, individuals who were legally residing in the USA prior to August 1996 and who become disabled can obtain SSI.

A qualified non-citizen is as follows: a lawful, permanent resident, an alien granted asylum or granted withholding of deportation, a Cuban/Haitian entrant, or certain battered spouses and children. However, the Welfare Act gives states the option to deny benefits to qualified immigrants. As of this writing, only one state, Wyoming, had chosen to deny qualified aliens access to Medicaid. Emergency Medicaid, which is treatment for only medical conditions with acute symptoms and communicable diseases, is not subject to immigrant restrictions.

Due to the complexity of the laws governing benefits for senior non-citizens, an experienced immigration lawyer familiar with governmental benefits should be consulted.

Estate Planning

Many people think the term “estate planning” applies only to very wealthy people. Nothing is further from the truth. An “estate” is simply what you own. If you own property, you need to plan ahead in order to make sure the desired people or institutions inherit your property after your death.

If you die without planning your estate, your home, money and other property will be distributed to various relatives, sometimes distant relatives, according to a rigid formula fixed by law known as “intestacy law.” This law applies to every person who dies without a will and does not consider special needs of any individual or family.

Without a will, people you do not want to share in your estate may inherit your property. Without a will, individuals in control of your estate may not be the people you prefer and they may not even cooperate with each other. If you have no will, the Commonwealth of Pennsylvania makes a will for you, according to the terms of the intestate law, which controls the distribution of the shares of your estate.

The existence of a well-considered estate plan, most importantly a will, can help avoid disputes among your heirs and will give you the peace of mind that comes with knowing that your final wishes will be carried out.

The Will

A will is an important legal document and the cornerstone of most estate plans. In a will, you direct how your property is to be distributed and you also name a personal representative to administer your estate.

The personal representative named in a will is commonly referred to as the “executor.” An executor collects the estate assets, pays the estate debts and makes distributions to the beneficiaries you have designated in your will.

It is generally advisable to nominate one executor and an alternate in your will rather than naming two individuals to serve as your co-executors. Co-executors may have difficulty getting

paperwork signed in a timely manner and can delay estate administration. However, co-executors may also eliminate family disputes and reduce or eliminate executor fees.

If you already have a will, take it out and re-read it. Do you understand what it says? Do you agree now with the arrangements you made earlier? Update your will if circumstances have changed. Marriage, death, divorce, birth, asset growth, moving to a different state or a change in estate tax laws are events that may trigger the need for you to revise your will. A good rule-of-thumb is to review your will at least once every five years.

Keep your original will in a secure place such as a fireproof box, a safe deposit box at your bank or with your attorney. If your lawyer is holding your will, ask whether it is being held in a fireproof vault or other protected location, and how access will be assured in the future.

If you are afraid that somebody might tamper with or destroy your will if they were to read it, leave it with your lawyer or place it in a safe deposit box where its contents will be kept private. In Pennsylvania, a safe deposit box is accessible upon death of the owner for the limited purposes of retrieving the decedent's will and cemetery deed.

You have the right to request your original estate planning documents from your attorney at any time. The documents belong to you, not your lawyer. You also have the right to revoke your will and write a new one at any time you choose, providing you have the mental capacity to do so.

Trusts

Your attorney might recommend a "trust" in larger estates, estates with young beneficiaries and in situations with special circumstances. What is a trust? Many estate planners explain that a trust is like a box where you can place your property. A person places money in the box, the trust, and designates a manager, known as the "trustee," to safeguard the contents of the box. The trustee then distributes trust assets to the beneficiaries you select, in such amounts and at such times as you direct. Of course the money is not really put in a box. The "box" is usually a brokerage account or a bank account where the funds are invested by your trustee.

For example, a grandparent may wish to set aside money for a disabled grandchild, but may be afraid to do so for fear of disqualifying that grandchild from certain government benefits. A grandparent could place the money in a carefully drafted trust, designate a trustee to invest and safeguard the funds and enable the disabled child to benefit from the trust while maintaining eligibility for government benefits such as Medicaid or Supplemental Security Income (SSI) payments.

There are many other types of trusts. Credit shelter trusts, also called "by-pass trusts," are commonly used to help protect large estates from federal estate taxes. Trusts can also be used to set aside money for designated purposes, such as for education. Discretionary trusts and "income only" trusts can be written to protect spendthrift beneficiaries from squandering their inheritance through wasteful spending habits.

Trusts usually cost more money to create because they are more complicated and must be customized for each particular situation. In addition to the costs of drafting a trust, there are

continuing attorneys' fees and trustees' commissions over the years as a trust is administered. Many trusts require the filing of fiduciary income tax returns; accordingly, an accountant's services are often needed to help prepare and file these tax returns. Obviously you need to consider the ongoing administrative costs as you decide whether it makes sense to create a trust.

Revocable Living Trusts

Before preparing a living trust, you must determine whether it will be useful for your situation. Living trusts are especially helpful, for example, when you won out-of-state real estate and wish to avoid probate outside Pennsylvania. Living trusts can also save costs where the estate is very large, such as federally taxable estates where estate administration costs or legal fees can be higher than the costs and fees for the average estate.

Some people are confused by the complexity of revocable trusts and may experience or feel a loss of control over the assets in the trust. Moreover, many feel the benefits of a costly trust can be obtained through less expensive alternatives, such as through the use of a general durable power of attorney.

Living trusts are clearly not for everybody. Consumers should approach sales pitches for "revocable living trusts" with a high degree of caution. In recent years a number of older consumers have been defrauded by salespeople who push the supposed benefits of living trusts in "free" seminars and mail solicitations. Also living trusts are generally expensive; there are costs involved in the re-titling of your assets into the trust and they generally do not save any inheritance taxes. However one of the benefits of a living trust is that it gives the decedent privacy since a living trust does not have to be probated. You also avoid setting up probate in another state, for example, in Florida if you owned a second home there.

If you do not have an attorney, before proceeding with a living trust, call your county bar association's Lawyer Referral Service or the Pennsylvania Bar Association's Lawyer Referral Service at 800-692-7375. Tell the service representative that you would like to meet with an estate-planning attorney before going forward with the preparation of a living trust to make sure that it is right for you. A consultation with an estate-planning attorney will save your money and your peace of mind by making you aware of options not mentioned by the salesperson.

Non-Probate Property

Just as you need to review your will periodically, you should check the beneficiary designations on your life insurance and retirement accounts to make sure they are up-to-date. Many people select beneficiaries when purchasing a life insurance policy or opening their accounts but never rechecks these decisions. It is particularly important to do so as families change over the years.

You also need to be aware that jointly held property, accounts held in trust for (ITF) and annuities do not pass according to the provisions of your will. Rather, these items pass by law to designated beneficiaries or to the survivor listed on the account. Be sure these beneficiary designations are carefully reviewed when developing your estate plan.

Inheritance, Estate, and Gift Taxes

Over the years, senior citizens have watched tax regulations at all levels grow more and more complicated. Guideline information is offered below with the advice to consult with a professional if you have questions.

Pennsylvania Inheritance Tax

This death tax must be paid by the estate within nine months of death to avoid a penalty. To the extent that the inheritance tax is paid within three months after the date of death, a discount of 5% is given.

The inheritance tax rates in effect based on the recent changes to the Pennsylvania Inheritance Tax Act are effective for dates of death on or after July 1, 2000 and are as follows:

- The tax rate for transfers to a spouse is 0%.
- The tax rate for transfers from a child age 21 or younger to a natural parent, an adoptive parent or a stepparent is also at the 0% tax rate.
- The tax rate for transfers to a grandfather, grandmother, father, mother, child, lineal descendant or their spouse is 4.5%.
- The tax rate for transfers from a decedent to a sibling has been lowered to 12%. The Inheritance Tax Act defines a sibling as “an individual who has at least one parent in common with the decedent, whether by birth or adoption.” This includes a sibling by birth, a stepsibling by birth as well as a sibling by adoption.
- The tax rate for transfers to all other collateral beneficiaries (nephews, nieces, aunts, uncles, cousins, other relatives, friends, etc.) continues to be 15%.
- Charities continue to be tax-exempt.

Effective for estates of decedents dying after June 30, 2012, the Pennsylvania inheritance tax for farming families, previously levied when property was transferred from one generation to the next or between family members, is eliminated.

Pennsylvania Estate Tax

The Pennsylvania estate tax is applicable only when the size of the estate requires filing of a federal estate tax return. The IRS allows a state death tax credit against the federal estate tax, based on the value of the estate. If this tax credit is greater than the inheritance tax paid to Pennsylvania, the Department of Revenue imposes a Pennsylvania estate tax on the difference. This is sometimes called a “make-up” or “pick-up” tax.

Federal Estate and Gift Taxes

The new estate tax law has changed many aspects of our death tax system. The federal government still imposes a tax “on the transfer of the taxable estate of every decedent who is a citizen or resident of the United States.” However, in 2002 there is an exemption amount that

will permit most estates to pass to heirs free of federal estate taxes. The legislation provides for a reduction in estate taxes over ten years as shown below:

<u>Year</u>	<u>Exemption Amount</u>	<u>Highest Estate Tax Rate</u>
2016	\$5,450,000	40%
2017	\$5,490,000	40%

Federal taxation is not a concern for estates with assets under the amount covered by the exemption; however, you should check with your lawyer for other specific concerns.

Taxation of gifts does not follow the federal changes for estate taxes. In the year 2017, annual gifts for \$28,000 or less per person per donee are not taxed. Thus a husband and wife, combined, may transfer up to \$28,000 to each donee (i.e. \$28,000 to each of their children) per year, without being subject to federal taxation.

Planning for Gifts

As you plan to make gifts in your elder years, you need to know about federal estate and gift taxes, income taxes, real estate law, estate law, wills and divorce law. Your first step should be to consult an attorney.

Your attorney will ask you to gather copies of all federal tax and gift tax returns, gift checks, recorded and unrecorded deeds, copies of gift letters and trust agreements. After a review of all the documents and a discussion of your goals, you will be ready to select the property to be gifted, with your attorney's assistance as you make your decisions.

You may want to consider a gift to charity. Many not-for-profit institutions have resources to aid you in making gifts, particularly in setting up a charitable gift annuity, which allows you to give cash or securities while providing you with a guaranteed, lifelong income. Under certain conditions you could enjoy a significant charitable tax deduction without incurring a capital gains tax if you give appreciated securities with a low cost basis. Again, you need to see your attorney to help you to review all your options.

The Internal Revenue Service defines a gift as "any voluntary transfer of property from a donor to a donee without what is called full and adequate consideration." A gift will be computed when the donor gives up control over the transferred asset. Your gift to anyone during a calendar year will be a "taxable gift" if it exceeds the annual exemption amount. Your payment of educational or medical expenses for another individual is not generally subject to federal gift tax.

The value of a gift for federal gift tax purposes is the "fair market value" of the property transferred. Fair market value is generally defined as the "price that would probably be agreed upon by a seller willing to sell and a buyer willing to buy where both have knowledge of the facts." Gift tax returns, which list the gifts made in that year that exceed the annual exemption amount, must be filed annually when you file your personal income tax return.

Meeting With Your Lawyer

Perhaps the most difficult part of the estate planning process is overcoming procrastination and scheduling that initial consultation. For the best results, you need to deal with an attorney who provides estate-planning services on a regular basis. When you call to schedule your appointment, be sure to ask whether there is a fee for the initial consultation. At your first conference, be sure to ask about the total cost to have your documents prepared. Some lawyers charge for documents on a flat fee basis, while others bill at an hourly rate. In either case, reputable lawyers always discuss fees up-front at the initial consultation and they will put the agreement in writing.

Before you visit your lawyer, you can make the initial meeting more productive by bringing the following information:

- A list of what you own;
- A list of your intended beneficiaries with their names, ages and addresses;
- Your choice of executor and at least one alternate;
- A list of all the questions you have about estate planning.

Your lawyer will thus be able to spend more time developing a plan with you and less time writing down basic information. If you suspect trouble in the family, mention this to your attorney so the issues can be addressed in a way that minimizes conflict. Remember that anything you discuss with your attorney is confidential client information.

After working with you to develop your plan, your lawyer will then prepare the necessary documents. It is very important that you understand all papers you sign. Then, once signed, make sure everything is kept in a secure, fireproof location.

IX. Recreation and Leisure

Road Scholar

Road Scholar is a not-for-profit educational travel organization in which persons 40 years of age or older can spend a week or more on the campus of one of the numerous participating educational institutions in Pennsylvania, across the United States, or even overseas. Take one or more classes and join in program activities with people your age. One low fee covers instruction, room, and board. High School graduation is *not* required. For more information, contact:

Road Scholar
11 Avenue de Lafayette
Boston, MA 02111
1 (877) 426-8056
www.road scholar.org

Pennsylvania Senior Games

The Pennsylvania Senior Games are held at Shippensburg University in early August, and consists of several days of competition in various indoor and outdoor sports for Pennsylvania residents 55 or over. Room and Board is available for overnighters at a modest cost. Medals are awarded to top winners. For more information, contact:

Pennsylvania Senior Games
c/o Keystone State Games, Inc.
(570) 823-3164
www.keystonegames.com

York County Senior Games

The York County Senior Games are held in June at various locations throughout York County. The mission of the York County Senior Games is to promote healthy lifestyles and fitness for York County men and women aged 50 and older through competitive and noncompetitive activities. The Senior Games are organized by the York County Area Agency on Aging in conjunction with the Senior Games Planning Committee with a membership of community and business volunteers. For more information on the York County Senior Games contact:

York County Area Agency on Aging
100 West Market Street, Suite 102
York, PA 17401
(717) 771-9610 or 1 (800) 632-9073
www.ycaaa.org

Public Libraries

Public libraries are open to all residents, and offer services such as large-print books, music CDs, audiobooks, DVDs, and many programs including book discussions, knitting groups, and computer classes. York County Library System has 13 library locations at:

Arthur Hufnagel Public Library
of Glen Rock
32 Main Street, Glen Rock, PA 17327
717-235-1127

Collinsville Community Library
2632 Delta Road, Brogue, PA 17309
717-927-9014

Dillsburg Area Public Library
204 Mumper Ln., Dillsburg, PA 17019
717-432-5613

Dover Area Community Library
3700-3 Davidsburg Road, Dover, PA 17315
717-292-6814

Glatfelter Memorial Library
101 Glenview Road, Spring Grove, PA 17362
717-225-3220

Guthrie Memorial Library
Hanover's Public Library
2 Library Place, Hanover, PA 17331
717-632-5183

Kaltreider-Benfer Library
147 South Charles Street, Red Lion, PA 17356
717-244-2032

Kreutz Creek Valley Library Center
66 Walnut Springs Road, Hellam, PA 17406
717-252-4080

Martin Library
159 East Market Street, York, PA 17401
717-846-5300

Mason-Dixon Public Library
250 Bailey Drive, Stewartstown, PA 17363
717-993-2404

**Paul Smith Library of
Southern York County**
80 Constitution Avenue
Shrewsbury, PA 17361
717-235-5806

Red Land Community Library
70 Newberry Commons, Etters, PA 17319
717-938-5599

Village Library
35-C North Main Street, Jacobus, PA 17407
717-428-1034

York County Library System
Administration Offices
Located at Martin Library
159 East Market Street, York, PA 17401
(717) 846-6969
www.yorklibraries.org

**Hold the library in your hand...
Download YCL Mobile today!**
For all of the details, go to:
www.yorklibraries.org/ycl-mobile

State Library of PA, Advisory Services Division, Bureau of Library Development,
Harrisburg, PA 17120 www.statelibrary.pa.gov

Library for the Blind & Physically Handicapped, 919 Walnut Street, Philadelphia, PA 19107
1-800-222-1754 or 215-683-3213 www.freelibrary.gov and www.lbph.freelibrary.org

Vision Corps, 1380 Spahn Avenue, York, PA 17403 717-848-1690 or 1-800-255-6578
www.visioncorps.net

X. Senior Centers

Senior Centers help citizens 60 and older to stay active and involved in their communities. Senior Centers are places where you can enjoy hot meals and fellowship with people your age. Most centers plan activities, such as bus trips, or craft making, as well as keep you aware of available programs and any changes that may occur. Membership to Senior Centers is free. Below is a list of Senior Centers in your area.

Crispus Attucks Association

605 S. Duke Street
York, PA 17401
(717) 848-3610

Delta Area Senior Citizens Center

5 Pendyrus Street
P.O. Box 51
Delta, PA 17314
(717) 456-5753

Dillsburg Senior Activity Center

1 N 2nd Street
Dillsburg, PA 17019
(717) 432-2216

Heritage Senior Center

3700-4 Davidsburg Road
Dover, PA 17315
(717) 292-7471

Northeastern Senior Community Center

131 Center Street
P.O. Box 386
Mount Wolf, PA 17347
(717) 266-1400

Red Land Senior Center, Inc.

736 Wyndamere Road
Lewisberry, PA 17339
(717) 938-4649 or (717) 938-4640

Golden Connections Community Center, Inc.

20-C Gotham Place
Red Lion, PA 17356
(717) 244-7229

South Central York County Senior Center, Inc.

150 East Main Street
New Freedom, PA 17349
(717) 235-6060

Stewartstown Senior Center, Inc.

26 S. Main Street
P.O. Box 235
Stewartstown, PA 17363
(717) 993-3488

Susquehanna Area Senior Center, Inc.

2427 Craley Road
Wrightsville, PA 17368
(717) 244-0340

White Rose Senior Center

27 S. Broad Street
York, PA 17403
(717) 843-9704

Windy Hill Senior Center
1472 Roths Church Rd., Suite 103
Spring Grove, PA 17362
(717) 225-0733

September House Senior Center
1251 W. King Street
York, PA 17404
(717) 848-4417

Yorktowne Senior Center, Inc.
509 Pacific Avenue
York, PA 17404
(717) 854-0693

XI. Toll-Free Hotlines

Banking

PA Department of Banking and Securities

For consumer complaints about financial institutions:

1 (800) 600-0007

www.dobs.pa.gov

Federal Deposit Insurance Corp. (FDIC)

For banking complaints and information:

1 (877) 275-3342

www.fdic.gov

Consumer

Attorney General

Consumer Protection Hot Line

1 (800) 441-2555

www.attorneygeneral.gov

Public Utility Commission (P.U.C.)

For information about utility bills or for mediation with regulated utilities regarding pending termination and other utility concerns. If you are facing termination of gas, electric, water, or sewage services call:

1 (800) 692-7380

OR

For consumer complaints not related to the termination of service call:

1 (800) 782-1110

www.puc.pa.gov

Consumer Products Safety Commission

1 (800) 638-2772

www.cpsc.gov

Securities and Exchange Commission

Information Line

1 (888) 732-6585

<http://www.sec.gov>

Emergency Action

National Flood Insurance

Information and claims referral but not policy

1 (800) 638-6620

<http://www.fema.gov/nfip>

Nuclear Regulatory Commission

For general information:

301-415-7000

1 (800) 368-5642

www.NRC.gov

Homeowners Emergency Mortgage Assistance Program

1 (800) 342-2397

www.phfa.org/

Environment

Environmental Protection (DEP)

1 (800) 541-2050

<http://www.DEP.pa.gov>

Recycling

1 (800) 346-4242

Health Care

Inspector General's Office

For reporting waste, misconduct, and abuse in Commonwealth programs, operations, and contracts:

717-772-4935

Fraud Hotline: 1-855-372-8372

www.oig.pa.gov

Medicare

For help with Medicare questions or to order publications on Medicare health plans:

1 (800) 633-4227

1 (877) 486-2048 TTY/TDD

Legal Services

SeniorLAW Helpline

1 (877) PA SR LAW (1 (877) 727-7529)

PACE Fraud Line

To report suspected cases of fraud with the PACE program:

1 (800) 992-2433

Crime Victims Compensation Board

(717) 783-5153

Welfare Fraud

1 (800) 932-0582

Liquor Control Board (LCB)**Comments & Complaints**

1 (800) 332-7522

www.lcb.pa.gov

Public Welfare**Pennsylvania Hot Line**

1 (800) 692-7462

www.dhs.pa.gov

York Office

1 (800) 991-0929

Revenue**Ordering Tax Forms**

1 (800) 362-2050

<http://www.revenue.pa.gov/forms>

Tax Information

1 (888) 728-2937

Property Tax/Rent Rebate - Senior Claims

1 (888) 222-9190

State Lottery - Winning Numbers

1 (877) 282-4639

www.palottery.state.pa.us

Transportation

Bureau of Drivers' License & Motor Vehicles

1 (800) 932-4600

Turnpike Commission

1 (800) 331-3414

www.paturnpike.com

Customer Service

1 (800) 331-3414

Emergency Service

1 (800) 932-0586 or 1 (800) 332-3880

For emergency assistance on the Pennsylvania Turnpike, dial *11

Weather & Traffic Advisories

1 (866) 976-8747

Other Important Numbers

Auditor General-Office of Taxpayer Advocate

This is a tip and help line. If you want to report situations of abuse of state money or need assistance getting through to a State Department or are frustrated with not getting responses to a State Government number, this is an excellent hot line to call.

1 (800) 922-8477

Complaint Against Licensed Professionals

1 (800) 822-2113

Crime Stoppers

1 (800) 472 8477

Internal Revenue Service (IRS)

1 (800) 829-1040

League of Women Voters

1 (800) 692-7281

Medicare

1 (800) 633-4227

Public School Employees' Retirement System

1 (888) 773-7748

State Ethics Commission

(717) 783-1610

State Employees' Retirement System

1 (800) 633-5461

Travel Bureau

1 (800) 847-4872

York County Emergency Management Agency

(717) 840-2990

Red Cross, York County

(717) 845-2751

XII. Benefits and Services for Veterans

Benefits

There are a variety of federal benefits available to veterans and their dependents. Eligibility depends upon individual circumstances. Contact the nearest Veterans Affairs Benefits Office at 1 (800) 827-1000 to apply. Counselors can answer questions about benefits, eligibility, and application procedures. They may also make referrals to other VA Offices and facilities, such as medical centers and national cemeteries. There are also a wide range of county benefits available to qualified veterans and their families. County Veterans Directors or Service Officers can be an excellent source of information and assistance when applying for these benefits. For more information on the following benefits contact:

York County Veteran Affairs 1 (800) 441-2025 or (717) 771-9218

Birth and Death Records

Free certified copies of birth and death records are issued to veterans and their dependents. Your state representative's office can help you procure the needed record(s).

Emergency Assistance

Provides emergency, Temporary (not to exceed three months) aid to PA resident veterans their widows, children, and dependents. An honorably discharged veteran must have served in the U.S. Armed forces during wartime era.

Free Fishing License

A Pennsylvania resident veteran who incurred a disability during war or armed conflict and has suffered the loss or loss of use of one or more limbs, or is certified as being 100% disabled is eligible for a free fishing license. Applicants need their VA certification, discharge papers and proof of wartime service. Contact your county treasurer or the PA Fish and Boat Commission

Free Hunting License

A PA resident veteran who incurred a disability during war or armed conflict and has suffered the loss or loss of use of one or more limbs, or is certified as being 100% disabled is eligible for a free hunting license. Applicants need their discharge papers and proof of wartime service. Contact your county treasurer for application.

Antlerless Deer License

Qualifying disabled PA resident veterans can receive an antlerless deer license upon application to the county treasurer of their choice, regardless of county allocation. The fee is the same as the regular antlerless license.

Paralyzed Veterans Pension

A \$150 per month pension is available if a veteran is honorably discharged, was a PA resident at the time of entering the military and is a current resident, and suffered an injury or disease resulting in the loss or loss of use of two or more extremities (arms/hands, legs/feet) during an established period of war, armed conflict, or as a result of hostilities during combat related activities in peace time.

Blind Veterans Pension

To receive a \$150 per month pension, a veteran must have been honorably discharged, was a PA resident at the time of entering the military and is a current resident, and suffered an injury or disease at the time of service which resulted in the loss of vision to the extent that he or she has 3/60 or 10/200 or worse vision in the better eye using the best corrective lens.

Real Estate Tax Exemption

Any honorably discharged PA resident veteran with a 100% service-connected disability rating or 70% unemployability as a result of wartime military service will be exempt from payment of all real estate taxes levied upon the building and land (five acres or less) occupied by the veteran as a principal dwelling. The dwelling must be owned by the veteran solely or jointly with a spouse, and the need for exemption determined by the State Veterans Commission. Upon the death of the veteran, the tax exemption passes on to the non-remarried surviving spouse, if need is shown. For more information and proper forms, please contact:

York County Department of Veterans Affairs
100 West Market Street, Suite 101
York, PA 17401
(717) 771-9218

Services

American Red Cross of York County

The American Red Cross assists Veterans & families in receiving benefits. The American Red Cross of York County can be reached by calling **(717) 845-2751**.

Bureau of Veterans Affairs

There are three bureau regional offices to assist PA's veterans, their widows and children receive mandated benefits for which they are eligible. The bureau's toll free number is 1 (800) 547-2838. The field offices are:

Fort Indiantown Gap

Department of Military & Veteran Affairs
Bureau for Veteran Affairs
Building S-0-47, FTIG
Annville, PA 17003-5002

Philadelphia

Department of Military & Veteran Affairs
Bureau for Veteran Affairs
P O Box 42938
Philadelphia, PA 19101-2938

Pittsburgh

Department of Military & Veteran Affairs
Bureau of Veteran Affairs
1000 Liberty Ave. Suite 432-
Pittsburgh, PA 15222-4003

State Veterans Homes

To be eligible to reside in one of the state's veteran's homes a veteran must have served in the U.S. Armed Forces or PA Military Forces, have been honorably discharged and a PA resident. Applications are processed on a first-come, first-served basis. For information contact your Bureau of Veterans Affairs or one of the following agencies:

Hollidaysburg Veterans Home
PO Box 319
Hollidaysburg, PA 16648
1 (814) 696-5201

Southwestern Veterans Center
7060 Highland Drive
Pittsburgh, PA 15206
1 (412) 665-6706

Southeastern Veterans Center
1 Veterans Drive
Spring City, PA 19475-1241
1 (610) 948-2400

Gino J. Merli Veterans Center
401 Penn Avenue
Scranton, PA 18503
1 (570) 961-4300

PA Soldiers and Sailors Home
560 E. 3rd St.
Erie, PA 16507
1 (814) 871-4531

Delaware Valley Veterans Home
2701 Southampton Rd.
Philadelphia, PA 19154
1 (215) 856-2700

Lebanon Veteran's Administration Medical Center
(717) 272-6621

Veterans' Health Care Benefits

For most veterans, entry into the VA Health Care System starts with enrollment at a VA medical facility. Veterans with Internet access may apply for enrollment on-line at www.va.gov by completing VA Form 10-10EZ. You may also call the VA toll free to complete the application over the phone at:

1 (877) 222-8387

Once enrolled, a veteran is eligible to receive services at VA facilities anywhere in the country. VA medical facilities also provide information on medical care. Veterans who have enrolled at the VA are eligible for a benefits package of in-patient and out-patient services. These include: geriatrics and extended care services, homeless programs, preventative care services, primary care, surgery, mental health and substance abuse treatment, home health care, specialty care, and much more.

Eligibility for hearing aids, eyeglasses and dental care is determined by whether the veteran has been given a disability rating by the VA that is a percentage rating of "service connected." "Service connected" means that the veteran has been given a disability rating by the VA that is for an injury or illness related to their military service. In many cases, veterans are receiving compensation for that disability. A Means Test is also imposed as a measure of the veteran's family's annual income and assets and used to determine if non-service connected and zero percent connected veterans need to make co-payments for medical care.

Co-payments are charged by the VA for in-patient and out-patient medical treatment, daily charges for in-patient treatment and for medication co-payments. The VA pharmacy will only fill prescriptions written by VA clinicians. In some instances, co-payments may be as low as two dollars or may be waived for certain classes of veterans. Veterans may also be eligible for other benefits such as Aid and Attendance and Extended Care Services.

The Veterans' Uniform Benefits Package and Medicare

A veteran's Medicare and supplemental insurance policy may pay up to twenty percent (20%) of charges. If the supplemental does not cover the VA co-payment, the veteran is responsible for the remaining amount. The VA is not presently authorized to bill Medicare for healthcare services to veterans. However, the VA can file claims with any other insurance under which you are covered. In all cases though, veterans should apply for benefits under the Uniform Benefits Package because the VA's Uniform Benefits Package emphasizes preventative and primary care.

Additional Prescription Benefits for Members of the Uniformed Services

There are additional pharmacy programs providing pharmacy benefits available in the United States to older Americans who are registered in the Defense Enrollment Eligibility Reporting System, were in the Uniformed Services and are age 65 and over. Eligible beneficiaries must be enrolled in Medicare Part B in order to use mail order and retail pharmacy benefits that may be available to them.

Beneficiaries may also continue to use military hospitals and clinical pharmacies, but additionally, may be eligible for benefits to obtain low cost prescription medications. The providers of low cost prescriptions are the National Mail Order Pharmacy (NMOP) and Tricare Network and non-network civilian pharmacies. Initial registration forms can be obtained by calling Tricare toll-free at 1 (877) 363-1303, or www.tricare.mil. In addition, you must ensure that the Defense Enrollment Eligibility Reporting system has your current address by contacting them at 1 (800) 538-9552.

XII. Medicare

Instituted in 1965, Medicare is a program administered by the federal government to assist older Americans, along with others who are disabled, with payment of medical costs. The Medicare program has four parts: Medicare Part A, Hospital Insurance; Medicare Part B, Medical Insurance; Medicare Part C (Medicare Advantage), which was formerly known as “Medicare + Choice”; and Medicare Part D, prescription drug coverage. Generally, people over age 65 and receiving Social Security automatically qualify for Medicare Parts A and B. So do people who have been getting disability benefits for two years, people who have amyotrophic lateral sclerosis (Lou Gehrig’s disease) and receive disability benefits, and people who have permanent kidney failure and require dialysis or a kidney transplant.

Part A is paid for by a portion of Social Security tax. It helps pay for inpatient hospital care, skilled nursing care, hospice care and other services.

Part B is paid for by the monthly premiums of people enrolled and by general funds from the U.S. Treasury. It helps pay for doctor’s fees, outpatient hospital visits, and other medical services and supplies not covered by Part A.

Part C (Medicare Advantage) plans allow you to choose to receive all of your health care services through a provider organization. These plans may help lower your costs of receiving medical services, or you may get extra benefits for an additional monthly fee. You must have both Parts A and B to enroll in Part C. Also, many Part C plans involve a Part D, sometimes at an extra cost.

Part D (prescription drug coverage) is voluntary and the costs are paid for by the monthly premiums of enrollees and Medicare. Unlike Part B in which you are automatically enrolled and must opt out if you do not want it, with Part D you have to opt in by filling out a form and enrolling in an approved plan. Once enrolled, changes in Part D enrollment can be made October 15 and December 7, 2016, with changes effective January 1, 2017.

Part A – Hospital Insurance

Part A has two types of eligibility. Most people of age 65 or older are covered, for free, based on their work records or on their spouse’s work records. People over 65 who are not eligible for free Part A coverage can enroll and pay a monthly fee for the same coverage. In 2016, you will pay up to \$411 each month if you do not get premium-free Part A. If you do not purchase coverage when you are first eligible, your monthly premium may go up 10%.

Part B – Medical Insurance

Anyone who is age 65 or older and a citizen of the United States or a resident of the United States who has been here lawfully for five consecutive years is eligible to enroll in Medicare Part B medical insurance. This is true whether or not they are eligible for Part A hospital insurance. Everyone enrolled must pay a monthly premium and in the

year 2016 the premium is \$121.80 per month. If you do not sign up for Part B when you are first eligible you may have to pay a late enrollment penalty for as long as you have Medicare. Your monthly premium for Part B may go up 10% for each full 12-month period that you could have had Part B, but did not sign up for it. The deductible is \$166 per year. The co-pay, after you meet the \$166 deductible is 20% of the Medicare approved amount for most services. Eligibility and enrollment are handled by the Social Security Administration and more information is available by calling the toll-free telephone number: 800-772-1213 or through their website: www.ssa.gov.

Cost of Treatment

Most of the costs incurred directly from a hospital as inpatient care is covered by Part A of Medicare. In addition, some of the costs of inpatient treatment in a skilled nursing facility may also be covered. However, doctors' bills are not covered under Part A as they fall under Part B. To be eligible for Part A hospital insurance coverage, the care and treatment must be medically reasonable and necessary. This means that if the treatment could safely be given in an outpatient setting at the doctor's office or even at the patient's home, Part A will not provide coverage. It also rules out elective or cosmetic surgery. To be covered by Medicare Part A, a stay in a skilled nursing facility must be preceded by a stay in a hospital and the patient's doctor must verify that the individual requires daily skilled nursing care. During each benefit period, the individual must pay the hospital insurance deductible before Medicare will pay anything toward the incurred bill; in 2016, the deductible is \$1,288.00 and no co-insurance for days 1 – 60 of each benefit period.

Medicare will cover 100 days of inpatient care in a skilled nursing facility during any one benefit period and the first twenty of these days is covered 100%. For the balance of the days, the patient is responsible for the daily co-payment, which in 2014 is \$152 per day. Once a person has been in a skilled nursing facility for 100 days in a benefit period, there will be no further coverage from Medicare Part A and the patient will be totally responsible thereafter.

Part B medical insurance requires that the services by the doctors, clinics and laboratories are medically necessary. Only a few preventive medical procedures are covered by Part B. One such covered service is a Pap test and pelvic exam once every two years. Also covered are Mammograms every twelve months. You pay nothing for most preventative services if you get the services from a health care provider who accepts assignment. Assignment is an agreement by your doctor or other supplier to be paid directly by Medicare, to accept the payment amount Medicare approves for the service, and not to bill you for any more than the Medicare deductible and coinsurance.

Typically, Medicare Part B pays 80% of beneficiaries' medical bills. Since there are often balances remaining, Pennsylvania has enacted the "MOM" law that protects people on Medicare from paying more than the Medicare approved charges for Medicare Part B covered services, provided by a physician. Medicare beneficiaries' are still responsible for paying their Part B deductible as well as the coinsurance for their service. You can call the Pennsylvania State Department of Aging at

(717) 783-1550, or the APPRISE Hotline at 1 (800) 783-7067 if your doctor is attempting to bill you for any amount above the amount Medicare approves.

For additional details, go to the US Department of Health and Human Services website at www.hhs.gov, click on *Frequent Questions*, and then *Medicare & Medicaid*.

Appeals in Denials of Benefits

If you are denied Medicare benefits you have the right to an appeal which is somewhat complicated. Pennsylvania has a program called APPRISE wherein trained volunteer counselors provide free one-on-one assistance or telephone assistance with eligibility and benefits questions for all people over the age of 60, their families or their caregivers. You can call them toll free at 1 (800) 783-7067. Also in Pennsylvania, a peer review organization called Quality Insights of PA protects the rights of Medicare beneficiaries receiving care. For example, if you are denied admission to a hospital, are asked to leave the hospital before you are medically ready, or are dissatisfied with the quality of hospital care, Quality Insights reviews these complaints free of charge to Medicare beneficiaries. Please note, if you are enrolled in a Medicare Advantage plan (like an HMO), you must appeal the decision through your plan, not through Quality Insights. You can reach them toll free at 1 (800) 322-1914, or online at www.QIPA.org.

Program Changes

Public debate over the future of Medicare goes on and change seems to be the only constant. However, one way to get answers to your questions is to keep for reference the Medicare handbook, which is a summary of Medicare benefits, coverage options, rights and protections, and answers to the most frequently asked questions about Medicare. Call 1(800) 633-4227 to get help with your Medicare questions or to request the handbook on audio CD, large print, Braille, or in Spanish. This publication is also available as a podcast and eBook. Visit www.medicare.gov/publications for more information.

Medigap Insurance

A Medigap policy is health insurance sold by private insurance companies to fill the “gaps” in Original Medicare Plan coverage. Medigap policies help pay some of the health care costs that the Original Medicare Plan doesn’t cover. If you are in the Original Medicare Plan and have a Medigap policy, then Medicare and your Medigap policy will each pay its share of covered health care costs.

Generally, when you buy a Medigap policy you must have Medicare Part A and Part B. You will have to pay the monthly Medicare Part B premium. In addition, you will have to pay a premium to the Medigap insurance company. As long as you pay your premium, your Medigap policy is guaranteed renewable. This means it is automatically

renewed each year. Your coverage will continue year after year as long as you pay your premium. In some states, insurance companies may refuse to renew a Medigap policy bought before 1990.

Insurance companies can only sell you a “standardized” Medigap policy. Every Medigap policy must follow Federal and state laws designed to protect you, and the policy must be clearly identified as “Medicare Supplement Insurance.”

It’s important to compare Medigap policies, because costs can vary. A choice of ten plans is offered. Plans E, H, I, and J are no longer sold, but if you already have one, you can keep it. Plans D and G effective on or after June 1, 2010 have different benefits than Plans D and G bought before June 1, 2010. There are two new Plans, Plans M and N. The standardized Medigap policies that insurance companies offer must provide the same benefits. Generally, the only difference between Medigap policies sold by different insurance companies might be the cost.

You and your spouse must buy separate Medigap policies. Your Medigap policy won’t cover any health care costs for your spouse. Some Medigap policies also cover other extra benefits that aren’t covered by Medicare. You are guaranteed the right to buy a Medigap policy under certain circumstances.

For more information on Medigap policies, you may call 1(800) 633-4227 and ask for a free copy of the publication “Choosing a Medigap Policy: A Guide to Health Insurance for People with Medicare.” You can also visit their website, www.medicare.gov and scroll down to the section entitled “Explore Medicare Health Plans” to determine costs in your locale. Additionally, you may also call your State Health Insurance Assistance Program and your State Insurance Department. Phone numbers for these Departments and Programs in each State can be found in that publication.

For more detailed information on Medicare, contact the Social Security Administration at **1 (800) 772-1213** or if you have questions about your rights against Medicare overcharges, you can contact the York Agency of Aging at (717) 771-9610, the Department of Aging at (717) 783-1550, or the Department of State toll-free complaint line at 1 (800) 822-2113.

XIV. Medicaid

Medicaid is another federal program that pays part of the cost of long-term care in a skilled nursing facility (nursing home). In most cases, the individual receiving these benefits must contribute their monthly income, less a small allowance for personal needs. Some benefits are available for at-home care.

Eligibility

A person must be non-financially and financially eligible. The County Assistance Offices determine non-financial (except need for nursing facility services) and financial eligibility.

Non-Financial Eligibility

- A person must be medically in need of nursing facility services. Medical need is determined through an assessment completed by the Area Agency on Aging.
- Citizenship/Qualified non-citizen
- Resident of Pennsylvania
- Social Security Number

Financial Eligibility

- Income
- Resources
- Any transfer of assets (income and resources) for less than fair market value in a three year period prior to applying for Medicaid or five years in the case of transfers to trusts

Most income is counted, including social security, pensions, interest and dividends from savings and investments, rental income and any withdrawals from IRA's. Some assets are temporarily exempt and are not counted when determining initial eligibility. Income limits for single and married are different. For more information, please contact the York County Assistance Office at (717) 771-1100. Once again, working with an elder care attorney in this area may be highly beneficial.

Disqualification

Certain gifts or transfers for less than fair market value will make the applicant temporarily ineligible for Medicaid benefits even if all of the stated criteria have been satisfied. Such gifts within that window cause one month of Medicaid ineligibility for every \$8500 given away starting on the first day of the month in which the gift is made. Gifts made after February 8, 2006 are subject to a five year look-back, and the penalty period begins to run when the Medicaid applicant is otherwise eligible for Medicaid but

for the gift. In short, gifting of any kind can cause major problems with Medicaid eligibility.

A gift to a spouse does not cause ineligibility. Neither does a gift to a trust for the benefit of a disabled child. In some circumstances, gift of a home will not cause ineligibility. Finally, if a person honestly tries to sell an asset but can't or makes a gift exclusively for a reason other than to become eligible for Medicaid, the gift will not cause a period of ineligibility.

Estate Recovery

Upon the death of a person who has received Medicaid benefits, the government must attempt by law to recover the amounts paid to a nursing home for that person. At present, recovery is permitted only from the "probate estate" of that person, i.e., any assets titled in the individual's name alone at the time of death. The services of a skilled elder law attorney may avoid or plan for estate recovery.

Medicaid Planning

Under certain circumstances, Pennsylvania law allows individuals or their spouses to keep their homes and much of their money without becoming ineligible for Medicaid benefits. For example, an individual could give away certain assets without causing ineligibility or could make certain assets unavailable so that they wouldn't count against the asset standard. However, relevant laws are extremely complicated and extremely vague, so Medicaid planning should not be attempted without the assistance of an attorney.

XV. Social Security

The Social Security Administration operates a variety of programs and benefits, including retirement and survivor benefits, Social Security disability insurance benefits, Medicare health insurance, and Supplemental Security Income benefits. Your county or region may have one or more local Social Security offices. These offices have several helpful and informative publications available free to anyone who requests them.

Anyone who has access to the internet can check the Social Security Administration's official website that offers comprehensive information about all of its programs and benefits. The website is www.ssa.gov and it offers more than 10,000 pages of information. You can do a variety of tasks at this website: request a copy of your earnings record and an estimate of the benefits you and your family will receive when eligible; find out how to file a claim for retirement or disability benefits; find out how to replace a lost Social Security card or change the name on your Social Security records; locate the nearest Social Security office and get a statement verifying the amount of Social Security benefits you receive. You can also download copies of booklets and fact sheets about Social Security disability, retirement and survivor benefits and SSI benefits. Lastly, your U.S. Congressman or Senator will have available a booklet entitled "Medicare & You". For York County, that would be Congressman Scott Perry who can be reached at (717) 600-1919, or Senator Pat Toomey who can be reached at (717) 782-3951.

Applying for Benefits from the Social Security Office

Do not delay in applying for benefits for which you may be eligible. Any delay on your part could result in fewer benefits if you are ultimately found eligible for certain benefit programs operated by Social Security. When in doubt, contact Social Security to begin the application process as soon as you may be eligible. Contact SSA at toll-free 1(800) 772-1213 or online at www.ssa.gov.

Deadlines

Keep in mind that Social Security will give you a deadline to finish certain tasks (i.e., file a written application after you call them; file a written appeal if you are dissatisfied with their decision, etc.). You must comply with their timelines or you will lose your right to potential benefits. Typically, their deadlines are within 60 days. However they may be shorter for special circumstances so you must check this carefully.

Toll-Free Social Security Number: 1(800) 772-1213; Website: www.ssa.gov

The Social Security Administration maintains a toll-free number that you can call to obtain information, set up an appointment, or transact other business. Be careful. There have been some reports that some Social Security staff members who answer this toll-free number do not always provide accurate or complete information. When in doubt, call your local Social Security office to make an appointment to meet with their staff in person so they can review your file with you. Take a friend or relative with you. People who are deaf or have difficulty hearing may call the Social Security office at their toll-free "TTY" number: 1 (800) 325-0778.

Written Explanation for Denial of Benefits

If Social Security denies your claim for any benefits, you are entitled to a written explanation giving the reasons for denying certain benefits. If you do not receive a written explanation, ask Social Security to provide you with this documentation.

Correcting Records with Social Security

If you are receiving benefits or applying for benefits from Social Security, it is important that you contact the Social Security Administration to inform them of any changes or corrections in your records. For example, if you move, formally change your name (i.e. in the case of marriage), change bank accounts, or disagree with the earnings records that they have posted to your Social Security account, you should take immediate steps to inform Social Security of any changes or additions.

It has been estimated that a small percentage of Social Security participants have incorrect Social Security retirement accounts. This means that Social Security may not know about all of your earnings in your lifetime, and therefore your retirement benefits may be lower than they should be. It is important to check your records every couple of years, at least until you are receiving benefits, to verify your earnings records on file with Social Security.

Legal Assistance

If you have a problem with a Social Security claim and desire legal advice, a good contact is the National Organization of Social Security Claimants' Representatives: 1 (800) 431-2804. They maintain a national listing of attorneys who concentrate their law practice in Social Security matters. You may also wish to contact your local Legal Aid office in your community, or if they have one, your local county bar association can direct you to their Lawyer Referral Service which can make a referral in almost any area of the law. If your county does not have a local Lawyer Referral Service, you may contact the Pennsylvania Bar Association Lawyer Referral Service at 1(800) 692-7375 or (717) 238-6715.

Social Security Benefits

Following is a brief description of some of the benefits available through the Social Security Administration. Remember that Social Security is a system of social entitlement; it is neither welfare-based nor strictly based on means, though this may be taken into account during the decision process. The system provides benefits not only during retirement but also for survivors and dependents in case of death or disability. Keep in mind that this is not a description of all of the eligibility requirements for each of these programs and benefits. Some of the eligibility requirements are complicated and cannot be fully addressed in this handbook. When in doubt, contact the Social Security Administration and set up an in-person appointment to ask about your eligibility for benefits.

Retirement Benefits

Anyone before 1938 will be eligible for full Social Security retirement benefits at the age of 65. The full retirement age is 66 for people born in 1943-1954 and gradually increases to 67 for people born in 1960 or later.

No matter what your “full” retirement age is, you may start receiving benefits as early as age 62. However, if you start your retirement benefits early, they are reduced five-ninths of 1% for each month before your full retirement age. There are disadvantages and advantages to taking your retirement benefits before your full retirement age. The disadvantage is that your benefits are permanently reduced. The advantage is that you collect benefits for a longer period of time. Each person’s situation is different, so you should contact Social Security before you make any decisions.

Social Security Disability Insurance Benefits (SSDIB)

If you have worked long enough and earned enough Social Security “credits” to qualify for disability on your own work record, and if you are medically determined to be unable to do “substantial gainful” work for at least one year, you may qualify for Social Security disability insurance benefits on your own account. This is a complicated program and you should visit your local Social Security office in order to apply. This is not intended for a temporary condition; there is no such thing as a “partial” disability benefit program from Social Security. However, Social Security may issue “partially favorable” decisions, where the disability claim is awarded but the onset date for the disability is later than requested.

Supplemental Security Income Benefits (SSI)

The SSI program provides monthly income to people who are age 65 or older, or are blind or disabled, and have limited income and financial resources. Effective January 2016 the SSI payment for an eligible individual is \$733 per month and \$1,100 per month for an eligible couple. If you are married, and only one person is eligible, a portion of your spouse’s income may be counted. In addition, your financial resources (savings and assets you own) cannot exceed \$2,000 (\$3,000 if married). You can be eligible for SSI even if you have never worked in employment covered under Social Security.

Survivor Benefits

When you die, certain members of your family may be eligible for benefits on your Social Security earnings record if you have earned enough credits while you were working. Family members who can collect benefits include:

- A widow or widower who is 60 or older (full benefits at 65)
- A widow or widower who is 50 or older and disabled
- A widow or widower at any age if they are caring for a child under 16 or a disabled child who is receiving Social Security benefits
- Children if they are unmarried and
- Under age 18
- Under age 19 but in an elementary or secondary school as a full time student
- Age 18 or older and severely disabled (the disability must have started before age 22)
- Dependent parents age 62 or older

Benefits for a Divorced Spouse

One receives Social Security benefits in one of two ways: based on one's contributions to the Social Security system or as a spouse of such a contributor, which benefits are called derivative benefits. The recipient will receive benefits in the manner that provides the higher benefits.

After divorce, one can receive benefits based on the contributions of a former spouse if the marriage was of at least ten years duration. Derivative benefits for divorced spouses do not affect the benefits of the contributing spouse and family allowance does not apply. If a divorced spouse seeks benefits based on an eligible former spouse's earning record, and the former spouse is not collecting benefits, the divorced spouse can collect benefits only after two years have elapsed from the date of the divorce. In addition, the spouse from whom benefits are derived must be eligible for benefits; that is, at least 62 years of age and fully insured, even if they are not actually receiving benefits. The qualifications of the dependent spouse are: being at least 62 years of age and remaining unmarried.

If you are already a surviving divorced spouse planning to remarry close to age 60, wait until age 60 to avoid the remarriage penalty. In the event you are considering getting divorced, consider the impact on you of social security benefits. If you are a dependent spouse getting a divorce, at any age, and your marriage is close to ten years, defer the divorce until there are ten years from the date of the marriage to the date of the divorce decree. Before having alimony cease at age 62, consider the reduction of benefits and inability to qualify for Medicare. If a divorcing dependent spouse is planning to receive benefits based on the earnings record of the spouse who is not receiving benefits, make sure that benefits are not sought until two years after the date of divorce.

If the dependent spouse remarries, they will not be eligible for derivative benefits from a contributing spouse. However, if such remarriage terminates, the dependent spouse becomes eligible for derivative benefits once again from the former contributing spouse. If a dependent spouse has been married more than once and each time for at least ten years, derivative benefits can come from the former spouse's contributions providing the higher benefits.

The marriage may be a legal marriage, a common law marriage or a deemed marriage, which is a marriage deemed valid by the administration if the relationship cannot be established under state law when in good faith, a person went through a marriage ceremony that would have resulted in a valid marriage except for a legal impediment.

Benefits to Divorced Widow(er)s

If you are divorced, even if you have remarried, your ex-spouse will be eligible for benefits on your earnings record if you are fully insured when you die. In order to qualify, your ex-spouse must:

- Be at least 60 years of age, or 50 years of age if disabled, and have been married to you for at least ten years
- Be any age if caring for a child who is eligible for benefits on your earnings record;
- Not be eligible for an equal or higher benefit on their own earnings record
- Not be currently married, unless remarriage occurred after age 60, or 50 for disabled widow(er)s.

The surviving divorced widow receives 100% of the benefits instead of the 50% received if the former spouse is alive.

Income Tax on Social Security Benefits

The test is whether the individual's adjusted gross income combined with 50% of his/her Social Security benefits plus any tax-exempt interest exceeds a base amount. The amounts of benefits that will then be included in taxable income is the lesser of half of the benefits or half of the excess of the taxpayer's combined income (modified adjusted gross income plus half of the benefits) over the base amount.

Most pensions are not counted in the retirement test. However, when one spouse works and the other is drawing benefits, the base amount can be easily exceeded. Form SSA 1099 shows the benefits received and they are sent each January to every Social Security recipient for inclusion in the federal income tax return.

Keep in mind, Social Security is not an authority on tax matters. Because these issues are so complex, you may wish to consult a tax attorney for guidance. For more

information, call the Internal Revenue Service's toll-free telephone number, 1 (800) 829-3676, to ask for Publication 554, Tax Guide for Seniors, and Publication 915, Social Security and Equivalent Railroad Retirement Benefits. You can also access these publications on the IRS website at www.irs.gov/formspubs.

Considerations and Issues to Be Aware Of if You Already Receive Some Benefit(s) From the Social Security Administration

Social Security has rules that require you, as beneficiary of Social Security, to report changes to the Social Security Administration. There can be consequences to you if you fail or neglect to report changes to Social Security, and these consequences can include sanctions against you, such as overpayment requests, fraud charges or termination of your benefits. Here are a few of the many things to be aware of if you already receive Social Security benefits:

1. If you receive Social Security retirement or survivor's benefits:

A. You must report any changes in your address, or if you change your name, via marriage or divorce.

2. If you work and get benefits at the same time:

A. If you are at retirement age, you will continue to receive full Social Security benefits regardless of how much you earn in wages or salaries.

B. However, an earnings limit still applies to people between the ages of 62 and retirement age who collect Social Security and earn wages or salaries over a specified exempt amount.

For the 2017 tax year:

-For every \$2 in earnings above the lower limit (\$16,920 per year), \$1 in benefits will be withheld.

-For every \$3 in earnings above the Higher limit (\$44,880 per year), \$1 in benefits will be withheld.

3. If you receive SSI disability benefits:

A. You must report any income changes (increases, decreases) to the Social Security Administration. You should also report any changes in the income of other family members living with you (i.e. spouse, child). Income is a very broad term and includes many things, including wages from a job, the value of food or shelter or clothing that someone else gives to you or the amount of money they give you to help pay your bills, unemployment, annuities, pensions, etc.

B. You must inform Social Security if you move and provide them with your new address.

C. You must inform Social Security if there is a change in the number of persons who live with you, or if you get married or if your marriage ends. For example, if someone moves into or out of your home, or if someone who lives with you dies.

D. You must inform Social Security if you enter or leave an institution such as a nursing home, hospital, shelter or penal institution.

E. If you return to work, part-time or full-time, you must report this to Social Security. There are special SSI rules to help you try to work. In some cases, your SSI benefits may continue while you work and are still disabled; as your earnings increase, the amount of your SSI will decrease and may eventually stop if you earn too much each month.

4. If you receive SSDI or SSD benefits, your benefits will generally continue for as long as your impairment has not medically improved and you cannot work. Social Security will review your case periodically to confirm you are still disabled. If you receive SSDI or SSD benefits:

A. You must report any changes such as change of address or marriage or divorce, or changes (i.e., improvements) in your medical conditions. Failure to report such changes in your medical conditions could mean that you will get payments that are not due to you, and that will have to be repaid to Social Security.

B. If you go to work, part-time or full-time, you must report any earnings to Social Security because earnings may affect your Social Security benefits.

C. Even after you start receiving disability benefits, there are many work incentives that are designed to ease the transition back to work. To understand how work affects your disability benefits, you need to understand how Social Security measures your work. Disability benefits can be paid only if you are unable to do any “substantial” work. The amount of your earnings is the key to determining whether your work is substantial. As of January 1, 2014, if your wages are more than \$1070 per month (\$1800 for blind individuals), you are generally considered to be performing substantial work. In addition, Social Security permits a “trial work period” for nine months during which you can test your ability to work. You must report all earnings to Social Security during such a period. During the trial work period, Social Security disability beneficiaries may work and receive Social Security Disability benefits. After completion of nine trial work months, the Substantial Gainful Activity level (\$1070 per month for non-blind) is used to determine whether earnings are substantial or not. If they fall below that level, full benefits will generally continue. If earnings are higher than this level, then cash benefits from Social Security are normally suspended while medical benefits continue.

Resources

Social Security pamphlets include:

- “Understanding the Benefits” SSA-05-10024
- “Retirement Benefits” SSA-05-10035
- “Disability Benefits” SSA-05-10029
- “Supplemental Security Income” SSA-05-11000
- “Survivor Benefits” SSA-05-10084
- “What You Need To Know When You Get Retirement Or Survivors Benefits” SSA-05-10077
- “What You Need To Know When You Get SSI” SSA-05-11011
- “If You Are Blind How We Can Help” SSA-05-10052
- “A Guide For Representative Payees” SSA-05-10076
- “When A Representative Payee Manages Your Money” SAA-05-10097

These and other pamphlets are available by calling the Social Security toll-free number 1 (800) 772-1213 or through their website at www.ssa.gov.

XVI. Advanced Medical Directives

In 1992, Pennsylvania became one of the last states to pass “Living Will” legislation; in 1994, changes to the law allowed a declarant to make an anatomical gift of all or part of the body.

Definitions:

- Declarant - A person who makes a declaration (living will) in accordance with the act.
- Attending Physician - The physician who has primary responsibility for the treatment and care of the declarant.
- Declaration (Living Will) - A written document voluntarily executed by the declarant in accordance with the act - A written statement that refuses life-sustaining treatment if the maker is incompetent and either in (a) a terminal condition, or (b) a state of permanent unconsciousness.
- Health Care Provider - An entity licensed or certified by the laws of Pennsylvania to administer health care in the ordinary course of business or practice of a profession. This term includes personnel recognized under the Emergency Medical Services Act.
- Incompetent - The lack of sufficient capacity for a person to make or communicate decisions concerning him/herself.
- Life-Sustaining Treatment - Any medical procedure or intervention that serves only to prolong the process of dying or to maintain the patient in a state of permanent unconsciousness. This treatment includes nutrition and hydration administered by gastric tube or intravenously or any other artificial or invasive means if the declaration so provides.
- Medical Command Physician - A licensed physician who is authorized to give medical command under the Emergency Medical Services Act.
- Permanently Unconscious - A medical condition diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment. This term includes a persistent vegetative state or irreversible coma.
- Qualified Patient - A person who has executed a declaration and who has been determined to be in a terminal condition or to be permanently unconscious.
- Terminal Condition - An incurable and irreversible medical condition in an advanced state caused by injury, disease, or physical illness that will, in the opinion of the attending physician, to a reasonable degree of medical certainty, result in death regardless of the continued application of life-sustaining treatment.

Anyone of sound mind who is 18 years of age or older or who graduated from high school or has married may execute a living will at any time. The Pennsylvania law states that the document must be witnessed by two individuals each of whom are 18 years of age or older. Other states may require that the living will be acknowledged by a notary public. The Advance Health Care Declaration may be tailored to meet your specific desires.

It is not a bad idea to discuss with your doctor the kinds of medical treatment you may wish to withhold and the effects on your body. One copy of your living will should be given to your primary care physician who will place it in your medical records. In following your declaration, your doctor cannot be sued; however, your doctor can refuse to comply with your declaration if it is against his/her conscience. You may decide it is best to name a surrogate substitute to carry out your specific direction when you are unable to make them. You may also expressly exclude certain persons from acting as your surrogate, i.e. a spouse from whom you are separated.

Hospitals and nursing homes must by law provide patients with information concerning living wills. However, declarations are optional and no entity can charge a different fee depending on whether a living will has been signed.

Living wills become operable when the attending physician is provided with a copy and the declarant is determined by the attending physician to be incompetent and in a terminal condition or in a state of permanent unconsciousness by certifying, in writing, their diagnosis and arranging for the physical examination and confirmation of the diagnosis by a second physician.

Absence of a Living Will

If a patient does not execute an Advance Healthcare Declaration, there is no presumption of the patient's intentions to consent to or refuse life-sustaining treatment. Recently, the Pennsylvania Supreme court held that a close relative, with the consent of two physicians and without court involvement, may remove life-sustaining treatment from an adult relative who is in a persistent vegetative state where that adult has left no advance directive. Of course, the best course of action is to request that your attorney prepare an Advance Healthcare Declaration for you to avoid any uncertainty about your intentions.

XVII. Crime Prevention

There are a number of things you can do to prevent yourself from becoming a victim of crime, whether it is in the home, while traveling outside of home, or when dealing with financial matters.

Home

- Use dead bolt locks on all exterior doors.
- Have good locks on windows and other points of entry.
- Always keep doors locked and equip them with a peephole so you can see callers before opening the door.
- Do not rely on security chains. They can be easily broken.
- Never let a stranger into your home. Insist on proper identification from callers. If the Person will not show ID or you are suspicious, call police or the company the caller says he or she represents
- Never give information over the phone about whether you will or will not be home. Never let a caller know you are home alone.
- Make sure you have a lock on your bedroom door.

Travel

- Try to arrange to always walk with a companion
- Plan your route in advance and be sure to use well-lit streets if you go out at night.
- Walk on the curbside away from buildings where an assailant could conceal themselves.
- Do not carry a purse if you can avoid it. They are inviting targets.
- Never carry or flash large sums of cash.
- When driven home, ask the driver to wait until you are safely inside before leaving.
- Have your keys ready so you can get inside quickly.
- If someone is making you uncomfortable, follow your instincts and leave.
- Whether you are a passenger or driver, keep your car doors locked.
- Sit close to the driver or near the exit while riding the bus.

If Attacked

- If attacked by an unarmed assailant, scream, call for help, kick, bite, or do anything that will help you break away to safety. Contact local or state police as soon as possible.

Watch for Fraud/Con Artists

- Keep your guard up. Be skeptical and never be rushed into any deal.
- Know what you are signing. Carefully read “receipts” or “minor contracts”.
- Beware of something for nothing offers. It is usually a phony deal.
- Stay away from “secret” deals or plans.
Never turn over any sizable amount of cash to anyone, especially strangers offering to help you “get rich quick.”

- If you think you have been “taken” by a con artist, contact your local or state police right away and be prepared to testify.
- Never give your credit card, Social Security, or bank account number to anyone over the phone. It is illegal for telemarketers to ask for these numbers to verify a prize or gift.
- Beware of individuals claiming to represent companies, consumer organizations, or government agencies that offer to recover lost money from fraudulent telemarketers for a fee.
- Always ask that information from telemarketers be sent to you in writing if you are interested, this includes contract agreements of any sorts.
- If you’re suspicious, check it out with the police, the Better Business Bureau or the Bureau of Consumer Protection at 1 (800) 441-2555.

Credit Card Cautions

- Sign all your credit cards
- Keep a list of all credit cards, their numbers and the names and addresses of the issuing companies.
- If lost or stolen, promptly report the loss or theft to the company by telephone and follow up with a letter
- If you cancel a credit card, destroy it immediately

Why Keep a Record of Valuables?

- It allows police to trace stolen items and identify who stole them as well as determine who handles stolen items in your area.
- It establishes good evidence in court
- It allows stolen items to be returned to you. If you cannot prove ownership, the item may be sold at public auction.

Domestic Abuse

Spiritrust Lutheran offers Domestic Abuse Intervention Services. This program offers alternatives to domestic abuse by providing the opportunity, information, and skills training needed to help individuals who have used violence or abuse begin to live non-violently. For more, contact:

Spiritrust Lutheran
 750 Kelly Drive
 York, PA 17404
 (717) 852-4357
www.spiritrustlutheran.org

XVIII. Legal Issues for Senior Citizens

Elder Law

Elder law is the term used by the legal profession to focus on the special legal rights and problems of senior citizens. Attorneys who work in this field need to master an ever changing body of law, legislation and regulations which deal with financial planning, health care and housing as well as discrimination, abuse and consumer fraud.

Attorney-Client Relations

A big question in elder law is: who is the client? Attorneys fairly often find that a child brings in a parent to the attorney's office. That child and parent may have differing interests. Also, some older people have physical or mental disabilities that may limit their capacity to make proper decisions. Fortunately, attorneys have ethical rules, known as Rules of Professional Conduct, which help to clarify these situations.

According to Rule 1.5, all fee agreements must be in writing. This avoids disputes about what the lawyer is to do and how much these professional services will cost.

Rules 1.6 through 1.12 state what to do to prevent conflicts of interest. In general, one lawyer cannot represent both sides when clients have differing agendas. Therefore, if two people come into a lawyer's office together, the lawyer must make a clear determination about whom to represent. This helps to protect vulnerable seniors when others try to exert undue influence, to coerce or use threats to push them to execute powers of attorney or convey property against their will. Also, Pennsylvania lawyers are required to keep client information confidential.

Rule 1.14 explains that lawyers presume that their clients are competent and can understand what is happening. If the lawyer "reasonably believes" that the client cannot act in their own self-interest, the lawyer can seek a guardian or take other protective action.

Continuing Legal Education

Since 1992, Pennsylvania's attorneys have been required to take at least twelve hours each year of continuing legal education including the Rules of Professional Conduct and professionalism in general. This should have a positive impact on the ethical delivery of legal services, but it is still important for older clients to remember their rights as they work with their lawyers.

Pennsylvania Lawyers Fund for Client Security

Although the percentage of lawyers involved in fraud and theft is extremely low, the news is often given wide play in the media. The fact is that lawyers are often put in positions of trust and temptation that very rarely result in a financial loss to a client. In such cases, the Pennsylvania Lawyers Fund for Client Security can help to recoup some or all of the losses. Claims are submitted on pre-printed forms from the Supreme Court of Pennsylvania, Lawyers Fund for Client Security, telephone 1(800) 962-4618. The form may also be accessed on-line at www.PALawFund.com.

Choosing an Attorney

Every individual has notions about how to work with a professional advisor to resolve personal problems. To choose the best person to act on your behalf in legal matters, you should first think about your goals. Is it a simple question of updating your will? Or is it the more complex process of planning the series of financial steps for retirement and changes in life situations? Once your needs are outlined, you can consult friends, relatives, business colleagues, clergy and others for recommendations about attorneys. A good source of information is the Pennsylvania Lawyer Referral Service (LRS), a service that refers callers to lawyers in the counties that do not have a referral service of their own. This service covers 46 of the 67 counties in the Commonwealth of Pennsylvania.

Lawyers participate in this service on a voluntary basis and have indicated the areas of law in which they will accept referrals. Computerization ensures lawyers are rotated automatically by county according to the type of case. The PBA LRS operates Monday through Friday from 8:00 a.m. to 4:30 p.m., and can be reached by calling 1 (800) 692-7375, (717) 238-6807, or **(717) 854-8755 for an attorney in York County**, or online at www.PABar.org. If callers need a lawyer in a state other than Pennsylvania, they may contact that state's bar association.

Older Americans Act

More Americans are living longer and demanding more from local, state and federal lawmakers so more programs for elders are offered, enlarged or refined. One of the most important laws that provides a basic framework for these services is the Older Americans Act of 1965. This law sets up Area Agencies on Aging (AAAs) all over the United States. In Pennsylvania, AAAs are administered by the Pennsylvania Department of Aging, 555 Walnut St. 5th Floor, Harrisburg, PA 17101, telephone (717) 783-6207.

***For more information regarding Area Agencies on Aging services, refer to previous sections in this booklet.**

Resources

For seniors who have Internet access, the Pennsylvania Department of Aging has an excellent information website that describes all of their services offered and the ways to obtain them. The website for the Pennsylvania Department of aging is www.aging.pa.gov. The Pennsylvania Department of Aging website provides a listing of telephone numbers, addresses and links available by county listing map, city or zip code, or by calling (717) 783-1550 or e-mailing Aging@pa.gov.

The Department of Aging's toll-free numbers are as follows:

PACE:	1(800) 225-7223
APPRISE (Insurance Assistance):	1(800) 783-7067
Elder Abuse:	1(800) 490-8505
Property Tax/Rent Rebate:	1(800) 772-5246
Alzheimer's Information:	1(800) 272-3900
Long Term Care Helpline	1(866) 286-3636

Contact your elected representative in the Pennsylvania Legislature by writing to the Pennsylvania House of Representatives at House Box 202094, Harrisburg, PA 17120-2094. An annual guidebook "Benefits and Rights for Older Pennsylvanians," published by the Department of Aging, is available from your local Area Agency on Aging, from any member of the Pennsylvania Legislature or by calling (717) 783-1550.

For listings of your county's nursing homes, adult day care centers, assisted living facilities or for PACE and tax rebate forms, contact your Area Agency on Aging listed in this booklet.

Power of Attorney

A durable power of attorney (DPOA) is a written document authorizing a named person called "agent" to handle certain specified types of transactions for the person making the power of attorney, called the "principal."

General Powers of attorney are very broad and allow many types of transactions. Limited powers of attorney convey the power of attorney to an agent to handle a specified task, for example, to attend and sign documents at a real estate settlement.

The power of attorney is "durable" in that it remains valid even after the principal no longer has legal capacity to convey property or handle similar transactions, perhaps due to an injury or an illness such as Alzheimer's disease. However, legal capacity must exist when the power of attorney is first executed. All powers of attorney executed since 1993 in Pennsylvania are durable unless otherwise stated.

A "springing" power of attorney can be executed so that it will only take effect if the principal's legal capacity has diminished or the principal becomes disabled. The

agent's power to act then "springs" into effect upon the happening of an event such as disability. A major question of a springing power of attorney is: when does it take effect? Springing powers of attorney can include a formula that involves one or more physicians attesting to the fact that principal has lost their capacity or is disabled in order for the power of attorney to take effect. Documentation that the triggering event has occurred is normally required.

Pennsylvania law now requires a NOTICE in capital letters at the beginning of the power of attorney, signed by the principal, acknowledging an understanding of the powers and duties being conveyed to the agent under the power of attorney and stating that the power of attorney has been read and understood. The law also requires an Acknowledgment signed by the agent that they have read the power of attorney and understand it and that they are to exercise the powers given to them for the benefit of the principal only. The agent agrees not to co-mingle any assets of the principal with their own assets and further agrees to exercise reasonable care and caution, keeping a full and accurate record of all of their actions.

The power of the agent to make gifts has been further defined in the new law. The agent may make limited gifts on behalf of the principal to the principal's spouse and children and to a spouse of the principal's child. This can include the agent if they are one of the above. During each calendar year, the gifts may not exceed the principal's annual exclusion from the federal gift tax permitted under the Internal Revenue Code.

The new law also allows unlimited gifts to any persons the principal may choose, if specified by the principal in the power of attorney. For specific procedures you should contact your lawyer.

Revoking a Power of Attorney

As long as the principal has legal capacity, they can sign an affidavit to revoke the power of attorney, name a new agent, or designate a co-agent to check on the actions of the first agent. The power of attorney must be notarized and witnessed since some powers of attorney must be recorded at the Recorder of Deeds office, for example, when real estate is being transferred. Often, if a power of attorney does not have a recent date on it, banks and other institutions will require the principal to sign a "certification" that the power of attorney has not been revoked and is still in full force.

Special Powers of Attorney

Health care powers of attorney and financial powers of attorney are special forms of power of attorney that delegate to an agent the power to act on your behalf regarding medical and health issues in the event that you are unable to do so yourself. The new power of attorney statute in Pennsylvania authorizes the principal's admission to a medical, nursing, residential or similar facility, entering into agreements for care, and authorizing medical and surgical procedures. A financial power of attorney is also a special form of power of attorney that delegates to your agent the power to act on your behalf relating to financial affairs only.

Failure to Act

Any person who fails to act according to the directions of an agent appointed by the principal, without reasonable cause, can be subject to money damages if suit is filed.

Fraud

A power of attorney can be an invaluable tool in aiding an elderly individual who needs assistance, but it can also be a means to facilitate fraud. Steps you can take to minimize that potential are:

- Choose the right person to act as your agent under a power of attorney. Make sure that the individual is someone you can trust who will make decisions on your behalf in accordance with your wishes.
- Be careful what powers you give to an agent under a power of attorney. Make sure you read every word and understand what powers are included in any power of attorney before you sign the document. Powers of attorney can be broad or narrow, allowing a full grant of authority to act for an individual or providing only a limited power of attorney for a particular event or situation, i.e. power of attorney for the sale of real estate.
- Consider appointing more than one person to act as your agent. While this may be more cumbersome and less efficient, it provides a process of checks and balances in that your agents must agree on decisions and actions.
- To prevent premature use of the power by your agent, you can withhold the document until it is needed or require that the document be held by a non-agent with full instructions for release to the agent.
- Require your agent to account periodically to a disinterested third person.
- Your power of attorney should only be written by your lawyer, pursuant to your specific instructions.

Health Care Provisions in a Power of Attorney

A power of attorney usually deals with financial and personal issues but can include medical treatment. The law allows an agent, appointed by you in your power of attorney, to authorize your admission to a medical, nursing, residential or similar facility, and to enter into agreements for your care if you so state. The agent may, with respect to your admission to a facility, execute consent or admission forms required by the facility and enter into agreements for your care by a facility or elsewhere. The law also allows you to authorize your agent to arrange for and give consent for medical, therapeutic, and surgical procedures, including the administration of medications.

If one person is to act as your agent for your financial affairs and another as agent for your health care, you need to create two separate documents. A living will is a document that allows you to specify your desires regarding medical decisions more precisely than with a power of attorney, which is limited by law. In most cases, it makes more sense to have your medical desires expressed in your living will rather than in your power of attorney, thus you and your lawyer must be careful that these documents complement and do not conflict with one another. Finally, a power of attorney can, if you wish, give your agent the authority to make an anatomical gift of all or part of your body.

A recent Pennsylvania Superior Court case has promoted the use and enforcement of patients' and agents' wishes expressed in their powers of attorneys for healthcare. The patient's or principal's wishes should generally be expected to be upheld.

Guardianships

Sometimes people are unable to make decisions about their health or finances and can no longer manage for themselves. Dementia or other progressive mental, emotional or physical illnesses can rob people of the ability to keep themselves safe. In the worst cases, individuals can become victims of others who see opportunities to take cash and possessions while "helping" or doing favors. The impaired person may even be pressed to make important decisions about medical care or living arrangements.

To provide a decision-maker for people in these situations, Pennsylvania law allows the Orphans' Court to appoint a guardian of the person (for living arrangements) and/or a guardian of the estate (for financial matters). Anyone interested in the person's welfare can file the petition seeking a guardian; however, a guardian must be identified and be willing to serve. The court will not produce one and depending on the county, there may be no public guardian service.

To qualify for a guardian, a person must be found impaired in such a way that they are partially or totally unable to manage financial resources or meet essential requirements for physical health and safety. Because a ruling of "incapacity" and appointment of a guardian involves the curtailing of many important legal rights, stringent standards must be met. Notice must be given to the alleged incapacitated person and there is a right to request counsel.

Hearing Before the Court

The incapacitated person is required to attend a hearing before the Orphans' Court unless excused, for example, by a doctor. An attorney for the incapacitated person is not required unless ordered by the court, as may be in the cases of family conflict. When testimony by qualified persons such as a psychiatrist or other health care provider establishes clear and convincing evidence that the person is incapacitated, a guardian will be appointed. But just because an individual has periods of confusion does not mean that they will be found incapacitated under the law.

If incapacity is established, the court will appoint a guardian of the estate and/or person with full or limited powers. It is the duty of the guardian to assert the rights and best interests and to respect the expressed wishes and preferences of the incapacitated person to the greatest possible extent. The guardian must also encourage the incapacitated person to participate in all decisions that affect them to the maximum extent of their abilities. However, the guardian does not have to follow the wishes of that person if they are in conflict with their best interests. For example, many times an incapacitated person wants to continue to live in their home; if the guardian determines that assisted living or skilled nursing care is necessary, the guardian is fully authorized to admit the person to a facility, even over that person's objections.

The appointed guardian has all powers set forth in the court order, usually including making every kind of decision with the exception of admitting to inpatient psychiatric facilities or consenting to relinquishment of parental rights. Court approval is needed for consent to abortion, sterilization, psychosurgery, shock therapy, removal of a healthy organ, or to prohibit marriage, consent to divorce or to consent to experimental procedures.

Typical decisions made by guardians for the person include arranging medical care and consenting to surgery or other treatments, determining where an incapacitated person is to live and contracting for admission to nursing facilities. A guardian for the estate has the same duties as a personal representative, executor or administrator with specific requirements and limitations. Every guardian must file a detailed annual report with the Orphans' Court.

Preparing a comprehensive power of attorney may make guardianship proceedings unnecessary and is less expensive and stressful than the court process. Any person could, of course, name in advance a preferred guardian of the estate or the person for consideration by the court in the event a court proceeding becomes necessary.

A guardian's authority expires upon the death of the incapacitated person. Unless there is someone entitled to act under estate law (a family member someone entitled to the estate under a will, etc.), there is no one who can make final arrangements, pay bills, distribute assets, sell a house or take other actions that may be necessary. Many times there is no such person willing or qualified to serve as administrator. This leaves a big gap in the ability to take necessary or desirable actions.

Elder Abuse and Neglect

Be aware that elder abuse or neglect can occur at any time, in any community, at any economic level, among all races and nationalities. Federal and state laws now affirm everyone's right to be safe; no one has to tolerate abusive situations. Federal and state laws also protect older adults who lack the capacity to protect themselves and are at immediate risk of abuse, neglect, exploitation, or abandonment.

Signs of Abuse or Neglect

Abuse can be any one or more of the following:

- Infliction of injury
- Unreasonable confinement
- Intimidation
- Any punishment that results in physical harm
- Causing mental anguish
- Depriving food, necessary medication, or medical services
- Sexual harassment
- Rape
- Any physically or emotionally controlling behavior that restricts independence or activity

Elder abuse and neglect is not always easy to identify; signs to consider include:

- Bruises and broken bones blamed on falls; the real cause may be pinching or beating
- Weight loss might be result of starvation or neglect, not just illness or lack of appetite
- Dementia is not always a part of aging; malnutrition or the misuse of medications can also be causes

If You Observe Abuse or Neglect

Call Your Local Protective Services!

If You Are Abused

In an emergency: call 911

You should not confront your abuser. You need to wait until the abuser is gone or has calmed down so you can secretly and safely call one of these numbers for help:

- | | |
|------------------------------------|------------------|
| • Elder Abuse Hotline | 1 (800) 632-9073 |
| • Domestic Violence Hotline | 1 (800) 799-7233 |
| • Pennsylvania Department of Aging | (717) 783-1550 |

Be sure to call. You may be able to prevent the next abusive situation by getting help from people who have worked with these problems and will work with you to develop your own personal safety plan. This could mean the difference between life and death.

Protection from Abuse Orders (PFAs)

You can go to court to obtain an order to keep your abuser away from you. Your local Women's Center will help you file the necessary papers and will go with you to court. The abuser may be arrested and if a court deems it appropriate, they may be imprisoned and/or fined.

Zero Tolerance for Abuse

You should know that many organizations are working in Pennsylvania on zero tolerance of abuse. Any time you hear or see abusive behavior you should call 911. If you ignore abuse or think it will improve without intervention you may be risking your life or the life of someone you know. Without help abuse always gets worse; everyone should know that help is available.

Consumer Protection

Pennsylvania Consumer Protection Bureau

The Pennsylvania Consumer Protection Bureau can help you with your consumer complaints, such as if you believe you have been defrauded by a business or door-to-door salesperson, illegally harassed by an unscrupulous debt collector, or victimized in deceptive sales practices by a home improvement contractor or mail order business. This office, an agency of the Pennsylvania Office of the Attorney General, investigates and mediates consumer complaints. An office in your region can be located in the Human Services section of your telephone directory or you can call the toll-free consumer protection hotline at 1 (800) 441-2555 or access the Pennsylvania Attorney General's website at www.attorneygeneral.gov.

Suggestions for Resolving Complaints

The Office of the Attorney General published consumer protection booklets that include these suggestions if you plan to resolve a complaint yourself:

- Decide on the specific complaint you wish to make
- Have a clear statement of the specific action you want the person or business to take to remedy your complaint
- Proceed without delay
- If you are making the complaint in person take along the purchase receipt, any guaranty or warranty, and if possible, the product
- Be assertive! If you are told by a salesperson or company representative that they cannot deal with your complaint, ask for a higher authority
- If you complain by mail, give the brand name, model number, size, color, and other details needed for identifying the product. Include in your letter a specific explanation of the circumstances surrounding your complaint
- Keep copies of your letter and all correspondence you receive. If you return the product, be sure to insure it.

If you are unable to resolve your consumer complaint, you can file a written complaint on a pre-printed form with the Bureau of Consumer Protection, Strawberry Square, 15th Floor, Harrisburg, PA 17120. Their hotline number is 1 (800) 441-2555.

Avoiding Scams

The Office of the Attorney General periodically publishes the “Consumer Reference Guide for Seniors,” a pamphlet that can help you to avoid scams and frauds. The pamphlet reiterates the phrase “If it sounds too good to be true, it probably is,” and points out that scam artists typically use the “nice guy” approach. It also states that con artists often use words or expressions including:

- “Cash only” – Why is cash necessary for a proposed transaction? Why not a check or credit card?
- “Secret plans” – Why are you being asked not to tell anyone?
- “Get rich quick” – Any scheme should be carefully investigated.
- “Something for nothing” – A retired swindler once said that any time you are promised something for nothing, you usually get nothing.
- “Contests” – Make sure they aren’t a hoax to draw you into a money-losing scheme.
- “Haste” – Be wary of any pressure to act immediately or lose out.
- “Today only” – If something is worthwhile today, it is likely to be available tomorrow.
- “Too good to be true” – Such a scheme is probably neither good nor true.
- “Last chance” – If it is a chance worth taking, why is I offered on such short notice?
- “Left-over material” – Leftover materials might also be stolen or defective.

If you are unable to obtain the relief that you expected from the Bureau of Consumer Protection, you should promptly seek legal advice from a qualified, reputable local attorney, because there are strict time limits in which you must pursue any legal actions for fraud. Typically, a written civil complaint must be filed with the appropriate court within two years of the commission of the fraud.

Charitable Organizations

Senior citizens who are solicited by charitable organizations can call the Pennsylvania Department of State’s Bureau of Charitable Organization’s toll-free number at 1(800) 732-0999 to find out if the organizations are registered to solicit contributions; how much income the organizations receive; how much the organizations spend on programs, services, administration and fundraising. Seniors can also call the toll-free number with any complaints they have about organizations that have solicited funds from them.

Some precautions when you are called for donations:

- Ask for written information, including the charity's name, address, and telephone number
- Ask for identification; if the solicitor refuses, hang up
- Call the charity to check whether they are aware of the solicitation. If they are not responsible you should report the call to your local police department so they can investigate the potential for fraud
- Watch out for organizational names that sound like established charities; some phony groups use titles that closely resemble respected legitimate organizations
- Know that "tax-exempt" is not the same as "tax-deductible." The exemption refers to the organization, but your contribution may or may not be deductible and, if that is important to you, ask for a receipt for the amount of your contribution
- Be skeptical if someone thanks you for a pledge you do not remember making. Keep records and check them
- Refuse high-pressure appeals. No legitimate organization should pressure you for your gift.

Mail Fraud

Mail fraud is illegal but it nevertheless remains a perfect means for a con artist to try and trick you. Do not respond to sweepstakes or contests that ask for money or your credit card. For additional information on mail fraud, call the U.S. Chief Postal Inspector at (202) 268-2284 or your local postmaster. If you think you are a victim of mail fraud or identity theft, you can call the Federal Trade Commission Identity Theft Clearing House toll free at 1 (877) 987-3728 or 1 (877) 438-4338, or visit their website at www.ftc.gov/bcp/consumer.shtm.

Telemarketing

Telemarketing is another method commonly used to get your personal information such as credit card numbers, checking account numbers, Social Security number, driver's license number, etc. Do not give out this information unless you placed the call yourself to a well-known, reputable company. Other tips include:

- never pay for a prize over the phone
- never allow a caller to pressure you into acting immediately
- never agree to any offer until you have seen it in writing
- the law prohibits telemarketers from calling consumers who have stated that they do not want to be called

Pennsylvania law permits telemarketers to make calls only between the hours of 8:00 a.m. and 9:00 p.m. If you want your name removed from telemarketing lists, send

your name, telephone number (including area code) and address to the Telephone Preference Service, Direct Marketing Association, P.O. Box 9014, Farmingdale, New York 11735-9014. This action will help reduce the number of unsolicited calls even if it won't stop all the calls. You can also register online at www.dmachoice.org

“Do Not Call List”

The Office of Attorney General has contracted with a nonprofit organization that is responsible for maintaining the list of consumers who want to avoid telemarketing calls. The list administrator is responsible for updating the list and providing that list to telemarketers on a quarterly basis.

Every telemarketer that calls consumers in Pennsylvania is required to purchase the list from the list administrator. The telemarketer must then remove every name on the "Do Not Call" list from their calling lists within 30 days of receiving the list. A violation of the law carries a civil penalty of up to \$1,000, or \$3,000 if the person contacted is age 60 or older. Complaints against a telemarketer in violation of this law should be filed with the Office of Attorney General's Bureau of Consumer Protection by calling the toll-free hotline at 1 (800) 441-2555, or by filing a complaint online at www.attorneygeneral.gov.

You may also call the toll-free hotline at **1 (888) 382-1222** and follow the prompts to enroll in the "Do Not Call" list. Once you are enrolled, your name and telephone number will remain listed for five years, or until that telephone number is no longer valid.

On-line Scams

On-line scams also are abundant in today's age of the information superhighway. For the most part, the same rules apply so beware of being misled. For additional information about on-line scams, contact the National Fraud Information Center, visit their website at www.fraud.org.

Grandparents' Custody and Visitation Rights

All fifty states now give grandparents the right to visit with and to obtain custody of their grandchildren in certain situations. Pennsylvania custody laws permit a court to grant partial custody or visitation when parents are divorced or separated for six months or more, if this would be in the best interest of the child and would not interfere with the parent-child relationship. The court must consider the amount of personal contact between the parents or grandparents and the child prior to the grandparents filing in court for these rights. This section of the law also may permit visitation by grandparents where the parents of the child are unmarried.

In all cases involving custody of children the paramount concern of the court deciding custody or visitation matters is the best interest of the child. This standard is broadened in the case of a grandparent to include that the granting of rights should not interfere with the parent-child relationship.

At any stage, an agreement may be reached between the parents and grandparents instead of proceeding further in the legal system. Grandparents may also petition for both partial custody and visitation if an unmarried grandchild has lived with the grandparents or great-grandparents for one year or more and is subsequently removed from the home by their parents.

A grandparent may want to gain full custody of a grandchild and can bring a case to court since they are deemed to have legal standing to do so. The standard the court will look at in this situation is whether it is in the best interest of the child not to be in the custody of either parent and if it is in the best interest of the child to be in the custody of the grandparent instead. In order to be awarded custody by the court, the grandparents must meet three conditions:

- they must have genuine care and concern for the child
- they must have begun their relationships with the grandchild due to a court order or the consent of a parent
- they must have assumed the role and responsibilities of a parent to the grandchild for the last year, due to the child being declared a dependent child by the court due to a juvenile proceeding, or due to the child being at risk from the parent's abuse, neglect, drug or alcohol abuse or mental illness. An emergency temporary order may be obtained in the latter situation.

Grandparents may wish to act against the separation from their grandchildren that might occur after one parent dies, or after parents separate or divorce and custody of the child is with one parent, or after the child has lived with the grandparents for a significant period of time and is then removed by the parents. However, in all cases in which the grandparent is seeking visitation or custody, it is the grandparent who has the burden of proving to the court that the visitation or custody is in the best interest of the child.

A grandparent is not entitled to be granted visitation rights to grandchildren where the parents are not deceased, separated or divorced and the children never resided with the grandparent. Also grandparents' rights do not apply if the child has been adopted by a person other than a stepparent or grandparent, even if the grandchild resided with the parent, a parent is deceased, or the parents are divorced or the parents are separated.

Earlier cases have stated that grandparents occupy a favored position among other third parties (such as state agencies or others) in custody disputes, and they have standing to petition for physical and legal custody from a natural parent, providing the conditions listed above have been met.

Mediation Services

Mediation is a process that provides a setting to resolve conflict cooperatively through face-to-face dialogue with the assistance of an impartial third party. Seniors, their families and caregivers sometimes need support to deal with conflict involving, for example:

- decisions about selling the family home, moving to a retirement community or moving in with a relative
- tensions from interactions of two or three generations living together
- adjustments to changes from independence to dependence
- disagreements over care between health care providers such as nurses or home health aides and seniors and their families
- conflicts regarding finances
- disputes between tenants and landlords
- friction between neighbors regarding noise, vandalism or difference in lifestyles

Benefits of Elder Mediation

Specific benefits of mediation can include:

- learning new ways to handle conflict and resolve problems
- maintaining a better sense of personal dignity and independence
- avoiding escalation to painful and costly litigation
- increasing opportunities for seniors and their families to communicate more effectively and to work together with others
- improving the quality of life and relationships with their circle of support

Elders and their families may contact their local bar association or consult an attorney to obtain information about participation in mediation or alternative dispute resolution.

Personal Records

It is important to keep complete written records so that your personal information is readily available when needed. In only one place record where the original of your will, power of attorney, and living will are kept. Also include information such as your Social Security number, bank accounts and other investments (including account numbers), real estate holdings, insurance policies, and other important legal and financial information. All of this is required by your agent or guardian in case of your disability or incapacity and is required by your executor or personal representative upon your death.

A Checklist for Your Personal Filing System:

- Income tax returns (federal, state, and local)
- Birth, marriage, divorce, custody, adoption, and death certificates
- Naturalization papers
- Military records
- Papers documenting real estate and home leases and purchases, mortgages, and home improvements
- Medical records
- Social Security records and communications
- Bank account, brokerage, and mutual fund statements
- Business and partnership agreements
- Stock option and pension fund agreements