

Connecticut Care Planning Council



June 2010 Newsletter

Volume 2, Issue 6

Featured Board Member: [Henry C Weatherby](#)

Brought to you by:



and



Weatherby & Associates, PC
Counselors at Law
Helping Families Preserve and Protect Assets and Values

**CT Care Planning
Council
Advisory Board
Members:**

In This Issue

[Veterans Benefits - Who Can Assist?](#)

[Recognizing Symptoms of Dementia](#)

The [Connecticut Care Planning Council \(CTCPC\)](#) lists companies and individual providers on our website who help families deal with the crisis and burden of long term care.

One purpose of the CTCPC is to educate the public on the need for care planning before a crisis occurs. A second purpose is to provide, in one place, all of the available government and private services for eldercare.

Finally, our ultimate mission is to offer a trusted listing service that the public will recognize and turn to for expert help in dealing with the challenges of long term care.

Call us at 860-769-6938

or click [here](#) to send an e-mail

Veterans Benefits: Who Can Legally Assist with Claims and Who Can Charge or Be Charged?

There has been much talk throughout the country about who can assist a veteran or veteran's family with a VA



Weatherby & Associates, PC
Counselors at Law
Helping Families Preserve and Protect Assets and Values

Henry C Weatherby
Jeffrey S. Rivard
Denise V. Talbot



Don Kuerner



Greg Czapiga



Michael Savenelli, Sr.



Dan Fisher



Elaine Pavasaris



Charles Waltos

claim for benefits. There are also many companies and individuals throughout the country who are breaking the law in assisting with claims AND/OR are breaking the law in charging for this assistance.

WHO MAY ASSIST

The law is very specific in that **ONLY** the following may assist a claimant in filing for benefits:

- **A VA accredited attorney**^[1]
- **A VA accredited agent**^[2]
- **A Veterans Service Organization**^[3]
- **A VA Regional Office representative**^[4]
- **A private individual with one-time permission to assist only one claimant**^[5] [\[SEC 5903\]](#)

[6] An individual or organization that is not in one of these categories is prohibited from assisting with the claims process.^[6]

WHO IS A CLAIMANT

First, who is a Claimant? A Claimant is defined as an individual who has expressed "an intent" to file a claim. [7] This means that no-one (other than the above) may counsel, coach, or assist in any way whatsoever with an application for benefits once the individual has expressed such an intention.

What does this mean in practical terms? Simply this: no person or organization, other than those listed above, may lend a helping hand with any application, including Aid & Attendance Benefits.

WHO CAN CHARGE

Second, who can charge, or financially benefit in any way, for providing this assistance in filing a claim? Again, the answer is simple: No one!! The law is very specific in that no individual or organization that has a financial interest in the outcome of a claim may be charged a fee [or pay a fee in any way] for assistance with an initial application for benefits.^[8] This includes the claimant, his/her immediate family members, assisted living facilities, nursing homes, home care agencies, and virtually anyone who could gain financially from the outcome of the claim.

What does this mean in practical terms? No person or organization that stands to gain, e.g., being able to provide services, or provide more services, for the Claimant, may pay some other person or organization to assist the Claimant in filing a claim.

The only time a fee may be charged related to a claim is if the claim has been denied.^[9] **Even then, only a VA accredited attorney or accredited agent**



John Carmon



Doug and Ken Henricksen

Event Calendar:

6/16/2010

Location:

Seabury

Topic:

Estate Planning

7/16/2010

Location:

**Center for Healthy Aging in
Southington**

Topic:

VA Benefits

11/12

Location:

Hebron Senior Center

Topic:

Va Benefits

Contact Us:

**34 Jerome Avenue, Suite 310
Bloomfield, CT 06002**

(860)769-6938

Offers & Info:

[Veteran's Aid Benefit](#)

may charge a fee and the fee must be approved by the Office of the General Counsel in Washington, D.C.[10] Without such approval, no fee may be charged.

Third, what about using a "middle man", e.g., an organization who calls itself a home health care organization, but is really just doing that for the purpose of assisting in the processing of a claim, then contracting with a local home health care company to perform the actual work?

Answer: absolutely not!

This is a bad deal for the Claimant. Not only does the "middle man" get compensated by taking some of the benefit money for the "administrative" work involved in processing the claim, or in just assisting in getting the claim processed, but since that middle man takes some of the money, there is less money that actually goes to the real provider of the services; hence, the Claimant does not get his or her money's worth from the total amount of benefits paid! If you see a situation like this, run the other direction and file a report with the Office of the General Counsel for the Department of Veterans Affairs [see below]. The same holds true for someone actually interested in selling a financial product, and who says they will not charge the family for assisting them in getting the claim filed.

Finally, the reality is that only accredited individuals (most often attorneys) are allowed and are *able* to offer the broad spectrum of assistance most often needed by a Claimant, e.g. making sure that the Claimant is able to qualify for both VA and for Medicaid (if this becomes necessary in the future). Unless an attorney is involved, the result often is a failure to adequately protect the Claimant's ability to get help with future nursing home placement.

It is our's sincere hope that you will help spread the word to your communities about what is and is not legal with regard to assisting our most deserving veterans and their families.

If you have further questions or would like to check on whether or not an individual or company is operating legally, please contact the Office of the General Counsel at 202-461-7699.

[1] 38 USC § 5904

[2] 38 USC § 5904

- [3] 38 USC § 5902
- [4] 38 USC § 5902
- [5] 38 USC § 5903
- [6] 38 USC § 5901
- [7] 38 CFR § 14.627(g)
- [8] 38 USC § 5904(c)(1) and 38 CFR 5904(c)(1) Rule 609
- [9] 38 USC § 5904(c)(1)
- [10] 38 USC § 5904(c)(2)



Weatherby & Associates, PC
Counselors at Law
Helping Families Preserve and Protect Assets and Values

Recognizing Symptoms of Dementia

The Brown family reunion has always been an event everyone looks forward to. Family visits, games, stories and everyone's favorite foods are always on the agenda. On the top of the menu is Grandma's Lemon Coconut Cake. Grandma always makes the traditional cake from her old family recipe. This year, however, the cake tasted a little on the salty side, perhaps a half cup full of salty.

Though the family was disappointed over the cake, of more concern was Grandma's confusion with the recipe and her similar confusion about the loved ones around her. Could something be wrong with grandma's mental state?

One might say that for an elder person a little forgetfulness or confusion is normal, but when do you know if there is a serious problem, such as dementia?

The following are some symptoms of dementia.

Dementia causes many problems for the person who has it and for the person's family. Many of the problems are caused by memory loss. Some common symptoms of dementia are listed below. Not everyone who has dementia will experience all of these symptoms.

- **Recent memory loss.** All of us forget things for a while and then remember them later. People who have dementia often forget things, but they never remember them. They might ask you the same question over and over, each time forgetting that you've already given them the answer. They won't

even remember that they already asked the question.

- **Difficulty performing familiar tasks.** People who have dementia might cook a meal but forget to serve it. They might even forget that they cooked it.

Problems with language. People who have dementia may forget simple words or use the wrong words. This makes it hard to understand what they want.

- **Time and place disorientation.** People who have dementia may get lost on their own street. They may forget how they got to a certain place and how to get back home.

Poor judgment. Even a person who doesn't have dementia might get distracted. But people who have dementia can forget simple things, like forgetting to put on a coat before going out in cold weather.

- **Problems with abstract thinking.** Anybody might have trouble balancing a checkbook, but people who have dementia may forget what the numbers are and what has to be done with them.
- **Misplacing things.** People who have dementia may put things in the wrong places. They might put an iron in the freezer or a wristwatch in the sugar bowl. Then they can't find these things later.
- **Changes in mood.** Everyone is moody at times, but people who have dementia may have fast mood swings, going from calm to tears to anger in a few minutes.

Personality changes. People who have dementia may have drastic changes in personality. They might become irritable, suspicious or fearful.

- **Loss of initiative.** People who have dementia may become passive. They might not want to go places or see other people.

Dementia is caused by change or destruction of brain cells. Often this change is a result of small strokes or blockage of blood cells, severe hypothyroidism or Alzheimer's disease. There is a continuous decline in ability to perform normal daily activities. Personal care including dressing, bathing, preparing meals and even eating a meal eventually becomes impossible.

What can family members do if they suspect dementia? An appointment with the doctor or geriatric clinic is the first step to take. Depending on the cause and severity of the problem there are some medications that may help slow the process. Your doctor may recommend a care facility that specializes in dementia and Alzheimer's. These facilities offer a variety of care options from day care with stimulating activities to part or full-time live-in options. According to the Alzheimer's Association, 6 out of 10 people with dementia will wander or "exit seek" more than once during the course of the disease process.

Call the [Alzheimer's Association](#) in Connecticut at 860-828-2828 for more information on how to keep your loved one safe.

In the beginning family members find part time caregivers for their loved one. At first, loved ones need only a little help with remembering to do daily activities or prepare meals. As dementia progresses, caregiving demands often progress to 24 hour care. Night and day become confused and normal routines of sleeping, eating and functioning become more difficult for the patient. The demented person feels frustrated and may lash out in anger or fear. It is not uncommon for a child or spouse giving the care to quickly become overwhelmed and discouraged.

Family gatherings provide an excellent opportunity to discuss caregiving plans and whole family support. It is most helpful if everyone in the family is united in supporting a family caregiver in some meaningful way.

The first step to holding a family meeting, and perhaps the most difficult one, is to get all interested persons together in one place at one time. If it's a family gathering, perhaps a birthday, an anniversary or another special event could be used as a way to get all to meet. Or maybe even a special dinner might be an incentive.

The end of the meeting should consist of asking everyone present to make his or her commitment to support the plan. This might just simply be moral support and agreement to abide by the provisions or it is hoped that those attending will volunteer to do something constructive. This might mean commitments to providing care, transportation, financial support, making legal arrangements or some other tangible support." [The Four Steps of Long Term Care Planning](#)

Professional home care services are an option to help families in the home. These providers are trained and skilled to help with dementia patients. Don't forget care facilities as well. It may be the best loving care a family member can give is to place their loved one in a facility where that person is safely monitored and cared for.



[Forward email](#)



This email was sent to hank@weatherby-associates.com by hank@weatherby-associates.com | [Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Weatherby & Associates, PC | 34 Jerome Avenue | Suite 310 | Bloomfield | CT | 06002