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July, 2012

CSL Annual Meeting August 25, 2012

CSL's annual membership meeting will be Saturday, August 25, 2012, at the Parker Senior Center in Parker, Colorado. The senior center is located north of downtown Parker on Longs Way, near the RTD Park and Ride parking lot. Directions will be included in this newsletter. The meeting will include the election of board members, amendments to the by-laws, a panel discussion on 2013 legislative issues by invited legislators and administrators and a discussion by invited senior advocacy organizations on collaborating together to become more effective before legislative and regulatory bodies.

All CSL members are invited to attend the annual meeting. A breakfast will be served at 8:30 AM provided by the Parker Senior Center. All those who plan to attend are requested to RSVP to Bob Epstein, the president, at 303-470-0438 or email Senior Lobby at OACSRLOBBY01@AOL.COM by no later than August 15th in order to get an accurate meal count.

. Are You Responsible for "Mom's" Nursing Home Costs?

Eileen Doherty

In May 2012, a Pennsylvania court ruled that an adult son should pay HCR ManorCare \$93,000 for nursing home costs that were incurred while his mother was recovering from an auto accident. After a period of time following the accident, the mother left the nursing home and moved to Greece. The mother applied for Medicaid which is still pending.

The Pennsylvania appeals court ruled in favor of HCR ManorCare under the state's filial responsibility rule. While Colorado does not have such a rule, family members are often asked to guarantee payment when a loved one enters a nursing care facility or assisted living.

The average cost of care in a nursing care facility is about \$200 per day and the cost of care in an assisted living ranges from about \$80 per day to more than \$200 per day depending on the level of care that is needed and the type of facility. Similarly many individuals receive long term care services in the home that are equally as expensive.

More than 50% of most state Medicaid budgets cover home care, assisted living, and nursing home care. As states consider the ever increasing Medicaid costs to pay for long term care for seniors and disabled individuals, decisions are being made on new

and creative ways to ensure payments.

As an adult child how do you protect yourself from being responsible for the high costs of long term care? There are three possible alternatives.

First, if you are able to afford to purchase a long term care insurance policy, you may want to consider buying a policy to supplement the amount of money that your parent can contribute to daily cost of home care, assisted living, and/or nursing home care. Your parent will have to meet underwriting criteria.

A second alternative is to exercise fiduciary responsibility in applying for Medicaid in a timely manner based on the parent's health condition and financial resources. Colorado Medicaid applications can now be made online through the PEAK system and can take a shorter period of time to process than a paper application made to the county department of human services.

A third option is to sign all paperwork from the long term care providers with the name of the parent as the individual that is the guarantor of payments. Even if you are the power of attorney or the guardian, sign the legal documents with the ward as being the person responsible for their own bills. Spouses may find that under the marriage laws, they will still be responsible for costs incurred for long term care.

While the long term care facilities are merely trying to protect their exposure and assure they will be paid for the care that is provided, Colorado does not have a filial law to force payments for the care of elders by family members.

For help with applying for Medicaid or identifying long term care facilities you can order a copy of the *Senior Resource Guidebook* for \$9 to cover postage and handling from the Colorado Gerontological Society, 3006 East Colfax Avenue, Denver or you can pick up a copy at your local library. For questions or more information, call 303-333-3482.

Eileen Doherty, MS is the Executive Director of the Colorado Gerontological Society, 3006 East Colfax, Denver CO 80206. She has more than 35 years of experience in education and training, clinical practice, research, and public policy in gerontology. She also teaches Nonprofit Management at Fort Hays State University. You may reach her at 303-333-3482 or Doherty001@att.net.

Directions to Parker Senior Center

- From I-25 turn **East onto RidgeGate Parkway**, (Exit 192, RidgeGate Parkway is the second exit south of C470)
- **Follow RidgeGate Parkway/Main Street East for about 5 miles to first left East of Parker Road.** (RidgeGate Parkway becomes Main Street at Peoria)
- **At first left East of Parker Road** (approximately 100 yards) **turn left (North) onto Victorian Drive.**
- **Follow Victorian Drive around the right turn curve to first left at Long's Way.** (It will be the first street where you can turn left) (You will travel past O'Brien Park and the swimming pool.)
- **Turn left (North) onto Long's Way**
- **Continue North on Long's Way for about 2/10 of a mile**
- **The Senior Center is on the left, just before the RTD Park and Ride.**

If you need direction assistance, please contact Mike Drake on 303 324 4391

PROPOSED REVISIONS TO THE BYLAWS

Ed Shackelford

Periodically the organization has revised its bylaws to reflect the current needs of the organization and to better prepare it for the current objectives.

There are two documents that provide the governance of the organization: Articles of Incorporation and Bylaws of the Board of Directors. Change to either of the documents requires the approval of the membership. The Articles of Incorporation are on file with the Secretary of State and are available to the public. The Bylaws are generally maintained in the corporate records and are not filed with the Secretary of State.

The State's document is very difficult to read but the important part of the Articles of Incorporation is as follows:

The purpose is (1) to enhance the quality of life of seniors in Colorado through education relating to the problems of the aging: (2) to analyze legislation affecting aged persons and inform the public thereof: (3) to receive and transmit legislative information and recommendations through the development and maintenance of a statewide computerized network: (4) to advocate the enactment of remedial legislation and performance of governmental activities which are of benefit to elderly persons residing in Colorado, provided: that neither the Corporation nor its officers and employees, acting as such, shall endorse any political candidate or State or National political party.

The Board of Directors is proposing that the Bylaws be amended. The substantive parts are as follows:

1. The executive officers would be expanded. Currently there is a president. The change would expand this to have both a president and a chairman.
2. There is currently the requirement for two vice presidents but the duties are not clearly defined. This is eliminated. Instead the board will elect vice presidents as needed. The duties and responsibility will be clearly defined at the time of election.
3. Officers will be elected by the Board of Directors. Currently officers are elected by the members. The Board believes that this is a function of the Board. They have the responsibility to carefully screen all candidates. Once elected they have the responsibility to monitor performance and make changes if considered appropriate. It is too cumbersome to expect the membership to perform these duties.
4. There is currently a provision that Board members can have no compensation. The Board is currently expanding its activities and plans to hire one or more persons to perform certain duties. In some cases it might be prudent to contract with a Board member to do a specific function. The new bylaws place a burden on the Board to be certain that value is received for any contracted services, with particular scrutiny for a service provided by a Director.
5. Currently there are detailed operating procedures for several committees. These are more appropriately contained in an operations manual. It will be the responsibility of each committee chairperson to make sure that they have detailed procedures and changes are made to keep the procedures current.

Colorado Senior Lobby
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Colorado Senior Lobby, Inc.
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