

# SEVEN GUIDING PRINCIPLES

From a Caregiver Daughter Who Happens to be an Elder Law Attorney

*“Teresa Morgan’s knowledgeable, practical, and timely assistance was invaluable during a most stressful time of transition in my mother’s life.”*

~ Sandy Furches



MORGAN LAW CENTER

ESTATE, ELDER & LEGACY PLANNING

*integrity. compassion. dedication.*

In 2007, at 52 years of age and with 20 years' experience assisting the elderly with their legal needs, I found myself smack dab in the middle of my own elder-needs crisis. The mental and physical conditions of both of my parents, who until then had been pictures of health, began visibly failing. Daddy, the most self-sufficient and organized man I've ever known, admitted to me that he needed help paying his bills and balancing his checkbook. Mom, who had sewed or performed some kind of needlework every day of her life since the age of 12, suddenly announced that she was done. No longer would she even hem a skirt for me. She closed up her sewing machine, put away her quilting supplies, and told her friends that they could knit their own booties for the new additions to their families!



This was the beginning of an unmapped journey for my family that continues today, with my mother still alive and residing in a nearby nursing home. My experiences along the way have undoubtedly made me a better person, have shown me that I'm a pretty good daughter, and have resulted in some words of wisdom that I hope will help you on your own journey as the child of an aging parent.

*compassion*

# 1 TAKE A HARD LOOK AT YOUR PARENTS.

*Are they exhibiting behavior that is different from the norm? Are they struggling to perform daily activities that they previously handled with ease?*

In hindsight, I should have known something was wrong with my mother when she started “gluing” herself to me when we went shopping together or when she came to my home for a visit. She would stand right next to me and follow me everywhere – even into the bathroom! At the time, I viewed this as just another of my Mom’s annoying behaviors, such as calling me five minutes before I was supposed to arrive for a visit to tell me she had dinner waiting. Now, I know she was exhibiting an early symptom of Alzheimer’s Disease called “shadowing.”

If I had suspected that this new behavior was a symptom of a medical problem, I would have immediately consulted a geriatric physician, neurologist, or specialist in the University of Florida’s Memory and Cognitive Care Unit. Perhaps with the correct diagnosis, she would have been prescribed a medication, such as Aricept, that might have slowed the progression of the disease. I’ll never know the answer to this “what if?” But what I do know is that I would have been more patient and loving toward her if I had realized her irritating behavior was an early symptom of Alzheimer’s Disease.



*Don’t make the same mistake I did. Take a hard, realistic look at your parents.*

*integrity*

## 2 PULL THE FAMILY TOGETHER.

Doing what's best for your parents when they reach their senior years is a family effort, even if you are the only child who lives in close proximity, as I was. Call your siblings together, even if they don't live close-by. If you have a supportive spouse, as I do, include him or her as a member of the family team. Discuss your parents' needs. Be honest about what you can do, and what you need help with.



Early on, I traveled the 75 miles to my parents' home one evening a week and sorted their mail, paid their bills, and balanced their checkbook. When I recognized that my parents could not manage their medications, my husband assumed responsibility for picking up their prescriptions, sorting their pills into individualized daily medicine boxes, and checking to ensure that they were taking their medications on time. My sister, who lives 12 hours away, took on the challenge of monitoring their medical records, remembering what meds worked and which ones didn't, and traveling to Florida to stay with them for prolonged periods of time when they were hospitalized.

Appraise your parents' needs and share the responsibility with other family members. Take notes when you accompany your parent to a medical appointment, and share those notes with the other members of your family team. Don't leave your siblings in the dark about day-to-day issues. My sister was endlessly frustrated that she couldn't be present to help me with issues that arose from one day to the next, but she was always available for my calls, and when I really needed her to come and stay with Mom or Daddy, she took family medical leave time and came. As a result, our relationship has become closer than ever.

*Caregiving is a family effort.*

*family*

### 3 ASK FRIENDS FOR HELP!

In 2008, my father's vertebrae began spontaneously fracturing. Every time he had "cement" injected into the fractured vertebra,<sup>1</sup> the one above it would fracture. He was in terrible pain, and ultimately his physician suggested a bone-strengthening medication that was still in the trial stages called "Forteo." Daddy was convinced that Forteo would resolve his back problems, and was adamant that he be given it. This presented quite a conundrum for us, as the medication had to be injected in his belly fat once a day. At first, my husband (who was a paramedic in a former life) drove to Gainesville daily to administer the injection. We realized this was not a permanent answer to our problem, though – as I mentioned, we lived 75 miles north of their home. Finally, we realized that we had to reach out to their community of friends and ask for help.

Fortunately, my parents were always very active in their church, so I called their pastor and explained our dilemma. God answered our prayer swiftly. Within days, a member of their church who was a part-time Veteran's Administration nurse called me and offered to visit my father daily and give him the injection. She and her husband had not known my parents well prior to this, but through their daily visits, they became close friends of my parents and extended family to us all.

One of my failures is that I am extremely reluctant to ask for help. Had I not asked for help on this occasion, this wonderful couple would not have been presented with the opportunity to serve my parents, service that richly blessed us and them.

*Ask for help.*



*help*

<sup>1</sup> This procedure is known as vertebroplasty or kyphoplasty.

## 4

## TREAD VERY LIGHTLY WHEN DISCUSSING ISSUES RELATED TO YOUR LOVED ONE'S INDEPENDENCE

One of the most urgent and frightening issues we faced was how to convince my father to stop driving. Daddy always prided himself on his driving skills – he was required to drive long distances daily during his 40-year career, and not once was he involved in an accident. In fact, he never even received a ticket! (Wish I could make the same claim!) What's more, he *enjoyed* driving. But when one of his close friends confided in me that Daddy had sailed by a stop sign earlier that day (scaring his friend half to death), my family and I became concerned. My husband started asking Daddy to drive when they went on short errands, and that's when we knew for certain that Dad was no longer a safe driver.

Knowing this would be a sensitive issue, we tiptoed into the subject with him. We gently told him we had noticed that his driving skills weren't quite what they used to be, and we were concerned about his and Mom's safety. He flatly rejected the notion that he wasn't a perfectly safe driver, quickly reminding me of his driving record. We suggested alternative forms of transportation into town. He wouldn't hear of it! He had a perfectly good car, and he would drive. We tried to trick him into believing that he *didn't* have a perfectly good car by secretly disconnecting the battery. Daddy simply lifted the hood, located the problem, and fixed it. We stole his keys. Daddy tore the car and home apart looking for them – even going to far as so have a friend help him remove the back seat from the car, as he was sure the keys had somehow gotten lodged underneath.

Finally, I called his primary care physician, who was a geriatric specialist, and asked for his help. During Daddy's next medical appointment, the doctor performed a few motor skills tests, after which he explained to my father that he was referring him to DMV to take a driving test. Daddy was not happy about this, but he was a rule-follower so he studied the drivers' manual and reported to the DMV for the test. To his surprise, the test wasn't on the contents of the manual. Instead, he was required to perform a series of reflex tests in a driving simulator. He flunked the test, and was forced to relinquish his license.

This was among the most disappointing and frustrating experiences of my father's life, and he never accepted that he had been treated fairly. As I said, he was a rule-follower, so he never drove again, but he also fired his doctor and threatened to sue the DMV. Was this a positive outcome? *Absolutely!* My parents' safety and that of others sharing the road with him were no longer at risk. And, equally important in my opinion, his relationship with me and my husband, his primary caregivers, was intact because we tread carefully and got a third party to do the dirty work.

*Be extremely careful when discussing issues affecting your parents' independence.*

*independence*

## 5 DON'T ASSUME TOO MUCH CONTROL

Most adults want to maintain independence and make their own decisions about their affairs for as long as possible, and my parents were no exception. Although my sister and I felt they would be happier and their needs better served if they moved from their home to an assisted living facility (ALF), we recognized that they needed to make this decision themselves and on their own timeline. Ultimately, they did decide to ease into assisted living, first in an independent-living apartment in an adult continuing care community, and then into the community's ALF.

As our parents age and lose their ability to manage all aspects of their lives, it is essential that we allow them to make as many of their own decisions as possible. To do otherwise is to strip them of their dignity, something that no loving child would want to do. If your mom can still cook, ask her to make your favorite dish when you come to dinner. My traditional dinner during my weekly visit to my parents was grits, eggs, and Mom's incomparable drop biscuits. Although she wrote up a recipe for us and showed us how to make them repeatedly, none of us have mastered those biscuits! Mom made them for us until she stopped cooking altogether, and she loved knowing that no one could duplicate her biscuit-making skills!

*Allow your parents to maintain as much independence as possible.*



*dignity*

## 6

## UNDERSTAND YOUR PARENT'S HEALTH INSURANCE.

Medicare, Medicaid, Medigap, Medicare Advantage, the “doughnut hole,” prescription drug plans, Part A, Part B, Part C, Part D, the Affordable Care Act, *whew!* How on earth can our elderly parents understand their own health insurance? And now you need to understand it, too?? **YES!**

My parents did their homework before selecting their Medicare Supplement Insurance Plan. They attended seminars, read literature, talked with friends, and discussed this matter with their physicians' staff. They understood what Medicare would cover, and they had Medigap insurance and a prescription drug plan for their uncovered expenses. Frankly, I didn't pay much attention to their insurance – *at least while they were healthy.*

The problem arose when they became *unhealthy* and suddenly, I was the one paying their medical bills and making their medical decisions. Being the responsible daughter that I am, when the fall open enrollment period arrived, I began the difficult and confusing task of comparing insurance plans. I wanted to be sure I was managing their money carefully, so my ears perked up when a representative of their existing insurance company, AARP/United Health Care, explained that there was a less expensive alternative to their Medicare supplement and prescription drug plans that would provide just as good, if not better coverage! This option was AARP's Medicare Advantage Plan! An Advantage Plan is kind of like an HMO or PPO, so I asked a lot of questions. To my delight, my parents' primary care physician and their preferred hospital were in the network of providers, the plan would cover their existing prescriptions (eliminating the need for separate prescription drug plan), and the Advantage Plan even covered hearing,

dental and vision!! Whoo hoo! Good thing I was making the decisions now!

I was pretty proud of myself until, less than five months later, I received a frantic overseas call from my sister. While I was enjoying my first trip to Europe, she had to make an emergency trip to Florida because my father had suffered a fall and was in the hospital. To make matters worse, the hospital staff had reported to her that Daddy was a “night wanderer.” Yep – they couldn't keep him in his bed at night! Until then, we had no idea Daddy was exhibiting this symptom of dementia. Come to find out, he had been wandering the halls of his ALF at night, too, but the staff hadn't shared this fact with us. (Another issue altogether.) This meant that the hospital could not release Daddy to a “typical” nursing home for rehabilitation and, possibly, long-term care. Karen (my sister) had to find nursing home with a “secure unit” for Alzheimer's/dementia patients.

The news is now going from bad to worse. Karen learned that the only local “secure” skilled nursing facility that was in-network was also the lowest rated nursing home in the community. Long story short, Daddy spent one night in this ghastly nursing home (while Karen was desperately searching for an alternative), and the following three months in secure nursing home 160 miles from my home before I could get him out of his Advantage Plan and into a great secure skilled nursing facility near my home.

*In hindsight, I should have left my parents in the Medicare Supplement Plan they had enrolled in. Understand your parents' health insurance.*

*health insurance*



## 7

## MEET WITH AN EXPERIENCED ELDER LAW ATTORNEY.

Okay, I'll admit I have an advantage over you on this one. I was experienced in many elder law issues before I was faced with my personal crisis, and I had the tools necessary to become expert in those issues I hadn't faced in my practice. Nevertheless, I *still* consulted with two experienced elder law attorneys on several of the issues I was facing as I traveled this journey with my parents. In fact, I called them just last month with a new issue related to my Mom!

You can't safely navigate the extremely dense and complex issues that are likely to arise when caring for your aging parents without professional help. There are too many rules and too many nuances to figure out yourself, and when you are dealing with your *own* parent, it is almost impossible to be objective.

Take the issue I faced last month, for example. I was "invited" to my mother's nursing home for a conference – it seems that among her other disruptive behavior, such as stealing ornaments off of the Christmas tree, my mother had rolled her wheelchair into another resident's room and stolen his grilled cheese sandwich! This was presented to me as unacceptable behavior – I needed to consider moving my mother to a nursing home that had an Alzheimer's unit.

I was enraged! How could my mother's nursing home, which had provided excellent care to her over the past three years, suggest that she be moved to an Alzheimer's unit, the closest of which is 60 miles away? Every member of her nursing

home's staff knew she was a food thief — she's been stealing food off of workers' desks since she was admitted! In fact, a few months ago she entered another resident's room and stole a box of chocolates! Was this behavior so problematic as to cause her involuntary transfer to a "lock-down" facility? And exactly how was a lock-down facility going to prevent her from stealing food?

My colleagues listened to my story, asked appropriate questions, and counseled me through the many issues that were involved in my Mom's latest predicament. They equipped me not only with the applicable administrative rules but, as importantly, with *their* experience in assisting families who had been faced with similar issues. Because of their counseling, I was able to turn a potentially harmful move for my mother, into a care plan that includes new activities to capture my mother's attention and divert her misbehavior, and training of her nursing home's non-clinical staff in dealing with dementia patients who exhibit inappropriate behavior.

No matter how much you think you know (and I think I know a lot!), consult with an experienced elder law attorney.

*If you have a parent or loved one who is showing signs of mental and/or physical deterioration, call me! I am trained to help and, as you can see, I have lots of personal experience. I would love to help you and your family.*

*experience*

## ABOUT TERESA

Teresa has been working in the legal field her entire adult life. At the age of 22, she began working in civil litigation firms in various support positions. During this period, she obtained her undergraduate degree from the University of Central Florida, and ultimately decided to make law her career.

At the age of 28, Teresa entered the University of Florida College of Law, where she excelled in her legal studies, and graduated with honors in 1987.

Teresa then began six years of service to the First District Court of Appeal as Chief Judge E. Earle Zehmer's senior judicial clerk. As an appellate law clerk, Teresa reviewed appeals emanating from every area of state law, and drafted many appellate opinions ultimately released by the court.

In 1993, Teresa and her husband decided to build their dream home on the banks of the Suwannee River in rural North Central Florida. She served as a general practitioner in a small law firm for four years, and in 1997 opened her own firm, limiting her practice to the areas of estate planning, probate and trust settlement, business law, and appellate law. When her parents began declining both physically and cognitively and she found herself immersed in the world of caregiving for aged parents, she broadened her practice to include elder law. She is deeply gratified to be able to help families effectively deal with the physical, emotional, and financial aspects of caring for their elderly loved ones.

Teresa is married to Dan Morgan, and they have one child, Jason Morgan, an attorney for the U.S. Department of Defense, and two granddaughters, Caroline and Amelia. Teresa also enjoys being "Resa" to Dan's additional grandchildren, Cooper, Morgan, Ashley, Latham, Reagan, and Kennedy. Teresa and Dan's family would not be complete without their pets, which include Daphne, a Maine Coon cat, and Izzie, a Chesapeake Bay Retriever.



*dedication*