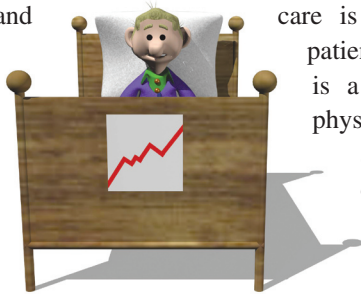


Focus: What Are the Benefits of Hospice Care?

By Hyman G. Darling, Esq.

Hospice care is a program that exists for end-of-life situations. Not only do hospice caregivers provide good medical and physical care but also significant palliative therapy, including counseling, spiritual and emotional support, and pain management. Hospice care is provided not only to the patient but also to the patient's family and friends who are experiencing emotional upheaval because their loved one is terminally ill.



Hospice is generally available to a patient regardless of age. However, that person must be diagnosed with an illness that generally limits life expectancy to 6 months or less. While it is very difficult to estimate life expectancy, as long as the diagnosis is made, it is usually accepted by the governmental authority making payment on behalf of the patient. For example, Medicare will cover hospice services when a patient is certified by the physician that he or she qualifies for hospice care for a period of 90 days. This is known as the election period. However, this period may be extended endlessly in additional 60-day election period increments certified by the physician. Of course, if a patient is recovering and continues to improve, then hospice care may be discontinued.

To qualify for coverage, the patient or the designee under a valid health proxy or medical directive must sign a statement requesting hospice care and therapy. This basically means that they are foregoing any aggressive treatment to cure their disease or illness and merely receive palliative care.

Nevertheless, a patient may change his or her mind and opt out of hospice care, thereby revoking the election. Benefits will then stop, and the patient may then

opt for other treatment. If that treatment does not work, the patient may again elect to sign on to hospice care.

In a hospice situation, it is usually a family member that is deemed to be the primary caregiver, and hospice care is then provided to the patient. Normally, there is a team consisting of a physician, nurse, home health aid, social worker, and other care management individuals who assist a primary caregiver in making decisions for the patient if incapacitated. If the patient is competent, then he or she works with the team to make decisions until he or she cannot make them any longer.

Just because the patient has elected palliative care does not mean that other services cannot be used. Physical therapy, direct nursing care, medical services, occupational therapy, and continuous review of medications all remain available treatment options to focus on pain management and comfort care. Medicare also attends to the payment of prescriptions with a nominal copay if hospice has been elected.

It is often beneficial to have social workers provide counseling to the grieving family of the hospice patient as well. This may

address issues such as what exactly is occurring at any particular time, including pre-bereavement counseling, as well as counseling about how to deal with and speak to the patient at that time.

Another major benefit of hospice care is the availability of respite care that may be provided to family members. Since many hospice patients prefer to be at home rather than in a nursing home or hospital, this setting is usually preferable for all parties, socially, physically, and financially. Family members are usually the primary caregivers at home, so hospice staff may provide a break to family members so that they will not be required to be "on duty" 24/7.

It should also be noted, however, that if the patient is receiving hospice at a nursing home, then hospice does not pay for the nursing home expenses except those considered respite care. However, Medicaid may be available to pay for the care for a resident who otherwise qualifies for assistance. ■

About the Author



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Attorney, Hyman G. Darling, is chairman of Bacon & Wilson, PC's Estate Planning and Elder Law Departments, and he is recognized as the area's preeminent estate planner. His areas of expertise include all areas of estate planning, probate and elder law. Darling is a past president of the Hampden County Bar Association, and he teaches elder law at Bay Path College and is an adjunct professor at Western New England College School of Law-LLM program, teaching elder law. He is a frequent lecturer on various estate planning and elder law topics at both the local and national levels, and he hosts a popular estate planning blog at http://bwlaw.blogs.com/estate_planning_bits/. He earned his JD from Western New England College School of Law and his AB from Boston University. Darling lives in Longmeadow.

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