

RAISE YOUR HAND IF YOU WANT TO LIVE IN A NURSING HOME

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In my many years of practice as an elder law attorney, one thing has emerged as a universal desire of nearly everyone I have met: to stay out of the nursing home. When contemplating aging, most people are quite adamant that they wish to stay in their own home and many people even say they would rather die than be taken out of their homes. I do not believe I have ever met a person who said that he or she looked forward to moving into a nursing home. In earlier times, it was much more common for people to remain in their homes, often with the help of extended family. Now, families are much more fractured and scattered geographically, often with husband and wife both working and without the physical ability to care for an ailing elderly parent. The result has been a surge in nursing home and long term care facility populations. This trend has come at a great expense both to individuals who are forced to leave their homes and the government funding such care. Nursing home care in Maine costs on average around \$90,000 per year. MaineCare picks up a large portion of the expense for over 80% of nursing home residents who qualify for such assistance. The irony is that something so inordinately expensive is something that almost no one wants for themselves. It is often quipped that at those rates, one could buy a cabin on a cruise ship. All joking aside, however, this poses a huge societal dilemma.

There have been various government programs providing home health care assistance, some of which have, unfortunately been terminated due to budget cutbacks, such as Medicare payments for home health care. Medicare currently pays for only a very limited amount of home health care immediately following discharge from the hospital. One home health service that Medicare continues to pay for, however, and which is often overlooked is hospice care. To qualify, one must be certified by a physician as being terminally ill, and the care must be palliative in nature rather than curative. But, many people who find themselves in need of nursing home care fall under this category and might be able to stay in the home rather than a nursing facility by taking advantage of this benefit.

Another often overlooked source of help, referred to as the MaineCare nursing home waiver program, is available to persons who need nursing home level of care and whose income is below an eligibility limit (roughly \$2,000). Neither the income nor the assets of the spouse are counted in determining eligibility. This program will assess one's needs and provide services such as visits from skilled nurses to monitor medications and ongoing assistance from home health aides. Because one must be virtually bed ridden to qualify for this program, and because it does not come close to providing around the clock care, it is generally only useful to those who have a caretaker in the home, such as a spouse or adult child. MaineCare has several other programs that pay for certain home health care services, but again, budgetary constraints have often rendered these services unavailable. In any event, anyone in need of home health services should check in with the Department of Health and Human Services (DHHS) to see if there is a program available that might provide help.

The good news is that there is a movement underfoot in Maine, as there is elsewhere in the country, toward finding ways to keep the elderly and infirm in their homes for as long as possible. Legislation to this end is currently pending in the State House. It not only makes sense from the perspective of serving the needs of and desires of our graying population, but also in terms of stretching government funding. Imagine if even half of the \$90,000 it costs to keep a person in a nursing home was made available to a family who was trying to keep a loved one in his or her home. Let's hope that the trend gains momentum and we see a substantial portion of long term care funding redirected toward helping people live their lives out in their homes.