

SAN LUIS OBISPO COUNTY COMMISSION ON AGING

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AGENDA

Meeting Date: Friday, August 15, 2014 **Time:** 10:00 am - Noon
Place: Veteran's Memorial Hall
801 Grand Avenue
San Luis Obispo, CA 93401

Please RSVP to Chair by email or 235-5779, if you are unable to attend this meeting.

10:00 am **Call for a Quorum**

Call to Order

- Flag Salute
- Roll Lists
- Approval of July Minutes (August Minute Taker, Brittany)
- Approval of Agenda
- Guest and Public Comment (2 minutes)

Introductions: Guests & Members; Agency introductions & updates

Presentation: Speaker: John F. Sachs, Attorney. **Wills, Trusts, Probate and Estate Planning.**

Unfinished Business:

- Plan of Action. Follow up to July Discussion re: COA advisory duties.
Please review Guidelines for Advocacy in Section 3 of COA binder for discussion

Member Reports/Updates

- CSL
- Paso Mini Fair
- Outreach Committee
- Nominating Committee

Chair Report:

- ASPC Important updates
- New Binder Pages

Member Concerns/Questions

- Q & A re: scams
- Other

Other Announcements:

Adjournment:

Next Meeting, September 19, 2014 Minute Taker, Marilyn

SLO COUNTY COMMISSION ON AGING

Veterans Memorial Hall
801 Grand Avenue
San Luis Obispo
Minutes, August 15, 2014

Members Present: Maryanne Zarycka, Alice York, Marie Pounders, Kathleen Bellefontaine, Marilyn Hamilton, Carol Schmidt, Leonard Milstein, Roger Randall, Peta Rimington, Julie Macedo, Kelley Sexton, Gari Cave, Lynne Frank, Brittany Carraway

Absent: Elias Nimeh, Myra Lathrop, Judy Mishoulam, Anita Shower

Guests: Liz Ruth (Caren Ray Legislative Assistant), Francesca Nemko, Louise Justice, Maria Theresa Rosen, MD, Steven Rosen, Adele Anderson, Howard York

Quorum established. Call to Order: by Chair Bellefontaine at 10 a.m. Flag Salute. Circulation of roll lists.

July Minutes: Chair suggested a modification. Motion to accept minutes as modified by unanimous vote.

Agenda: approved as written.

Guest and Public Comments: Theresa Rosen announced that she would like to build the first Alzheimer's Village in the United States in San Luis Obispo. Currently, Weesp, in Amsterdam is the only other village in existence. She discussed her visit to the village. While currently only four months into the process, she intends to start a non-profit. Trying to get community support and is working on their business plan.

Presentation: Wills, Trusts, Probate and Estate Planning. Speaker: John F. Sachs, Attorney

Distributed documents: End of Life Legal Issues, Funeral Directive and "the Grid"

Advance Health Care Directives (AHCD): The "Principal" appoints an Agent to make health care decisions before the person is incapacitated or incompetent. The Principal must meet the Capacity definition i.e. he/she has the mental capability to make a decision. Statutory form means that the person can place an "X" in the appropriate box or an initial on the line next to the choice. Must sign before a notary public or before two disinterested, unrestricted witness. You may have multiple individuals listed as agents who would serve in successive order. There is no specific authority of payment to the Agent. The Guideline (single page document) is used in conjunction with the AHCD to assist the Principal identifying his or her choices for medical procedures, when the Principal is non-communicative.

This document goes to your doctor's office and you also keep a copy. *Mr. Sachs highly recommends that a copy be kept in the Vial of Life boxes that are distributed by the Area Agency on Aging.*

Adaptive-Compassionate Care Language: Allows you to be sensitive to the person's religious beliefs, home care beliefs, and other personal choices. This language is part of the discussion surrounding the planning process and to be inserted into the AHCD.

Springing Durable Power of Attorney for asset management: The "Principal" appoints an Agent to make health care decisions before the person is incapacitated or incompetent. This document becomes effective when the person is no longer able to communicate decisions relating to their assets. "Capacity" has the same issues as discussed with Advance Health Care Directives. You may use a short form or a long form - both are valid. Compensation is allowed in this form. Authority must be stated.

HIPAA - California Medical Information Act: A person can designate the recipients of health information.

Last Will and Testament (LWT) (A written directive to distribute the decedent's assets) For married couples, by operation of California law, your Community Property passes to your spouse if you die, and if no spouse, to your children in equal shares.

There are two types of Wills:

Holographic Will needs to identify the documents as the LWT and be dated at the top. It must be written solely in the maker's handwriting and signed by the maker. You do not need witnesses under California law.

Formal Will is typed, identifies the document as the LWT. It must contain a description of the decedent's property and be dated and signed by the maker. It must also have two disinterested witnesses who sign and attest to the mental capacity of the maker.

Probate is the orderly transfer of the decedent's separate property assets to the intended beneficiaries by operation of

law.

In a California Revocable Trust, clients identify assets and avoid probate by vesting them in a Trust (discussed chart). Putting all assets into the family trust offers protection against creditors and offers something for your children. The assets are distributed on the certain specified event occurring.

Resources for "low income individuals"

What is a conservatorship? A conservatorship of the person is a protective proceeding imposed by the court, which appoints a fiduciary, a conservator, to manage the personal care of the person who cannot properly provide for his or her own medical care, physical health, food, clothing or shelter. Court puts someone in place because of physical or mental limitations.

When someone has had a 5150, they may be declared incompetent. This person can be held against their will if physically dangerous. First, the individual can be picked up for 3 days, examined for 14 days, then can roll into 30-day temporary conservatorship. Then, can have permanent conservatorship if determined needed. There are alternatives to conservatorships that will not be discussed today.

Even if you do not have conservatorship, and person needs emergency medical care, there is a way to do it through the court system. Member, Julie Macedo, from County Mental Health described the services of the mobile crisis team if someone is a danger to oneself; being suicidal with a plan, homicidal or gravely disabled.

Family Conflicts Avoidance and Funeral Preparation:

Discussion of use of a Funeral Directive, prepaid funeral plan, and San Luis Obispo Memorial Society.

Questions and Answers ensued. A few:

Q: What's the difference between a revocable and irrevocable trust?

A: By law in California, all trusts are revocable which means they can be amended and revoked or terminated unless on the document it says that it is irrevocable. Irrevocable means it cannot be changed.

Q: On a small checking and savings account, is it sufficient if the son is listed is a "POD" (payable on death)?

A: POD will pay out the funds on death of the custodian who maintains control of the funds during lifetime and on death, this title avoids probate.

Q: How much is Medi-Cal entitled to be repaid when a recipient passes away?

A: Medi-Cal can seek 100% reimbursement for all costs paid to recipient during lifetime. It depends. There are exceptions to how much they can get. Whether it's in a trust or owned separately, they will follow the assets.

11:15 a.m. Break

11:25 a.m. Meeting Resumed

Introduction of all members.

Unfinished Business:

- Highlights from July Discussion re: COA advisory duties. 1) Agreed at last meeting that appropriate advocacy issues should be based on top priorities listed on COA rack card. 2) Presenters should be asked to describe their issues & solutions. 3) Need more people to be part of the Commission or bring issues to our awareness. Outreach through flyer distribution. Kathleen has created a flyer that can be used to get the word out to Senior residences that they are invited to attend COA meeting. 4) Continued discussion about ways to better find out about current state and local issues.

- Next step is to determine what our ACTION guidelines will be after an issue is agreed upon. Exec Com will be updating Advocacy Guideline Form in September. Discussed role of Commission to bring issues that have been brought to COA to Board of the Supervisors.

- Chair clarified that Department of Social Services Director, Lee Collins, encourages DSS and other agencies on the Commission to speak and vote for what they believe is in the best interest of their constituents.

Member Reports/Updates

Nominating Committee: Marilyn Hamilton & Myra Lathrop had recent meeting to discuss modifying the application form that would allow new applicants to better indicate their interests. Marilyn explained change to process which

would include a short meeting with candidates, individually. More to come about these changes. Future applications should be emailed to Marilyn Hamilton or snail mailed to Kathleen Bellefontaine.

Chair Report:

Adult Services Policy Council (ASPC), Important Updates: Silver Alert is for people 65 years of age and older. It gets the news out if a senior is missing, but will expire January 2015. COA may wish to advocate for its continuation. CHP also has a senior driving program called the Age Well Drive Smart program. Contact is Rich Lee at 593-3300.

The Independent Living Resource Center (ILRC) is assisting individuals having difficulty getting electric wheelchairs, etc. contact: 462-1162.

New POLST form will be out August 15, 2014.

For anyone needing special transportation schedules, contact Ride On at 541-8751.

New Binder Pages distributed with list of active commissioners.

Kelly Sexton from Victim Witness Program discussed new scam of "Easy Pay." Email may say that you owe money for driving on a toll road. Be careful with these emails. Q&A postponed due to time constraints.

Meeting adjourned at 12:05 p.m.

Minutes submitted by Brittany Carraway and reviewed by the Chair.