

THE MEDICAL SIDE OF ELDER LAW 2019 November 20, 2019 ICLE full day

Moderator: Linda S. Ershow-Levenberg

- 9:00 Introduction
- Crystal West Edwards Esq. SURROGATE DECISION-MAKING REGARDING USE OR REFUSAL OF LIFE SUPPORT
- 9:45 Sharon Rivenson Mark, Esq. GUARDIANSHIP LITIGATION - CONTEST OVER THE DEGREE OR TYPE OF INCAPACITY
- 11:00 Break for 15 minutes
- 11:15 William Isele, Esq. POST-GUARDIANSHIP – ADVISING THE GUARDIAN WHEN THE INCAPACITY IS DUE TO PSYCHIATRIC DISTURBANCE;
- 12:00 Lunch for 45 minutes
- 12:45 Linda S. Ershow-Levenberg, Esq. RIGHTS OF NURSING HOME RESIDENTS DEVELOPING AND ADVOCATING FOR INDIVIDUALIZED CARE PLAN
- 1:30 Donald A. Vanarelli, Esq. RIGHTS OF NURSING HOME RESIDENTS - DISCHARGE DUE TO FACILITY’S ALLEGED INABILITY TO MEET THE RESIDENT’S NEEDS
- 2:15 Elyse Weber-Sacks, GCM, LCSW - DISCHARGE PLANNING: “GET ME BACK HOME!” SETTING UP A COMPREHENSIVE HOME CARE PLAN.
- 3:00 Break for 15 minutes
- 3:15 Lauren S. Marinaro, Esq. MEDICAID HOME CARE PLANNING GETTING THE MOST FROM THE MLTSS HOME CARE PLAN; ADVOCACY & APPEALS
- 4:15 – 4:30 Final Q&A

9:00 am **SURROGATE DECISION-MAKING REGARDING USE OR REFUSAL OF LIFE SUPPORT** Working with a hospital ethics committee; decision-making when the incapacitated patient never signed any advance directive or POLST form; disagreements between

the surrogate and the health care team; what guidance does the case law provide? **SPEAKER - Crystal West Edwards Esq., C.E.L.A.:**

GUARDIANSHIP LITIGATION When the alleged incapacity is contested: understanding different forms of dementia and psychiatric disorders vis-à-vis the incapacity standards of NJSA 3B:-12 and R. 4:86; strategies when serving as either the petitioner's counsel or the court-appointed counsel; when should a guardian *ad litem* be appointed; protective arrangements *pendente lite*. **SPEAKER – Sharon Rivenson Mark, Esq., C.E.L.A.**

POST-GUARDIANSHIP – ADVISING THE GUARDIAN when the incapacity is due to psychiatric disturbance; the voluntary and involuntary commitment process; care planning. **SPEAKER - William Isele, Esq.**

RIGHTS OF NURSING HOME RESIDENTS Developing the individualized care plan; understanding the Minimum Data Set (MDS) rubric; advocacy at time of admission and when problems arise with delivery of care; helping the client to handle the team meetings; what needs to be reported by the facility; understanding the structure of the chart; how and when to escalate the issue to higher authority or Ombudsman. **SPEAKER – Linda S. Ershow-Levenberg, Esq., C.E.L.A.**

RIGHTS OF NURSING HOME RESIDENTS When can a patient be discharged due to facility's inability to meet the resident's needs? Managing the threatened eviction and advocating for an in-house solution. **SPEAKER – Donald A. Vanarelli, Esq., C.E.L.A.**

DISCHARGE PLANNING: “GET ME BACK HOME!” Setting up an adequate home-care program for a patient who requires 24/7 assistance and supervision; building the plan before discharge; contracts for home care agencies and private employment arrangements; incorporating visiting nursing, geriatric care managers, food delivery, transportation services and services under Medicare for home-bound beneficiaries. **SPEAKER - Elyse Weber-Sacks, Certified Geriatric Care Manager, Aging Life Care Specialist**

MEDICAID HOME CARE PLANNING Getting the most from the MLTSS home care plan; Understanding Managed Care; administrative appeals of inadequate care plans or reductions of service including case review; building and prosecuting the appellant's case at the OAL. **SPEAKER: Lauren S. Marinaro, Esq.**