

# The Owl on with life



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*The* goal of this newsletter is to encourage people who are growing older to keep on with the business of living. We want the experience of growing older to focus on achieving and maintaining a quality of life that is enjoyable and desirable.

If you know of a family member or friend who would like estate planning services, please consider referring them to Beth A. Swagman, PLLC.

## The Medicare Open Enrollment Period is available now through December 7, 2016.

### Open Enrollment:

Each year, Medicare recipients have the opportunity to enroll in Medicare programs or potentially switch from one Medicare program to another. This is *open enrollment* and the period runs from October 15 through December 7, 2016. Medicare recipients already enrolled in Part A (hospitalization) and Part B (outpatient services) may choose a Medicare Advantage program to supplement Part A and Part B. Medicare Advantage programs are referred to as Part C programs. In addition, recipients may enroll in Part D programs, which are drug coverage programs. Many insurance carriers offer Part C programs and/or Part D programs. You may have difficulty deciding if you should enroll

in additional coverage, and *what* program is best for you. One size does not fit all.

**Part C and Part D programs offer coverages not available under Part A or Part B.** For example, some Part C programs may provide Medicare coverage for recipients who travel out of the United States. A Part D program may cover prescriptions you need but not covered under Part B; or a Part D program may offer prescriptions at a lower co-pay. Similarly, you may currently have a Part C or Part D program that does not meet your needs or offers coverage you no longer need. Open enrollment allows you to search for a different Medicare program that more effectively meets you needs. Open enrollment ends December 7 and takes effect January 1, 2017.

**Open enrollment is also a good time to evaluate the Part C and/or Part D programs you have.** It is important to evaluate and compare existing

coverage with new programs. If additional coverage is necessary, you should consider the cost of additional insurance coverage, if your choice of physician is available in other programs, and if you must undergo underwriting to determine eligibility or to determine the cost of the premiums. Many insurance companies produce literature and host seminars to promote their products. Be sure to check the options thoroughly, ask many questions, and review online resources at [www.medicare.gov](http://www.medicare.gov).



## Swagman Estate Planning and Elder Law Services

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• Guardianship and Conservatorship • Long Term Care and Medicaid Planning  
• Accredited Attorney for Veterans Benefits

Beth A. Swagman, PLLC

# Legislative Update: The Funeral Representative Act

## Funeral Representative Act went into effect this year.

Under Michigan law, the right and power to make decisions regarding cremation and interment belong to next of kin, according to a hierarchy of priority. For a married person, the law grants the spouse priority. If no spouse, then to the decedent's child (if at least 18 years of age); and if no child, then to the decedent's parents; and if no parents, then to decedent's siblings. Many people designate funeral plans either in a Power of Attorney document or in their will. However, the patient advocate has no continuing authority under the Power of Attorney document upon death. If the patient advocate is not the next of kin under the law, next of kin have the right and power to make funeral decisions even if those decisions are contrary to the power of attorney document, the will, and the decedent's wishes.

People express concern that next of kin will not honor designated funeral

plans because of expense, prior family conflict, religious differences, or other reason. A funeral home is sometimes in the middle between the next of kin planning the funeral and a relative or friend who advocates for the deceased person's wishes and how they differ from the next of kin.

Michigan legislature has passed a bill that allows a person to appoint a funeral representative who plans the disposition and funeral of the deceased. The funeral representative will take the place of next of kin if the client executes a funeral representative document, and the funeral representative signs an acceptance form that he or she will

honor the expressed wishes of the deceased as written in the funeral representative document.

In the alternative, people may choose a prepaid funeral plan to resolve many of these issues. However, a funeral home may also honor the differing wishes of next of kin as long as the cost of additional services are paid. For those who do not preplan, the comfort of choosing a funeral representative may be important.



**Search the Caregiver Resource Network to find agencies that will teach Fall Prevention.**

## FALLS ARE NO LAUGHING MATTER

Older adults frequently remind each other that they are just one fall away from having to leave their home, lose their independence, and perhaps move to a care facility. No one likes to fall, but older adults know that recovering from a fall or a broken hip or leg can be difficult and may be life changing.

For older adults who find themselves in the frightening position of having fallen, getting help is vital. Some older adults laid on the floor for hours and even longer waiting for help. The trauma of waiting and the lengthy delay can compound the physical injury. There are businesses and organizations that offer convenient devices to call for help when you fall. I urge you to consider these devices, which if not life-saving, can at a minimum get emergency care to you quickly. If you are a family member of an older adult living alone, the purchase of such a service may give you peace of mind.

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