

LaGrange County COUNCIL on AGING The COA Reporter



Volume 24, Issue 07

JULY 2018

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Mission Statement

The LaGrange County Council on Aging's mission is to be a provider and resource for services that improve the quality of life for older adults of LaGrange County and enable them to retain their independence, including providing accessible public transportation for all residents of the county.

June Luncheon

The Council on Aging's June luncheon was another success due to the amazing staff and volunteers that help us make the luncheons special each month. Our guest speakers this month were Tracy Harker and Kim McKibben from the LaGrange County Sheriff's Department. There were 84 people in attendance at this month's luncheon.

Guest were served pulled pork that was prepared by Nancy Flint, desserts from Deb Carter, Christine Kinsinger, Joy Sharp, Deb Sills, Kay Myers and Cheri served up some of her now famous baked beans.

The Council on Aging will not have a regular luncheon in July since Senior Day Away from the Fair is scheduled for the day after. You can join us on Tuesday, July 17th from 8:00 AM - 1:00 PM for a variety of fun activities, games, vendors, entertainment, and more. This event is completely free and no reservation is required.



cperkins@lagrangecoa.org

Pneumonia Prevention

*Kacie McPherson, PharmD
Topeka Pharmacy*

The diagnosis of pneumonia is never welcome. Pneumonia is a serious, contagious, sometimes deadly infection of the lungs. Pneumonia kills more people every year than all the other vaccine-preventable diseases combined and is a leading cause of hospitalization and death for adults of all ages in the US. Why not prevent it if possible?

What is Pneumonia?

Pneumonia is a lung infection caused by bacteria, viruses, or other germs. Pneumonia often follows cold or flu symptoms. If the infection settles in the lungs, it causes inflammation and fluid build-up, making it hard to breathe and decreasing oxygen levels.

Pneumonia is most serious in children under 5 and adults older than 65 years, as there is less strength to fight off the infection or recover from the illness.

Pneumonia vs Flu

Pneumonia symptoms include a very high fever (over 103° F) and chills, coughing up green or yellow mucus, chest pain, fast breathing, and extreme tiredness. Flu symptoms include a fever over 100° F, a dry, hacking cough, weakness, and joint/muscle pain. Recovery time for pneumonia is weeks, versus days for the flu. Pneumonia can only be diagnosed by a doctor, usually with a chest x-ray and lab tests. The provider may recommend recovery at home with good care, antibiotics, and rest; however, hospital admittance may be needed for IV and breathing treatments.

Pneumonia Vaccine

The pneumonia vaccines protect against 23 of the most common bacteria which cause pneumonia. It is recommended that everyone over 65 years of age receive 2 pneumonia vaccines one year apart. People with certain chronic medical conditions like diabetes, heart disease, or asthma, may need booster shots due to weakened immune systems. Vaccines cannot guarantee a person will never get pneumonia; however, the vaccine may prevent pneumonia from becoming more severe.

Prevention is Better

Pneumonia is a debilitating, slow-to-recover-from disease, and is more resistant to the use of antibiotics than in the past. Prevention is much better! Preventing the flu with a yearly vaccine is a good step to take for everyone of all ages. For those over 65 or children under 5, getting the pneumonia vaccine is a very important part of prevention. Strengthening the immune system with healthy eating and exercise as well as avoiding smoking and heavy alcohol use also are best ways of staying healthy.

Most vaccines can be provided at your local hometown pharmacy. Decide today the best way for YOU to prevent pneumonia! Topeka Pharmacy is here to help!



Thank You To Our Sponsors

Thank you Foltz Bakery!

Every Thursday morning, rain, snow or shine, Foltz Bakery of LaGrange provides the Council on Aging with donuts for their weekly morning coffee and donut program. Thanks so much to Foltz Bakery for their thoughtfulness, generosity and delicious donuts.

Every Thursday morning, our clients come to the Council on Aging building for their Blood Pressure/ glucose testing. Thanks to Miller’s Merry Manor for donating the time and professional nursing service for this very important weekly activity.



Thank You LA Express!

Thank you the LA Express, the BP Station in LaGrange, for donating pizza to our Euchre group once a month. We appreciate your kindness and support!

May 2018 Service Report

BP/Glucose Checks	86
BINGO	75
Volunteer Hours.....	51
Transportation Vehicle Miles.....	45,322
Total Transportation Trips	3,237
Total Transportation Hours.....	2,377.98
Clients unable to schedule	16
Home Assistant Clients	8
Home Assistant Miles	223
Phone Calls	4,074
Senior Mart Client/Trips	9/13

League of the Blind & Disabled

Miller’s Merry Manor hosts the League of the Blind and Disabled Meeting on the third Wednesday of every month from 1:30—3:30 PM



SENIOR DAY AWAY FROM THE FAIR

July 17th | 8:00 AM—1:00 PM
410 E Central Avenue | LaGrange, IN 46761

ALL FREE!

Free medical testing begins at 8:00 AM. Breakfast sponsored by Parkview La-Grange Hospital beginning at 8:00 AM, BINGO sponsored by Life Care Center of LaGrange from 9:30—11 AM, Lunch sponsored by Miller’s Merry Manor at 11:30 AM, entertainment from 11:30 AM—1 PM (Samuel Hicks!)

Need a ride to the Council on Aging or the fair after the events?
Contact us at 463-4161 to schedule transportation.



JULY 2018

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
2 Wii Bowling 8 AM	3	4 COA CLOSED	5	6 AARP Meeting 1:30 PM
9 Footcare	10 Walmart Shopping Trip 10 AM—12 PM	11 Bible Study 9—10 AM Euchre Club 1—3:30 PM	12 BP/Glucose Checks 8—9 AM BINGO 9—10 AM	13
16 <i>No Monthly Luncheon (Join us for Breakfast & Lunch at Senior Day Tomorrow!)</i>	17 Senior Day Away From the Fair 8 AM—1 PM	18 Bible Study 9—10 AM Euchre Club 1—3:30 PM	19 BP/Glucose Checks 8—9 AM BINGO 9—10 AM Exercise Class 10—10:30 AM	20
23 Footcare	24 Topeka Shopping Trip 10 AM—12 PM	25 Bible Study 9—10 AM Euchre Club 1—3:30 PM	26 BP/Glucose Checks 8—9 AM BINGO 9—10 AM	27 Breast Cancer and Weight Gain 10:30 AM—12 PM
30	31			

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Arnold Parial, M.D.
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Ask Ship

Question: The men in my family have a history of heart disease. Does Medicare cover any kind of screenings?

Answer: June is Men's Health Month! Let's take a look at ways Medicare helps you stay healthy, as well as what preventive care it covers especially for men!

"Welcome to Medicare" preventive visit

Medicare covers a one-time preventive visit within the first 12 months that you have Medicare Part B (Medical Insurance). This visit is called the "Welcome to Medicare" preventive visit. The visit is a great way to get up-to-date on important screenings and shots and talk with your doctor about your family history and how to stay healthy.

This visit is only covered one time, and you must have the visit within the first 12 months you're enrolled in Part B. You pay nothing if your doctor accepts assignment.

Yearly "Wellness" visit

If you've had Medicare Part B (Medical Insurance) for longer than 12 months, you can get a yearly "Wellness visit to develop or update a personalized prevention plan based on your current health and risk factors.

It is covered once every 12 months. You pay nothing for this visit if your doctor accepts assignment.

Cardiovascular Screenings

Every five years, Medicare covers cardiovascular disease screenings that check your cholesterol and other blood fat (lipid) levels.

Cardiovascular Disease (Behavioral Therapy)

Medicare covers one visit per year with your primary care doctor to help lower your risk for cardiovascular disease.

Obesity screening & counseling

Medicare covers behavioral counseling sessions to help you lose weight. This counseling may be covered if you get it in a primary care setting (like a doctor's office). All people with Medicare Part B (Medical Insurance) who have a body mass index (BMI) of 30 or more are covered. You pay nothing for this service if your primary care doctor or other qualified primary care practitioner accepts assignment.

Prostate cancer screenings

You will pay 20% of the Medicare-approved amount for a yearly digital rectal exam and for your doctor's services related to the exam. The Part B deductible applies. In a hospital outpatient setting, you pay a copayment. You will pay nothing for a yearly PSA blood test. If you get the test from a doctor that doesn't accept assignment, you may have to pay an additional fee for the doctor's service, but not for the test itself.

Colorectal cancer screening

Medicare covers colorectal cancer screening tests to help find pre-cancerous polyps (growths in the colon), so you polyps can be removed before they become cancerous and to help find colorectal cancer at an early stage when treatment works best. All people with Medicare 50 and older are covered.

Questions?

If you have questions about Medicare Preventive Care or your Medicare coverage call SHIP at 1-800-452-4800, 1-866-846-0139 TDD or online at www.medicare.in.gov.

*SHIP is a free, impartial counseling program provided by the
Administration on Community Living and Indiana State Department of Insurance*

Breast Cancer and Weight Gain

Presented by Sue Delagrange, MS, RD

The strain of a breast cancer diagnosis along with medications prescribed as part of your treatment plan can cause weight gain. This presentation will focus on nutrition during breast cancer treatment.

Location: LaGrange County Council on Aging
410 Central Ave.
LaGrange, IN

Date: Friday, July 27, 2018

Time: 10:30 a.m.-12:00 p.m.



This program is free and open to the public.

Please call 260-484-9560 or toll free at 1-866-484-9560 for more information or to reserve a seat.

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Estate Planning



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10 things to know about your new Medicare card

Medicare is mailing new Medicare cards starting in April 2018. Here are 10 things to know about your new Medicare card:

- 1. Mailing takes time:** Your card may arrive at a different time than your friend's or neighbor's.
- 2. Destroy your old Medicare card:** Once you get your new Medicare card, destroy your old Medicare card and start using your new card right away.
- 3. Guard your card:** Only give your new Medicare Number to doctors, pharmacists, other health care providers, your insurers, or people you trust to work with Medicare on your behalf.
- 4. Your Medicare Number is unique:** Your card has a new number instead of your Social Security Number. This new number is unique to you.
- 5. Your new card is paper:** Paper cards are easier for many providers to use and copy, and they save taxpayers a lot of money. Plus, you can print your own replacement card if you need one!
- 6. Keep your new card with you:** Carry your new card and show it to your health care providers when you need care.
- 7. Your doctor knows it's coming:** Doctors, other health care facilities and providers will ask for your new Medicare card when you need care.
- 8. You can find your number:** If you forget your new card, you, your doctor or other health care provider may be able to look up your Medicare Number online.
- 9. Keep your Medicare Advantage Card:** If you're in a Medicare Advantage Plan (like an HMO or PPO), your Medicare Advantage Plan ID card is your main card for Medicare – you should still keep and use it whenever you need care. However, you also may be asked to show your new Medicare card, so you should carry this card too.
- 10. Help is available:** If you don't get your new Medicare card by April 2019, call 1-800-MEDICARE (1-800-633-4227). TTY users can call 1-877-486-2048.

You have the right to get Medicare information in an accessible format, like large print, Braille, or audio. You also have the right to file a complaint if you feel you've been discriminated against. Visit [CMS.gov/about-cms/agency-information/aboutwebsite/cmsnondiscriminationnotice.html](https://www.cms.gov/about-cms/agency-information/aboutwebsite/cmsnondiscriminationnotice.html), or call 1-800-MEDICARE (1-800-633-4227) for more information. TTY users can call 1-877-486-2048.



Restoring the Peace

By: Kurt R. Bachman

Over the past couple of months in this column, we've explored the fruits of the state legislature's most recent session where they introduced nationwide the concept of electronic Wills and Trusts and also electronic Powers of Attorney. Back in February, while they were busy in Indianapolis, this column examined the grounds for contesting a Will probated in Indiana. That was a companion piece to a March 2017 article in which we examined why Indiana was one of only two states (along with Florida) to not give any legal effect to a no-contest clause in a Will. Little did I know at the time, the legislature would overturn this longstanding legal precedent only a month later. Effective July 1, 2018, Indiana will now allow and enforce a no-contest clause in a Will (a/k/a the "anti" Will contest clause).

For those readers who missed our prior article, a no-contest clause (sometimes called by its legal term an *in terrorem* clause) is a provision found in some Wills that triggers upon a challenge to some aspect of the Will's legality. If a person violates the clause by initiating legal action and then loses in court on such action, he or she then suffers the penalty of the no-contest clause, which usually involves being disinherited in whole or in part. Lawyers who draft such clauses often make the amount of gift to a potentially disinherited beneficiary just high enough to discourage such a person from filing suit.

In the prior article, we explained that Indiana's concern about no-contest clauses stemmed from both the harshness of the result of potentially disinheriting an heir and a perceived increase in fraud or undue influence if a no-contest provision was to be given effect. Still wary of those concerns, in reversing its course, it seems like the Indiana legislature was able to better reach a middle ground by building in several exceptions to its new rule. For example, a court is to disregard the no-contest clause it should be enforcing if the challenger can show "good cause" as to why the Will should be challenged. The courts will have to grapple with this undefined term, but should be able to lean on use of the term in other areas of the law when they have to determine whether there is a legitimate concern of fraud (etc.) or whether a challenge is frivolous.

There are other common-sense exceptions, too. A beneficiary or the executor of a Will can bring a lawsuit to determine what a clause in the Will, or the overall sense of the Will, means. A family settlement brought to court for approval, where both sides agree, will not trigger the no-contest clause. Also, the law even allows a party to bring a preliminary action to a court for a determination whether the full lawsuit, if brought before the Court would trigger a Will's no-contest provision. This exception, in particular, would seem to save both sides the money to challenge a high-stakes lawsuit one way or another while keeping focus only on the preliminary issues.

If you have good reason to insert a no-contest provision in your will, clarity is vitally important; otherwise, your estate may be diminished in subsidizing interpretive lawsuits. The new law requires the terms of any no-contest provision to be strictly construed ("according to its express terms") so a judge will not be allowed to guess at what you meant. Make sure the language shows to whom the no-contest clause should apply, the exact events that will trigger the clause, the exact loss to the beneficiary should the beneficiary lose in court, and the subsequent gain to other beneficiaries in such a case. If you fail to do so, the cure may be worse than the disease. Your Will can include a statement of intent explaining your reasoning for including such a clause so as to help a court make a determination, but two problems arise. Again, such a statement might well confuse the issue if not drafted carefully, and making disparaging comments about a person whom you don't really want to inherit much might potentially lead to a cause of action for defamation against your estate. Careful drafting is essential.

Continued to Page 10

Back in our 2017 article, we reminded our readers that even if your Will had been drafted out of state, Indiana would not enforce the no-contest clause it might easily contain. We even noted that, although it was unenforceable at the time, that inclusion might be a good idea since it might have some deterrent effect against a reader who may not have known the law. The way in which the new law is drafted, it should give full force to any clause that was unenforceable at the time, since it only looks at the date of a Will's probate, not the date of execution. While we welcome the change in the law, the net effect is that some people who didn't previously like such a clause in their Will may have felt comfortable leaving it in, and some people who would have appreciated updating their Will when they moved to Indiana, did not bother to do so. Accordingly, it is a good idea to take the time to reexamine your Will, to note any language that provides consequences to challenging your Will, and to decide if you still want to keep any such language. Please contact your local elder law attorney if you are in need of Will preparation, review, or guidance; or, if you want to make sure your Will has one of these newly allowed no-contest clauses.

Kurt R. Bachman is member of the National Academy of Elder Law Attorneys, Inc. and is a Veterans Affairs Accredited Attorney. Beers Mellers Backs & Salin, LLP | 108 W. Michigan Street | LaGrange, Indiana 46761 krb@beersmallers.com | ph: (260) 463-4949 | fax: (260) 463-4905

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