

Preparing for Future Health Care Needs

Many people assume that their family members would automatically be able to make decisions about medical treatments if they were to become incapacitated. However, rules vary greatly from state to state:

- Your family may have to go through a costly and time-consuming court process to get the legal right to make medical decisions for you.
- Your family members may disagree on who should make medical decisions on your behalf, which could lead to legal disputes.
- Someone unfamiliar with your preferences may be placed in charge of your treatment choices.

It's important to have a plan ahead of time to avoid disagreements around treatment issues and to ensure your wishes are honored if you are incapacitated. Advance directives, living wills, health care proxies, and powers of attorney can help ensure that decisions made on your behalf meet your needs and preferences.

Health care proxy:

Names someone you trust as your proxy, or your agent, to express your wishes and make health care decisions for you if you're unable to speak for yourself.



Living will: A written record of the type of medical care you would want in specified situations.



Advance directive: Often refers to a combination including both a living will and health care proxy documents.

Power of attorney:

Names someone you trust as your agent to make property, financial, and other legal decisions on your behalf.



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Here are some tips for preparing these documents:

- In most cases, you do not need a specific form to create an **advance directive**, **living will**, or **health care proxy**. However, you may want legal assistance if you have uncommon wishes, or if you anticipate disagreements among family members.
- If you don't get legal assistance, remember that your documents should comply with any rules in your state and cover all the issues that are important to you.
- You should usually consult a lawyer if you want to create a **power of attorney**.
- Discuss the contents of any future care documents with family members, health care providers, and anyone else you feel should know. You should give your providers a copy and may want to provide copies to others.
- Make sure your family knows how you receive your Medicare and knows how to access your Medicare information, if needed. You may want to appoint a representative to help you when speaking to Medicare or to call them on your behalf. Use [CMS Form 10106](#) to appoint your authorized Medicare representative.
- You should also bring a copy of your future care documents to the hospital each time you are admitted, if possible.
- For help creating these documents or information on how to comply with your state's rules, you can contact:
 - Your state's attorney general office or department of health
 - The National Hospice and Palliative Care Organization
 - The American Bar Association Commission on Legal Problems of the Elderly
 - Your state bar association, or your local hospital



To understand how Medicare covers hospice and for answers to other Medicare coverage questions, contact your **State Health Insurance Assistance Program (SHIP)**. You can visit www.shiphelp.org or call 877-839-2675.

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Hospice services and potential fraud and abuse

Hospice can be an important future health care benefit for people on Medicare. When a person is suddenly faced with a terminal diagnosis, it can be hard to accept and to make decisions about end-of-life care. Talking with family or loved ones can be helpful to prepare for unanticipated health care needs. Fortunately, the hospice program enables people to die with dignity and respect. It also supports the importance of the need for end-of-life care, including the right to make decisions about that care. However, hospice fraud and abuse can lead to patient harm, premature death, and big profits for dishonest individuals taking advantage of people and hospice.

Hospice fraud and abuse can occur when Medicare is falsely billed for hospice care or services. Scammers may try to get beneficiaries to agree to hospice even though they do not qualify for the hospice care benefit. As a Medicare beneficiary, you should be on the lookout for suspicious behavior that might indicate Medicare fraud or abuse. Report potential hospice care fraud, errors, or abuse if:

- You were enrolled in hospice without your or your family's permission or knowledge
- You learn someone is falsely certifying or not obtaining physician certification on plans of care
- You were offered gifts or incentives to receive hospice or to refer others for hospice services
- You see on your Medicare Summary Notice (MSN) or Explanation of Benefits (EOB) that you were billed for different hospice services than what you received or needed
- You experienced high-pressure and unsolicited marketing tactics of hospice services, such as unsolicited home visits or phone calls from hospice providers



If you suspect that a provider is committing potential hospice care fraud, you should contact your local Senior Medicare Patrol (SMP). Your SMP can help you identify potential fraud, errors, and abuse, and report your concerns.

You can help prevent hospice fraud and abuse by following a few guidelines.

- Be sure a trusted doctor has assessed your condition and certified that you are terminally ill.
- Be wary of deals that seem too good to be true. For example, never accept gifts in return for hospice services.
- Review your Medicare Summary Notices (MSNs) or Explanation of Benefits (EOB) often.
- Report any potential fraud, errors, or abuse to your local Senior Medicare Patrol (SMP).

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Who to contact for more information:

- Contact your **State Health Insurance Assistance Program (SHIP)** for help understanding your Medicare coverage, such as for hospice or skilled nursing services.
- Contact your **Senior Medicare Patrol (SMP)** if you may have experienced Medicare fraud, errors, or abuse.
- Contact **an elder law attorney** if your situation is complex, you have substantial assets, or if you and your family members want more comprehensive assistance with estate and health care planning.
- Contact the **Eldercare Locator** for help finding other local services to prepare for your future health care needs. Visit eldercare.acl.gov or call 800-677-1116.