



BYRD & BYRD LLC
ATTORNEYS AT LAW

May 2016 Newsletter

Welcome to the latest edition of the Byrd & Byrd email newsletter. We hope that you enjoy this newsletter and find helpful information along the way. Happy Reading. If you want more information about Byrd & Byrd, please visit our website by clicking the link below:

[Visit Our Website](#)

Does Your Loved One Need a Guardianship?

by Joshua Winger

Unfortunately, sometimes a family member or friend is seriously ill or under age and does not have anyone legally able to assist with health care or financial issues. In such an event, a guardianship may be necessary.

In Maryland, there are two types of guardianships: (1) a "guardianship of the person", which is to help someone with health care; and (2) a "guardianship of the property", which in many states is called a "conservatorship" and which is to help someone with finances (which is broad and also includes property).



Who has priority to serve as guardian is generally based upon the closeness of familial relation, if any, to the person who needs a guardian. However, above all relations, a person can execute a power of attorney stating who she or he wants for assistance and when she or he wants that person to assist.

There is a broad listing of powers a guardian has by default, but a Court can change the default powers on a case-by-case basis. Some specific decisions normally require Court approval, such as if a guardian decides an incapacitated person needs to move to a skilled nursing facility (i.e. a nursing home) or if the guardian decides the incapacitated person's home should be sold to obtain money for the incapacitated person's care.

The guardian normally also must account to the Court at least annually exactly what happened during the previous year.

Typically, it can take several months to obtain a guardianship. If need be, a Court can appoint a

temporary emergency guardian or issue Orders permitting very specific and limited actions before there is time to appoint a permanent guardian.

Fortunately, there are two main ways to avoid a guardianship, but both of these main ways need to be done before a person becomes incapacitated:

(1) A person can execute powers of attorney authorizing someone to serve in his or her place regarding one's own health care or finances. Other common names for a health care power of attorney include advance directive, health care proxy and living will;

(2) Another way to avoid a guardianship of the property is to create a trust, then transfer property to the trust, and designate a successor trustee to manage the trust in the event you become unable to manage it.

Senior Moments Redux - Sinai Hospital's Driver Evaluation and Training Program

Getting someone to recognize their ability to drive (or lack thereof) can be very difficult. For that reason, I want to share with you a service that is available to those having this very difficult conversation with a loved one.



Do you know about Sinai Hospital's Driver Evaluation and Training Program? It is a program approved by the State of Maryland Motor Vehicle Administration and is qualified to evaluate individuals for the MVA's Low Vision Program. Driving evaluations and training are completed by licensed occupational therapists who are also driver rehabilitation specialists.

For more information, [click this link](#). There is an explanatory, information video on that page. Ask questions and schedule an appointment by calling 410-601-7360.

If readers would like to send in information regarding similar types of programs, please send the information to: bblackford@byrdandbyrd.com.

From time to time, we hear that someone gave up their car keys voluntarily. I commend them. In most cases, I do not know the reason they took this wise step. Perhaps they scared themselves one time too many. Perhaps they couldn't remember directions to a place they've been many times. Nevertheless, in most cases, they have made a wise decision. May you and your loved ones continue to pursue wise decisions!

[To read Jackie's column in its entirety, click here.](#)

Jessica's New Article in "Outlook by the Bay"

"The Importance of Durable Health Care Powers of Attorney" - check out what Jessica has to say in her latest article that was



published in the [Spring 2016 edition of Outlook by the Bay](#). Her article is found on page 14 of the magazine.

Importance of DocuBank Services Affirmed

A recent report demonstrated that "Electronic Health Records" (EHR) fail to let doctors obtain advance directives.



DocuBank
Instant Access to Vital Documents

Advance directives, as you may recall, are the documents that give you control over your medical care if you're unable to speak for yourself. In an advance directive (or health care power of attorney) you designated someone to make health care decisions for you if you can't and also gave guidance on the types of treatments you would or would not want.

Ironically, this recent report found that electronic medical records, which are supposed to help find patient information, create their own problems. One problem is that different medical records are incompatible, meaning that hospitals usually can't share your advance directive among them or even, more surprisingly, between different departments of the same hospital. As a result, you could be admitted to an Emergency Department, which may have one EHR, and it might not be able to get hold of your advance directive in the hospital's main EHR. Another problem is that it takes too long to find your advance directive because most EHRs aren't set up to store one. "If [medical staff are] not able to access the advance directive quickly and easily, they're honestly likely not to use it," says Torrie Fields, senior program manager for palliative care at Blue Shield of California. In addition, the article affirms what we already know: patients frequently (and understandably) forget to bring their advance directives with them.

Lack of availability of your advance directive can be an especially big problem in the ER, where it's extremely important that your doctors and loved ones have instant access to these documents and therefore to your wishes. A survey of ER doctors last year found that 93% are "less frustrated" when advance directives are "easily accessible," and the vast majority of them said the documents let them provide better care and that family members are more satisfied.

These problems are precisely why DocuBank is an invaluable service that Byrd & Byrd wants to offer to our clients. We've heard the horror stories, and we wanted to make sure your doctors and loved ones can immediately obtain your advance directives so that you can get the best care - the care that you want.

DocuBank Cards are easily used. Simply give your DocuBank card to hospital staff when they ask you for your advance directive. They can get a copy immediately. (They'll do this by visiting the DocuBank website or by calling the 800-number on the card to receive a fax.) You can also call DocuBank yourself to have your documents sent. Just ask the hospital staff for their fax number and call DocuBank on your cell phone! It works in any hospital, regardless of what system they're using.

If you are interested in signing up for DocuBank or have additional questions, please contact Bryce Blackford of Byrd & Byrd, LLC at bblackford@byrdandbyrd.com. Also, check out the Docubank video in the "Video of the Month" section for more information on the services that are provided.



Medicaid Monday on June 13

On the second Monday of every month, Jessica Estes hosts a "Medicaid Monday" where she presents information to help you better understand the basic guidelines, requirements and process of Medicaid. This is a FREE informal seminar where you will be able to ask any questions you may have regarding Medicaid. Light refreshments will be provided at each event so we ask that you please RSVP as space is

limited. The next Medicaid Monday is June 13th from 5:30pm - 7pm. [RSVP by clicking here](#) or by calling (301) 464-7448.

Family Eldercare Management 10 Year Anniversary

June 7 from 6pm - 8pm

All Saints Lutheran Church (16510 Mt. Oak Rd, Bowie, MD 20716)

Owner, Rosemary Allender, and the staff of Family Eldercare Management are celebrating the company's 10 year anniversary of serving caregivers and their families. As a way of celebration, FEM is hosting a seminar entitled "Over 40... Understanding the Impact Aging has on your Physical, Financial and Legal Well-Being". Jackie Byrd, along with Dr. Stephanie Trifoglio and Rochelle Brown of Edward Jones, will be speaking at this event. Please consider attending. If you want to RSVP, please call 301-262-5082 or email familyeldercare@verizon.net.

YouTube Video of the Month

DocuBank services are clearly explained in the following video. Check it out:



Testimonial of the Month

"Thank you SO much for all of your help through the [Medicaid process]. If we've said it once, we've ALL thought it a million times.... you are truly a blessing! Thank you for your ongoing patience, detailed emails and kind help through this process. Things would not be where they are today had it not been for [your] assistance. Thank you very much for all that you have done!."

- Romoser Family of Beltsville, MD

STAY CONNECTED:



Byrd & Byrd, LLC

(301) 464-7448

14300 Gallant Fox Lane, Suite 120

Bowie, Maryland 20715

www.byrdandbyrd.com