

Elder Law Guys: Long-term care after COVID-19

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Everyone is talking about the “new normal” (whatever that may mean). A global event of this magnitude deserves comparison to the events of 9/11. We changed our everyday lives following the terrorist attacks, and the same goes for COVID-19.

When you reflect on the days following the former, it’s easy to recognize the uncertainty, concern and frustration with the current state of affairs. To take it one step further, as elder law attorneys, we are also in the eye of the storm, working with the elderly, who are frequently frail and sick — and who are directly in the crosshairs of the current pandemic.

While we figure out creative ways to address the current needs of the elderly in the short term, one thing is for sure: Like traveling via commercial airline after 9/11, the delivery of long-term care services to the elderly will never be the same.

But that may not all be bad. Let’s take a look at what has already changed, what we anticipate for the future and — most importantly — how to prepare for it.

Social distancing

Since the elderly are at high risk for transmission of diseases like COVID-19, social distancing and the use of face masks are very important to this cohort for protective purposes. While at some point in the future, data may suggest that it is safe for others to relax these measures, it is doubtful the elderly (or their family members) will want to take the risk.

They will need to think about how life will change.

For example, the cruise line industry is heavily supported by older clients and their families. How will this change that industry? Will there be cruises defined by age category?

What about routine trips to the supermarket to obtain food and other necessary items? Will there be permanent shopping hours designated just for the elderly?

Many elderly people are strong supporters of their candidates for public office, so how will they get to vote: at the polls, mail-in ballots only, electronically?

Technology

Never has the world turned to technology to solve its daily problems more than now. Whether it’s FaceTime with family, curbside pickup of groceries or restaurant orders, or Zoom meetings with business colleagues and telehealth consults with a physician, the way in which we interact with friends, family and businesses has changed — and it will never revert back.

This can be good and bad, depending on how you look at it.

It’s promising to see an older person embrace technology in order to have FaceTime with the grandkids, although, as we all know, it’s just not the same as being there.

In the legal world, technology has had a positive effect in allowing us to reach our clients in ways we could not have done so before this crisis. The evolution of virtual meetings has paved the way to delivering services to the elderly client in remote locations or medical facility settings that would have been nearly impossible before the acceptance of seeing a client on a video screen versus in the office.

Long-term care

It has been difficult for families, as well as elder law attorneys, over the past few months to connect with clients in long-term care facilities. It's understandable that restricting access to hospitals, nursing homes and other long-term care facilities saves lives and reduces exposure for all parties.

However, given the significant concentration of COVID-19 cases within nursing homes and the inability for families to be with loved ones in person, a radical shift in the delivery of long-term care services is on the horizon.

For now, this points toward more people wanting to receive assistance in their homes versus moving into a long-term care facility. Like many states, Pennsylvania has talked about developing programs to keep people in their homes since the Rendell administration.

Maybe now that push has come to shove and large stimulus packages are happening weekly, our government can truly live up to its promise of helping people stay in their homes while receiving their long-term care services and support.

Finally, having worked with medical personnel in long-term care settings for decades, we realize the sacrifices they make, and we want to join in thanking all of those people dedicated to working on the front lines, helping our most vulnerable segment of the population — and the families that support them.

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