

Freecall 1800 621 071

www.attwoodmarshall.com.au

info@attwoodmarshall.com.au

ACN 126 248 208



Attwood Marshall
LAWYERS



HELPING YOU PLAN FOR THE FUTURE

Transitioning to Aged Care

Freecall 1800 621 071

www.attwoodmarshall.com.au

info@attwoodmarshall.com.au

ACN 126 248 208



Attwood Marshall
LAWYERS

The potential need for aged care can be a difficult and emotionally charged topic to discuss with your loved ones. It's always best to plan ahead, do your homework, and make an informed choice.

Aged Care is a topic that many people do not like to discuss, particularly the person who most needs it! Some people feel that it is simply too soon to think about it, or they do not intend on ever going into an aged care facility, however it is important for everyone to understand what options are available and consider their potential future care needs as they enter the latter years of their life.

It is also a difficult decision for family members, who only want to support and do the best thing for their parent, grandparent, or spouse. The thought of your loved one going into care creates all sorts of fears and guilt for not looking after them. However, when the health and safety of your family member or friend is in danger due to their physical and/or mental condition deteriorating, it's time to investigate the options available.



What options are available?

There are many different options available today when transitioning to aged care, including the option to remain in your own home for as long as possible. There are some key things you can do to take a proactive approach to plan for your future needs so you can be better prepared when transitioning to aged care, or to assist a friend or loved one who may be going through this process.

The earlier you plan for the future, the more likely you will have the opportunity to have your say about how you want to live your life and what services you want to take advantage of.

There are different home care packages available to help you remain in your own home for longer, as well as a diverse range of residential aged care facilities for people who require that next level of care.



Home Care

“Home Care”, as the name suggests, refers to services provided to you in your home. Home Care is usually the first step in accessing aged care services. Most people prefer to remain at home for as long as possible. Sometimes, people just need a little extra help from time to time and the help may gradually increase over time.

There are two types of government-funded home care services available:

1. The Commonwealth Home Support Programme (CHSP)

This is an entry level support at home program, which also extends to respite care services to help provide relief for carers.

Services in this program include social support, transport, help with domestic chores, personal care, home maintenance, home modifications, nursing care, preparing meals and allied health services such as podiatry or physiotherapy.

Clients pay a contribution toward the cost of these services and the providers receive Australian Government funding through grant agreements.

The Commonwealth Home Support Programme is not means tested which means your income and assets will not affect your eligibility to access these services.

Eligibility requirements:

- The individual must be aged 65 years or older (50 years or older for Aboriginal or Torres Strait Islander people), or
- 50 years or older (45 years or older for Aboriginal or Torres Strait Islander people) and on a low income, homeless or at risk of being homeless.

To access this program, you need to contact MyAgedCare and they will walk you through the entire process. Visit www.myagedcare.gov.au or freecall 1800 200 422.

2. Home Care Packages Programme (HCP)

Home Care Packages are designed for those that need a coordinated approach to the delivery of help in their home. This program is usually for people who need more than what the CHSP can offer by providing ongoing personal and support services as well as clinical care. There are 4 different levels of Home Care Packages available to provide basic support through to high care. The required package will depend on the individual's circumstances and can include:

- Services focussed on keeping you well and independent offering personal care, nursing and allied health.
- Services to help keep you safe including cleaning, home maintenance and modifications and assistive technology.
- Keeping you connected to your community including transport and social support.

Clients in this program are expected to contribute to the cost of their care. Anyone receiving a HCP can be asked by their provider to pay the basic daily fee, which works out to be approximately 17.5% of the single basic age pension.

This service is means tested. Pensioners, part pensioners and self-funded retirees can also be asked to pay what's called an income-tested fee (depending on their level of income and assets) which is subject to annual and lifetime caps.

Which package level you receive will depend on what your eligibility is after undergoing an ACAT Assessment through the Aged Care Assessment Team with MyAgedCare.

Freecall 1800 621 071

www.attwoodmarshall.com.au

info@attwoodmarshall.com.au

ACN 126 248 208



Attwood Marshall
LAWYERS



Residential Aged Care

Residential aged care is the next option that you may need to consider if you can no longer live at home.

Entering a residential aged care facility can be a difficult decision. Each aged care home is different, so it is important to choose the one that best suits you.

Just like Home Care Packages, an ACAT assessment will be required before you can enter into an approved residential aged care facility.

Residential aged care is provided in aged care homes on either a permanent basis or respite (meaning short term) basis.

Services include:

- personal care such as help with bathing, eating, taking medications, etc.
- accommodation;
- laundry;
- meals;
- nursing care;
- some allied health services.

The Australian Government pays subsidies and supplements to approved aged care providers for each resident. The resident also pays fees to contribute to the cost of their care and accommodation.

In order for aged care homes to obtain funding from the Australian Government, they must meet Aged Care Quality Standards, ensuring quality care and services are provided.

Each aged care home sets their own prices within a prescribed limit, so costs will vary depending on the home you choose and an assessment of your income and assets.

Resident Agreements

Before entering a residential aged care facility, you will be required to enter into a resident agreement.

A resident agreement is a legal agreement between the aged care provider and the resident. It will set out the care and services that will be provided to the resident and how much it will cost them. In addition to a resident agreement, a resident may also have an accommodation agreement and/or extra services agreement.

It is important to review the agreement with an experienced aged care lawyer before you sign the dotted line.



FEES & CHARGES

There are a number of costs associated with aged care homes and what fees you may be expected to pay will depend on not only your financial position but also the type of facility you may choose.

Basic Daily Fee

Everyone that enters residential aged care, whether it is on a permanent or respite basis, is required to pay the basic daily fee. This fee helps pay for your day-to-day services you will receive such as meals, cleaning, laundry and the ongoing management costs of the facility.

The basic daily fee works out to be **85%** of the single person rate of the basic age pension. The government sets this fee each year on 20 March and 20 September and it changes in line with the increases to the age pension.

This fee is paid directly to the aged care provider on a fortnightly or monthly basis and applies for every day you are a resident, including days that you may be away (such as if you were in hospital).

Means Tested Care Fee (MTCF)

Depending on your level of income and assets, a Means Tested Care Fee (MTCF) may be applicable. This is an additional amount that some people may have to pay toward the cost of their day-to-day personal and clinical care which is determined through the completion of a means assessment with My Aged Care.

The Means Tested Care Fee can range from **\$0.00 to \$256.44 per day**.

The services that this fee goes toward includes:

- Personal care such as assistance with bathing, dressing, grooming; and
- Clinical care such as specialised nursing stations, medication assistance and catheter care.



The Means Tested Care Fee is subject to annual and lifetime caps which means once you reach the annual cap you do not pay the Means Tested Care Fee again until the anniversary of when you first started receiving aged care services (this is called your “anniversary date”) and will continue to be annually capped until you reach your lifetime cap.

Once you reach your lifetime cap, you do not have to pay the Means Tested Care Fee any further, regardless of your income and assets.

The Anniversary Date

It is important to be aware that if you are transitioning from living at home and using a home care package into an aged care facility, any “income-tested fee” that you may have paid while you were receiving aged care services at home is counted towards your annual and lifetime caps when you move into a facility. Your anniversary date will be the date you first started to receive aged care services in the home, not the date you first entered into care. It is important to be aware of this date to ensure that you do not pay the Means Tested Care Fee beyond what you are expected to (that is, beyond the annual and lifetime caps).



FEES & CHARGES (continued)



Accommodation Costs

Accommodation costs may be applicable depending on your level of income and assets. If you can afford it, you are expected to pay for your own room, or alternatively pay a contribution towards the full payment if you cannot afford the entire amount.

Accommodation costs vary depending on the facility and the type of room you choose. Your options may consist of:

- choosing between a single or shared room;

- the choice of a larger or smaller room;
- choosing a room in a certain location in the facility that attracts a higher or lesser charge depending on its geographical location (e.g. a room with ocean views or views overlooking a golf course etc.).

Whether you are eligible to receive Government assistance with some or all your accommodation costs is determined by completion of an income and/or means assessment.

Payment options if you are deemed **not eligible** for assistance with accommodation costs

Fee Type	Details
Refundable Accommodation Deposit (RAD)	You can pay your accommodation costs as a refundable lump sum amount which will be repaid to you, or your estate, once you leave the facility.
Daily Accommodation Payment (DAP)	Alternatively, you can pay for your accommodation by way of a rental-style daily payment (commonly referred to as a Daily Accommodation Deposit or DAP) which is worked out by converting the Refundable Accommodation Deposit (RAD) into a daily amount. If you are assessed as being fully or partially supported by the government, then a different charge is payable when entering into a facility for your room costs. Your contribution amount will be based on your asset assessment with My Aged Care and you can choose to pay your contribution as a lump sum (referred to as a Refundable Accommodation Contribution), daily payment (called a Daily Accommodation Contribution) or a combination of the two.

Payment options if you are deemed **partially eligible** for assistance with accommodation costs

Fee Type	Details
Refundable Accommodation Contribution (RAC)	This charge is similar to the Refundable Accommodation Deposit, however because you are fully or partially supported by the government then this means the lump sum you elect to pay after your assets are assessed is called a Refundable Accommodation Contribution (RAC). As the name suggests, this is refundable to you, or your estate, upon leaving the facility.
Daily Accommodation Contribution (DAC)	For those who do not, or cannot, pay the Refundable Accommodation Contribution (RAC) as a lump sum payment, you can pay a rental-style daily payment instead. This is called a Daily Accommodation Contribution (DAC). This is the lump sum amount broken up into periodic payments with an interest rate set by the Department of Social Services at the date of entry. Seeking trusted and proper financial advice is crucial to this process. A financial adviser will be able to do the calculations for you and assist you with the completion of the forms whilst also providing you with advice on which accommodation costs are going to be applicable to you.

Freecall 1800 621 071

www.attwoodmarshall.com.au

info@attwoodmarshall.com.au

ACN 126 248 208



Attwood Marshall
LAWYERS

Other costs to be aware of

Extra Services Fee (ESF)

Some facilities offer extra service rooms and can charge another daily fee for a bundle of upgraded higher standard hotel-type services. These services can include specialised menus or alcoholic beverages with meals, amongst other options.

The extra service status can apply to the whole facility or to individual rooms. Facilities with this status can charge a regular extra service fee which pays for a bundle of extra services whether you use them or not and is covered in what's called an "Extra Services Agreement".

This fee is not subsidised by the government which means you will have to pay the full costs if it is applicable to the facility or room you choose.

You should ask the facility during your negotiations if they have this status and if they intend to charge this fee and find out what it covers.

Additional Service Fees

An Additional Service Fee covers services that go beyond the minimum care and service requirements. This is usually where the facility offers additional hotel-type services such as a preferred brand of toiletries, access to paid TV services, and more.

Some facilities allow you to pick and choose what additional services you would like to receive so you only pay for what you will use.

Others may have a package of additional services they provide and some of them must be agreed to as a condition of living in the facility.

The facility will be able to provide you with information on the additional services they offer, the associated fees and whether they are mandatory services that come with living at the facility or if they are services you can opt in to utilise.





Legal documents to complete or update before entering residential aged care

Enduring Power of Attorney

It is a requirement of residential aged care facilities to obtain a copy of an up-to-date Enduring Power of Attorney and/or Appointment of Enduring Guardian before you enter a facility.

An Enduring Power of Attorney is a legal document that enables you to appoint a trusted person, or multiple people, to make personal, health and financial decisions on your behalf if you lose capacity to make those decisions for yourself.

You can add instructions to your Enduring Power of Attorney or Appointment of Enduring Guardian to include location preferences or specific aged care facilities you would like to be considered come the time you need to transition to aged care.

It is important to speak to your loved ones and make your preferences about aged care clear.

Having your legal affairs in order will give you peace of mind that you have someone to advocate for you and ensure you are taken care of, in addition to your financial affairs also being taken care of.

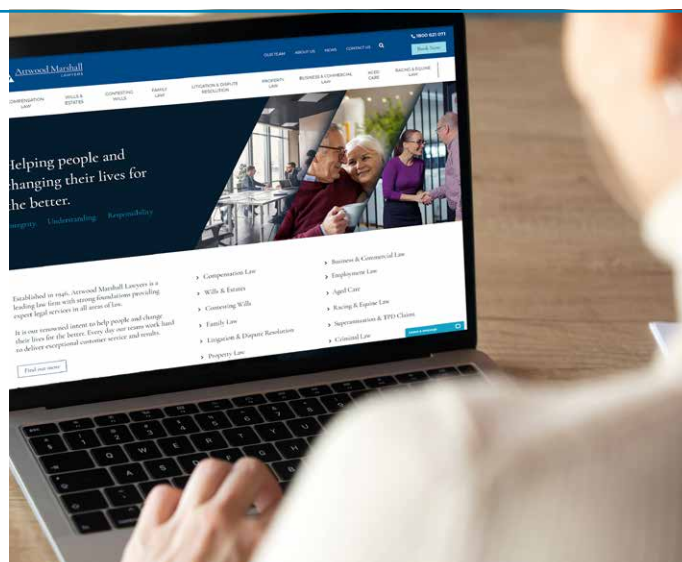
Your Will

As a leading estate planning law firm, we specialise in ensuring your legal affairs are in order when you are making the transition into aged care. We have a comprehensive understanding of how the changes that take place during this time in your life can affect your assets and estate plan and what may need to be updated in your Will. We can help you protect your interests and plan for the future.

HELPFUL ARTICLES

If you would like to find out more information on residential aged care, check out our recent articles.

- ▶ <https://attwoodmarshall.com.au/aged-care-sector-receives-good-budget-news/>
- ▶ <https://attwoodmarshall.com.au/part-1-transitioning-to-aged-care/>
- ▶ <https://attwoodmarshall.com.au/part-2-transitioning-to-residential-aged-care/>



Freecall 1800 621 071

www.attwoodmarshall.com.au

info@attwoodmarshall.com.au

ACN 126 248 208



Attwood Marshall
LAWYERS

Meet our Wills & Estates team:



Jeff Garrett
Legal Practice Director
07 5506 8201 | 0419 304 174
jgarrett@attwoodmarshall.com.au



Donna Tolley
Department Manager
07 5506 8241 | 0423 772 555
dtolley@attwoodmarshall.com.au



Angela Harry
Partner
07 5506 8211 | 0423 773 686
aharry@attwoodmarshall.com.au



Debbie Sage
Partner
02 6670 1006 | 0421 666 663
dsage@attwoodmarshall.com.au



Hayley Condon
Senior Associate
07 5553 5805 | 0413 486 402
hcondon@attwoodmarshall.com.au



Zoe Booth
Associate
07 5506 8243 | 0418 169 797
zbooth@attwoodmarshall.com.au



Xara Coassin
Associate
07 5506 8249 | 0499 799 511
xcoassin@attwoodmarshall.com.au



Larisa Kapur
Associate
07 5506 8205 | 0449 731 979
lkapur@attwoodmarshall.com.au



Alison Kelly
Associate
07 5506 8209 | 0473 121 136
akelly@attwoodmarshall.com.au



Natalie Comerford
Lawyer
07 5506 8231 | 0499 533 844
ncomerford@attwoodmarshall.com.au



Romy Garrett
Law Graduate
07 5506 8275
romy@attwoodmarshall.com.au



Rhiannon Garrett
Law Graduate
07 5553 5804
rgarrett@attwoodmarshall.com.au



Joseph Dove
Paralegal
07 5536 9777 | 0498 188 422
jdove@attwoodmarshall.com.au



Dakota Rowles
Paralegal
07 5536 9777 | 0452 057 223
drowles@attwoodmarshall.com.au



Bindy Marshall
Paralegal
07 5536 9777
bmarshall@attwoodmarshall.com.au



Melinda Southon
Paralegal
07 5536 9777
msouthon@attwoodmarshall.com.au

HELPFUL ARTICLES

Our legal team consistently produces informative blogs covering topics related to Wills, estates and pertinent legal cases. To read any of our articles, please visit: <https://attwoodmarshall.com.au/news/>

Helping people and changing their lives for the better.

Integrity. Understanding. Responsibility.

Coolangatta

72 – 80 Marine Parade,
Coolangatta
PO BOX 334,
Coolangatta
QLD 4225

Open:

Mon: 7.30am - 5.30pm
Tue: 7.30am - 5.30pm
Wed: 7.30am - 5.30pm
Thur: 7.30am - 5.30pm
Fri: 7.30am - 5.30pm
Sat: Closed
Sun: Closed

Robina Town Centre

Shop 4135, Robina
Town Centre,
Robina
PO BOX 4358 Robina
QLD 4230

Open:

Mon: 8.30am - 5.00pm
Tue: 8.30am - 5.00pm
Wed: 8.30am - 5.00pm
Thur: 8.30am - 9.00pm
Fri: 8.30am - 5.00pm
Sat: 9.00am - 12.00pm
Sun: Closed

Southport

Suite 10, Level 10,
36 Marine Parade
(Commercial Tower),
Southport QLD 4215

Open:

Mon: 8.30am - 5.00pm
Tue: 8.30am - 5.00pm
Wed: 8.30am - 5.00pm
Thur: 8.30am - 5.00pm
Fri: 8.30am - 5.00pm
Sat: Closed
Sun: Closed

Kingscliff

Level 2, Suite 24,
42 Pearl Street,
Kingscliff
PO BOX 1413 Kingscliff
NSW 2487

Open:

Mon: 8.30am - 5.00pm
Tue: 8.30am - 5.00pm
Wed: 8.30am - 5.00pm
Thur: 8.30am - 5.00pm
Fri: 8.30am - 5.00pm
Sat: Closed
Sun: Closed

Brisbane

Level 27 Santos Place
32 Turbot Street Brisbane
QLD 4000

Sydney

Level 25, 100 Mount Street,
North Sydney
NSW 2060

Melbourne

Level 2, Riverside Quay,
1 Southbank Blvd, Melbourne
VIC 3006

Contact Attwood Marshall Lawyers on **1800 621 071** or email info@attwoodmarshall.com.au to speak to one of our experienced lawyers today.



Attwood Marshall
LAWYERS