



## 3 Healthcare Documents that You Should Understand

**1. HIPAA Authorization** gives health care professionals and health insurance companies your explicit permission to release protected health information about you to designated parties.

Without this authorization, doctors and other health care providers cannot legally share your medical information in ways that violate the Privacy Rule of HIPAA. (Note that they do not need explicit authorization to share information about you with other medical professionals who are directly involved in your treatment or with family and friends.)

**2. Health Care Directive**, known as a “living will” in Connecticut, is an advance directive document in which you express your wishes about

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## How Much Should You PAY A TRUSTEE?

Asking someone to be a trustee of your trust shows you have a lot of faith in that person’s capabilities and ethics.

But how much is their time worth?

Serving as a trustee can be a big responsibility that includes a wide variety of fiduciary, interpersonal, and administrative tasks. It can also be quite time consuming if the circumstances are complex. And while family members and friends often serve as trustees without expecting financial payment, there are many cases in which compensation is warranted.

**How do you calculate fair compensation for your trustee?**

While some trusts do spell out a trustee compensation plan in detail, most fail to

provide any specifics. If the trust itself doesn’t provide any guidance, most state laws (including Connecticut) simply require that trustee compensation be “reasonable under the circumstances”—which is not always easy to determine.

There are several factors to consider when determining trustee compensation:

- The amount of time needed to administer the trust
- The complexity of the trust
- How many beneficiaries are involved
- What type of assets need to be managed

Looking at what professional trustees charge can give you a helpful benchmark. Most such professionals charge an annual fee of between 1 and 2 percent of the assets in the trust. So, for example, the annual fee for a trust holding \$1 million could be between

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# The Science of Music & Dementia



Music is a vehicle for memories, emotions, and healing – and music also has deep connections with memory. Partially for this reason researchers have been exploring how music can be used to help dementia patients.

Scientists have discovered that the part of the brain that responds to music is one of the last areas to be affected by common forms of dementia. Dementia primarily attacks the parts of the brain that power episodic memory—long-term memory that allows for the conscious recollection of past experiences.

However, the parts of the brain that are associated with procedural memory—implicit or “automatic” memory, such as muscle memory—are left mostly intact. In addition, there is semantic memory, which deals with facts, and is also often less affected than episodic memory by dementia. In the case of music, semantic memory is what helps us remember the name of a song and the artist performing it.

In recent years, a number of studies and documentaries have shown having a dementia patient listen to music provides multiple benefits including:

- reduced agitation;
- increased communication abilities;
- better caregiver relationships;
- improved overall emotional and behavioral improvements; and
- helping to reduce the need for anti-anxiety and antipsychotic medications often prescribed for dementia patients.

## Tips for Using Music Intervention to Help a Dementia Patient

Here are a few tips to consider if you’re thinking of incorporating music into a loved one’s treatment plan.

- 1. Choose the right music** — For best results, choose music that your loved one likes, preferably music they listened to in their teens and early twenties.
- 2. Choose the best music source** — Avoid using music streaming services that include advertisements. Having a contemporary commercial interrupt the music can cause confusion and even anxiety.
- 3. Set the mood** — Select songs carefully depending on the environment and response you are trying to create. You may want to create multiple playlists for different situations and times of the day.
- 4. Avoid sensory overload** — Make sure that there aren’t other disruptive sounds in the background that are competing for attention. Consider closing doors and windows to control ambient noise or using noise canceling headphones.
- 5. Encourage participation** — Engaging with music physically helps to ground the experience and helps the listener connect more completely.
- 6. Pay attention** — Monitor your loved one’s response as they listen to the music. Identify which songs are tied to which emotions or other behavioral responses.



## Apps For Engaging Your Brain

Just as being active helps increase the overall well-being of our bodies, our brains also benefit positively when exercised. Here are 5 top apps according to healthline.com to keep your brain challenged and active.

- **Lumosity** features brain training games such as math, problem solving, and word puzzles for all cognitive levels.
- **Duolingo** is a language learning app with lots of free features.
- **Words with Friends** is an interactive crossword-style game for all ages.
- **Chess – Play and Learn** allows you to learn and play this classic challenging board game.
- **Psychology Compass** aims to combine technology and psychology with the goal of increasing individual peak cognitive performance.



# WHAT'S GOING ON WITH US

Czepiga Daly Pope & Perri are pleased to announce the following promotions: **Attorneys Lynda Lee Arnold and Lara J. Schneider-Bomzer to Senior Partner, and Attorneys Erin O. Duques, Andrew R. Veale, and Nicole O'Connor to Counsel.**

We are also happy to share that our attorneys have been named to the *Connecticut Super Lawyers* list for 2022. Attorneys **Brendan F. Daly** and **Carmine Perri** were among the recipients of this recognition in the Elder Law practice area, and Attorney **Andrew R. Veale** was named a "Rising Star" in recognition of his work in the Estate and Trust Litigation practice area.



Attorney  
Brendan F. Daly



Attorney  
Carmine Perri



Attorney  
Andrew R. Veale



## How Much Should You Pay a Trustee? (continued from page 1)

\$10,000 and \$20,000. This rule-of-thumb rate can vary based on a sort of sliding scale. Often, professionals charge a higher percentage of smaller trusts, and a lower percentage of larger trusts.

It's also important to recognize the services provided by a professional trustee and a non-professional trustee (like a family member or friend). If a non-professional trustee is taking on all the tasks of a professional, paying professional rates may be appropriate.

However, if a non-professional is outsourcing various functions to others and/or acting as a co-trustee partnered with a professional trustee, you may want to revisit the compensation structure. In such cases, a typical fee for the non-professional might be a quarter of standard professional fees, or .25 percent. (Financial professionals often refer to this as "25 basis points.")

Finally, if taking a percentage of the trust assets would deplete the trust, non-professional trustees may instead charge an hourly rate for time spent. And—regardless of which compensation model you choose—trustees are always entitled to reimbursement for any expenses incurred.

If the trust's beneficiaries are unhappy with the trustee fees, they can challenge them in court. And, conversely, if a trustee feels they are entitled to additional compensation, they can appeal to the court to receive higher payment.

Choosing a trustee and determining the appropriate compensation are important parts of responsible estate planning. Take your time deciding what's best for your situation and circumstances and understand that professionals can help you through the process.

## 3 Healthcare Documents

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end-of-life treatment when you're unable to communicate them yourself. A Connecticut living will is triggered when your physician or APRN certifies that you either have (1) a terminal illness that will result in death without the life support systems; or (2) two physicians conclude that you are permanently unconscious. A Connecticut living will covers breathing tubes, CPR and artificial means of nutrition or hydration.

Signing a living will is a very personal decision. If you feel strongly about withholding life support in the above scenarios, you should include this as part of your estate plan.

**3. Health Care Representative** is an estate planning document in which you designate someone – typically a close family member – to act as your health care surrogate. He or she will have the power to make medical decisions for you if you are unable to do so for yourself. In many states this document is referred to as a health care power of attorney, but it is known as "an appointment of a health care representative" in Connecticut.

You should consider naming a health care representative as part of your estate plan. The alternative is appointing a conservator in the probate court if you lack capacity—a scenario that everyone should strive to avoid.