

Book Review: Aging in the Law: An Interdisciplinary Reader

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BOOKSHELF

Aging and the Law: An Interdisciplinary Reader; Senior Living Communities

By Jane Mulcahy

***Aging and the Law: An Interdisciplinary Reader*, edited by Lawrence A. Frolik (Temple University Press 1999)**

As promised in its preface, *Aging and the Law: An Interdisciplinary Reader* provides the professional in elder law with a comprehensive foundation of information regarding aging Americans. Through a collection of articles, essays, and book excerpts, Lawrence Frolik presents his readers with social, political, economic, and legal commentary on the issues facing older Americans. The book offers several topical segments, each addressing a unique aspect of elder law, including an introduction to the field of elder law; issues of employment, income, and wealth; housing; mental capacity; health care decision making; long-term care; the special problems facing the elderly in financing their health care; family and social issues; the dilemma of elder abuse and the treatment of elderly criminals;

and the special ethical and legal considerations facing attorneys who represent the elderly.

To introduce his readers to elder law, Frolik has collected a series of articles that address the questions: What is elder law? Why is it treated as a separate category of the law? Who exactly are the "old"? Do the elderly have equal access to justice? Selections also address the social and ethnic differences in attitudes toward the aging in minority groups.

Frolik first approaches the issues of employment, income, and wealth through an article on why people retire. Then such topics as age discrimination in employment, pensions, and Social Security are proffered. Finally, the wide-ranging aspects of Social Security reform—including the implications of privatization of the fund and the affects of feminism on policy—are discussed.

The housing options and challenges facing the elderly are presented through readings that explore the special housing needs and the appropriateness of exist-

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ing housing options. Special housing alternatives such as continuing care communities, board and care homes, and assisted living environments are reviewed. Additionally, an excerpt from a Special Committee on Aging and Select Committee on Aging Joint Hearing report details the problems of board and care facilities that oftentimes fail to provide quality care to the elderly.

Mental capacity issues are examined through articles that discuss the different perspectives on the psychological and medical evaluation of mental capacity and legal standards of incapacity. The reader can delve into commentary on guardianship procedures and alternatives, as well as the need for continuing reform in the area. In addition, the issue of autonomy for the elder is explored.

Health care decision making encompasses such topics as the doctrine of informed consent, the right to die, the viability of health care decisions made by an incapacitated individual, and the controversy surrounding assisted suicide as an option for the terminally ill. The reader is presented with a strong foundation of the sometimes sticky issues surrounding a person's right to self-determination when faced with life-and-death decisions.

Issues of long-term care are highlighted, including the long-term care options available, the financing of such care, the regulation of the caretakers, and the pitfalls of certain types of options. Also included is an interesting profile of the characteristics of elders who are at risk for nursing home admission.

Financing of the elder's health care in general is explored through a discussion of Medicare—its history, its experimentation with HMOs, and its need for reform. The notion of health care rationing is also presented through an insightful article examining prejudices against older persons and their moral claim to increasingly scarce health care resources. Also discussed is the idea of imposing filial responsibility upon adult children for their impoverished parents.

Frolik offers a collection of interdisciplinary commentary on the elder's marriage and family, spiritual, and social issues. Special social issues include the problems of alcohol abuse, suicide, loneliness, and mental illness in the aging population. Elder abuse, neglect, victimization, and crime are proposed as special problems for the elderly. Also explored is the institutional mistreatment and special sentencing problems that face elderly criminals.

Finally, the unique issues that arise from legally representing older clients are explored. Some of the professional and ethical considerations facing attorneys are the competency of a client and the ethical management of the client's assets.

What is most striking about Frolik's book is the sheer variety of its contents. While one article describes the nuts and bolts of a technical topic, the next addresses the psychological or cultural impact of decisions or situations. The book arms its reader with background information from every aspect of elder law.

***Senior Living Communities: Operations Management and Marketing for Assisted Living, Congregate, and Continuing-Care Retirement Communities*, by Benjamin W. Pearce (Johns Hopkins University Press 1998)**

Senior Living Communities by Benjamin W. Pearce is a specialty publication that is likely to aid the attorney in several different situations, including as counselor to a client who is assessing senior living options, as corporate counsel to a senior living community, or even as advisor to an entrepreneur ready to open his or her own facility. The book is geared toward the senior living community administrator and provides the reader with a workbook that includes clear practical guidelines and useful checklists and appendices. The main topics addressed in the book are senior living administration, resident services, and marketing.

Pearce begins the book with an introduction to, and explanation of, the various senior living options available, namely the independent living facility, the assisted living facility, the congregate senior housing option, and the continuing care retirement community. Relying on current trends in the aging population and legislative policy, it is concluded that senior living communities have a bright future.

A very technical financial section is included that addresses such topics as types of ownership, budgets, capitalization, accounting, financial ratios, and financial statements. A manage-

ment and human resource section follows with discussion of such issues as hiring, evaluating, managing, and compensating staff. Additionally, the reader is briefed on how to manage exposure to liability in the senior community setting. Included are helpful tables, charts, and step-by-step "how-tos" to facilitate an understanding of the material.

A lengthy portion of the book is devoted to resident services, including everything from the use of a concierge to personal care services to housekeeping. Again, as a workbook, the book offers practical approaches to providing these services with details as explicit as the handling of complaints and the staffing and duties of the security office.

Finally, a detailed plan for the marketing and sales of living services is outlined. With sample market surveys, forecasts, and advertising, the reader is provided with the tools to effectively market a senior living community. The special issue of marketing to a group that is "aging in place" is addressed in terms of offering graduated services so that resident turnover, which is likely to increase as residents need additional services, is stabilized.

The appendices include "50 Questions Frequently Asked by Residents and Families," an operations audit form that could be a very useful quality assurance tool, a chart offering alternatives to financing senior living options, and a step-by-step "critical path" to opening a senior liv-

ing community (chronicling 180 steps to "success"). The information is equally enlightening whether the reader is creating a quality environment or assessing the "success" of a prospective residential community. An added benefit of the book is its "Further Reading" section that links its readers to a compilation of additional sources.

Senior Living Communities is a specialty book with a definite audience niche. It offers an attorney the inside track with respect to advising corporate clients interested in breaking into, or remaining competitive in, the business of senior living options. The book is also an excellent resource for evaluating senior living options for clients who are unsure of the market.

Elder's Advisor

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THE JOURNAL
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Elder's Advisor is a practice-oriented publication providing substantive information on the legal, tax, health, welfare, and financial planning issues of the elderly. Our readership includes elder law attorneys, general practice attorneys, financial planners, CPAs, and other professionals whose practices focus on older clients. The journal encourages submission of manuscripts from experts in the field on all relevant topics, including health care planning, pensions, taxation, trusts and estates, Medicare, guardianship, and long-term care insurance.

Elder's Advisor emphasizes quality and clarity of exposition. Reviewers consider the following criteria in assessing potential contributions: the value of the information to the journal's audience, the substantive contribution to the broadly defined field of elder law and retirement planning, and the overall quality of the manuscript. The decision to publish a given manuscript is made by the editors, relying on the recommendations of reviewers.

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