

Appendix A.

Glossary

Advance Directives. Written instructions that state, in advance, how you want to be medically treated if you cannot speak or decide for yourself. *See* Chapter 24, “Medical Advance Directives.”

Agent or Attorney-in-Fact. The person whom you designate to act and make decisions for you under a power of attorney. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property”; Chapter 23, “Powers of Attorney”; and Chapter 24, “Medical Advance Directives.”

Aid in Dying. Colorado now recognizes that a competent individual has the right, if he or she meets certain medical conditions, to end his or her own life and to obtain medications from a physician that will cause his or her life to end. Certain legal procedures must be followed, and physicians and medical institutions may opt out of participating in the aid in dying law. This issue is more commonly known as “assisted suicide”; however, this is not a correct use of the terms. No one, not even a doctor or close relative, is permitted to assist someone in ending his or her life. *See* Chapter 24, “Medical Advance Directives.”

Asset. An item of real or personal property owned by an individual or by an entity, such as a trust. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Assisted Suicide. *See* “Aid in Dying” in this Glossary, and Chapter 24, “Medical Advance Directives.”

At-Risk Adult. An individual 18 years or older who is susceptible to mistreatment or self-neglect because the individual is unable to perform or obtain services necessary for the individual’s health, safety, or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual’s person or affairs. *See* Chapter 12, “Protecting Yourself from Crime.”

Beneficiary. Anyone named to receive money or property, such as from a will, a trust, a life insurance policy, or a retirement account. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Bereavement Care. A service provided as part of the hospice care program at no charge to family members for 13 months after the patient has died. This can involve grief support groups, occasional phone or mail contact, education classes, or individual counseling. *See* Chapter 27, “Hospice and Palliative Care: Options for Care at the End of Life.”

Capacity. The ability to make and communicate responsible decisions. *See* Chapter 23, “Powers of Attorney.”

Chronic Illness. An illness that cannot be completely cured and persists over time, likely getting gradually worse, but is not considered “terminal” or “end stage.” See Chapter 27, “Hospice and Palliative Care: Options for Care at the End of Life.”

Coinsurance. The portion of the bill that the beneficiary is required to pay, even after the deductible is met. For example, Medicare pays 80 percent of the Medicare-approved rate for a doctor’s visit and the beneficiary is responsible for the other 20 percent coinsurance. See Chapter 2, “Medicare”; and Chapter 3, “Health Insurance Beyond Medicare.”

Comfort Care. Care focused on comfort and relief of suffering rather than cure. It is often used to mean hospice care or palliative care but may indicate pain relief only, without emotional, practical, and spiritual support. See Chapter 27, “Hospice and Palliative Care: Options for Care at the End of Life.”

Conservator. A person at least 21 years of age, resident or non-resident, who is appointed by a court to manage the estate of a protected person. The term includes a limited conservator. See Chapter 12, “Protecting Yourself from Crime”; Chapter 23, “Powers of Attorney”; and Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Countable Resources. In order to be eligible for most public benefit programs, including Supplemental Security Income (SSI), an applicant’s assets must be below a certain level. Only certain kinds of resources are included in determining eligibility. Assets that are taken into account are called countable resources. See Chapter 1, “Social Security Benefits”; and Chapter 5, “Government Programs and Financial Assistance.”

CPR Directives/DNR Orders. Orders signed by a doctor directing that in the event that your breathing or heart stops, you should not be resuscitated by medical professionals. See Chapter 24, “Medical Advance Directives.”

Curative Care. Medical care that is focused on curing disease. See Chapter 27, “Hospice and Palliative Care: Options for Care at the End of Life.”

Declaration as to Medical or Surgical Treatment. The legal name in Colorado for an advance directive, concerning your preferences regarding allowing, withdrawing, or withholding life-sustaining treatment and nutrition and hydration in the event you are declared to be terminally ill or in a persistent vegetative state. Also commonly known as a living will. See Chapter 24, “Medical Advance Directives.”

Deed. A document used to transfer your interest in real property. See Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Disposition of Last Remains Directive. A written statement, signed by you, indicating what you wish done with your last remains at the time of your death. See Chapter 24, “Medical Advance Directives.”

Employer Group Health Plan (EGHP). Health insurance coverage provided through an employer group to workers and/or retirees. *See* Chapter 3, “Health Insurance Beyond Medicare.”

End-Stage Illness. An illness that has progressed to the point that curative treatment is not effective and death is likely within months or weeks. *See* Chapter 27, “Hospice and Palliative Care: Options for Care at the End of Life.”

Estate. All personal, financial, insurance, and real property owned by the individual. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Estate Recovery. A method by which the state seeks to recover the costs of medical care provided to Medicaid recipients age 55 or older and to all institutionalized individuals, through imposition of a lien on real property, which is acted upon after the person dies and from assets in the probate estate. *See* Chapter 4, “Medicaid.”

Exempt Resources. Assets that are not counted in determining eligibility for public benefits. *See* Chapter 5, “Government Programs and Financial Assistance”; and Chapter 9, “Employment Discrimination.”

Financial Exploitation. The illegal or unauthorized use of an individual’s funds, property, or resources for profit or advantage. *See* Chapter 12, “Protecting Yourself from Crime”; and Chapter 23, “Powers of Attorney.”

Gift. A voluntary transfer of real or personal property for nothing in return. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Guardian. An individual at least 21 years of age, resident or non-resident, who has qualified as a guardian of a minor or incapacitated person pursuant to appointment by a parent or by the court. The term includes a limited, emergency, and temporary substitute guardian but not a guardian *ad litem*. *See* Chapter 12, “Protecting Yourself from Crime”; Chapter 23, “Powers of Attorney”; and Chapter 24, “Medical Advance Directives.”

Health Maintenance Organization (HMO). An insurance that limits enrollees to a network of physicians and other health professionals who in turn provide a full range of medical care and treatment for a set monthly fee. *See* Chapter 3, “Health Insurance Beyond Medicare.”

Heirs. People who, because of their relationship to the decedent, are entitled to the decedent’s property if the decedent dies without a will. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

HIPAA (Health Insurance Portability and Accountability Act of 1996). A privacy rule that establishes federally protected rights under which an individual can control the uses and disclosure of protected health information. *See* Chapter 23, “Powers of Attorney.”

Home and Community Based Services (HCBS). Services paid for by Medicaid that are provided in an individual's home or in a Medicaid certified Alternative Care Facility. HCBS includes personal care, as well as traditional Medicaid (medical) services. *See* Chapter 4, "Medicaid."

Hospice Care. An approach to care for persons with terminal illness and their families, involving a team of professionals — doctor, nurse, nurse's aide, social worker, chaplain — that focuses on quality of life and relief of pain and suffering. *See* Chapter 27, "Hospice and Palliative Care: Options for Care at the End of Life."

Hospice Residence. A specially designed or adapted facility for hospice patients only. Most hospice residences are designed to feel more like home than a health care facility. *See* Chapter 27, "Hospice and Palliative Care: Options for Care at the End of Life."

Incapacity. The inability to make or communicate responsible decisions. *See* Chapter 23, "Powers of Attorney."

Injunction. A court order directing the people named within the order to refrain from doing certain specified acts or to do a particular act. *See* Chapter 12, "Protecting Yourself from Crime."

Intestate Succession. A process in which Colorado law decides how your property will be distributed if the property is not disposed of through your will. *See* Chapter 15, "Estate Planning: Wills, Trusts, and Your Property."

Joint Tenancy with Right of Survivorship. A type of ownership in which you own property with another person with a right of survivorship, which gives each owner the right to receive the property at the death of the co-owner. *See* Chapter 15, "Estate Planning: Wills, Trusts, and Your Property."

Life-Sustaining Procedures. Medications, surgeries, or other medical therapies that would lengthen your remaining lifetime, but not reverse your medical condition. Under Colorado law, this does not include provision of nutrition and hydration. *See* Chapter 24, "Medical Advance Directives."

Marital Agreement. An agreement, in writing, between two people before or during marriage on what rights each of them will keep over certain property if a divorce or death occurs. *See* Chapter 13, "Family Relationships."

Medicaid. A joint federal/state program that pays some health care costs for qualifying individuals with low incomes and assets. It will cover some expenses that Medicare does not (for example, outpatient prescriptions). *See* Chapter 1, "Social Security Benefits"; Chapter 4, "Medicaid"; and Chapter 5, "Government Programs and Financial Assistance."

Medicare. A health insurance program for recipients of Social Security and some other federal programs. “Medicare Hospital Insurance” (also called Medicare Part A) is insurance that covers a necessary hospital stay, skilled nursing care in a nursing facility, and other home health services. “Medicare Medical Insurance” (also called Medicare Part B) is insurance that covers doctors’ and outpatient services, medical supplies, ambulance, and other services. “Medigap Insurance” is private insurance that supplements Medicare, providing coverage for benefits that Medicare does not provide. See Chapter 1, “Social Security Benefits”; Chapter 2, “Medicare”; Chapter 3, “Health Insurance Beyond Medicare”; and Chapter 5, “Government Programs and Financial Assistance.”

Need Standard or Standard of Need. In order for a person to be eligible for some public benefits, such as Supplemental Security Income (SSI) or Old Age Pension (OAP), an applicant’s income must fall below a level called the need standard. See Chapter 1, “Social Security Benefits”; and Chapter 5, “Government Programs and Financial Assistance.”

PACE. Program of All Inclusive Care for the Elderly that provides comprehensive health care and supportive services for frail individuals over the age of 65. This is Secondary Insurance coverage, which is accessed only after the primary insurance benefits are exhausted. See Chapter 4, “Medicaid.”

Palliative Care. Care focused on comfort and relief of suffering rather than cure. Differs from hospice care in that it can be offered along with curative care and is not limited to terminal illnesses. See Chapter 27, “Hospice and Palliative Care: Options for Care at the End of Life.”

Payable on Death Account (POD Account or a Trustee Account). A bank account that, upon the account holder’s death, distributes money to the person or people named by the account holder. See Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Personal Property. Property other than real property, such as stocks, bonds, bank accounts, cars, boats, clothing, and personal items. See Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Personal Representative. The person who handles your affairs after your death. Also sometimes referred to as an executor, executrix, or administrator, this person is either nominated by you in your will or is chosen by a court if you die without a will. See Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Planned Gift. A charitable giving method that allows donors to express their personal values by integrating charitable, family, and financial goals. See Chapter 18, “Philanthropy and Planned Giving.”

Power of Attorney. A written instrument by which one person, called the principal, appoints another as his or her agent (or “attorney in fact”), and gives the agent the authority to perform certain specified acts or kinds of acts on behalf of the principal. A *durable power of attorney* is valid even if the principal becomes incapacitated or unable to manage his or her affairs. A *temporary power of attorney* is limited to a specific amount of time. A *financial power of attorney* is document whereby the principal gives legal authority, in writing, to his or her agent or attorney in fact to handle the financial affairs for the person creating the power of attorney. A *medical power of attorney* is a document whereby the principal gives legal authority, in writing, to his or her agent or attorney in fact to make medical decisions for the person creating the power of attorney in the event the principal is unable to make the principal’s own medical decisions. A *general power of attorney* usually gives legal authority to handle all the financial affairs for the person creating the power of attorney, but a *limited (or special) power of attorney* usually only gives authority to perform a specific act or acts on behalf of another person (for example, the power to cash checks). A *springing power of attorney* becomes effective on the happening of some later event, such as a declaration by a physician that the principal is incapacitated, but a standing power of attorney is effective immediately and is not contingent upon the happening of a later event. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property”; Chapter 23, “Powers of Attorney”; and Chapter 24, “Medical Advance Directives.”

Probate. The legal process by which your property is collected and distributed according to your will or by intestate succession. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Protected Person. A person subject to a conservatorship. *See* Chapter 23, “Powers of Attorney.”

Prudent Man Rule. An agent must exercise the care a reasonable person would exercise under the circumstances and manage the principal’s funds not as if they were the funds of the agent, but with the care needed for managing funds of another. *See* Chapter 23, “Powers of Attorney.”

Real Property. Land and buildings or structures placed on land, such as houses, commercial buildings, and agricultural buildings. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Representative Payee. A person chosen by the Social Security Administration to receive and manage the recipient’s Social Security or Supplemental Security Income benefits for a recipient who cannot manage his or her own money. *See* Chapter 5, “Government Programs and Financial Assistance”; Chapter 12, “Protecting Yourself from Crime”; and Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Respite Care. Services provided on a short-term basis to a dependent individual whose usual caregiver is temporarily unavailable or in need of a break. *See* Chapter 21, “Assisted Living and Nursing Home Issues”; and Chapter 27, “Hospice and Palliative Care: Options for Care at the End of Life.”

Right of Survivorship. The right a person has to receive property when a co-owner dies. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Settlor. The creator of a trust. Settlers often put money or property into a trust. *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Skilled Nursing. The need for daily inpatient skilled care or rehabilitation. It does not include “custodial care,” which is care that could be given by someone without medical training, such as help with dressing or eating. *See* Chapter 3, “Health Insurance Beyond Medicare.”

Social Security Disability Insurance Benefits (SSDIB). Disability benefits based on a worker’s earnings history. *See* Chapter 1, “Social Security Benefits.”

Supplemental Security Income (SSI). Federal income maintenance program for elderly and disabled persons with low income and resources. *See* Chapter 1, “Social Security Benefits.”

Supportive Decision-Making Agreement. The voluntary method of decision-making where an adult with a disability makes decisions by entering into an agreement with friends, family members, professionals, or other people that the adult with the disability trusts to be a part of a supportive community.

Supportive Decision-Making. The way an adult with a disability or diminished capacity has made or is making his or her own decisions by using friends, family members, professionals, and other people he or she trusts to: (a) Help understand the issues and choices; (b) ask questions, (c) receive explanations in language he or she understands, (d) communicate his or her decisions to others if necessary, and/or (e) facilitate the exercise of decisions regarding his or her day-to-day health, safety, welfare, or financial affairs.

Tenancy in Common. A type of ownership in which you own a percentage of the property with another person. If one owner dies, the property does not automatically transfer to the co-owner(s). *See* Chapter 15, “Estate Planning: Wills, Trusts, and Your Property.”

Terminal Condition. An incurable or irreversible condition for which the administration of life-sustaining procedures will serve only to postpone the moment of death. *See* Chapter 24, “Medical Advance Directives”; and Chapter 27, “Hospice and Palliative Care: Options for Care at the End of Life.”

Trust. An arrangement in which one person, the trustee, holds property for the benefit and use of another, the beneficiary. A *living (or inter vivos) trust* is a type of trust in which one party, the settlor, during his or her lifetime, creates a trust for himself or herself and/or for others. Property may be transferred to the trust during the lifetime of the settlor of the trust or after his or her death. Once property is transferred to the trust, it is under the control of a trustee and distributed according to the terms of the trust. A *testamentary trust* is a type of trust that is set up in your will. It only takes effect after your death. An *irrevocable trust* cannot be changed after it is signed, while a *revocable trust* can be amended or changed, which is similar or often the same as a living trust. See Chapter 15, "Estate Planning: Wills, Trusts, and Your Property."

Trustee. The person who manages and distributes the property held in a trust. See Chapter 15, "Estate Planning: Wills, Trusts, and Your Property."

Ward. A person found by a court to be an "incapacitated person" and subject to a guardianship. See Chapter 23, "Powers of Attorney."

Will. A signed, written legal document that describes how you want your estate to be distributed after you die. A *pour-over will* provides that all property administered in probate is distributed to a living trust. See Chapter 15, "Estate Planning: Wills, Trusts, and Your Property."

Work Quarters. In order to be eligible for Social Security benefits, wage earners must have worked for a minimum number of "work quarters." See Chapter 1, "Social Security Benefits."