

**The William S. Richardson School of Law  
University of Hawai'i at Manoa  
Professor J.H. Pietsch**

**ELDER LAW (LAW 521)  
FALL 2000**

**Final Examination  
December 11, 2000**

**Instructions:**

1. This is a "closed book" examination. You have three hours to complete the examination. Plan your time accordingly. Please write or print as legibly as possible.
2. Answer all questions. Each of the three question areas counts equally (1/3) and each subsection counts for (1/2) of the question area. Again, plan your time accordingly.
3. Grading will be based on your demonstrated ability to identify and discuss the essential and most important aspects of a question or issue. Some questions request specific information—provide it. Other questions are more open-ended—answer as fully as possible. The question areas have been divided in an outline format. Please use this format to answer the questions. Again, answer all questions.
4. This exam consists of two pages.

## ANSWER ALL QUESTIONS

### 1. Income and Healthcare Financing

a. Provide overviews of the following programs:

Social Security

Supplemental Security Income

Medicare

Medicaid

Include in your answer

what type of benefits each program provides,

who is eligible for each program,

any linkages between the programs and other programs.

b. What are the major means of paying for long-term-care in Hawaii?

Briefly provide eligibility requirements and limitations, if applicable.

### 2. Protection and Protective Services

a. What are the types of guardianship in Hawai'i and which courts have jurisdiction over each?

List and explain the various alternatives to guardianship.

Discuss the advantages and disadvantages between the alternatives and guardianship and among the alternatives.

b. What are the federal and Hawai'i government agencies that have been established to investigate and resolve suspected cases of abuse, neglect and exploitation or discrimination against older or disabled persons?

Give an overview of the laws that these agencies implement.

### 3. Representation, Capacity and Healthcare Decision-Making

a. Can an attorney represent an "incompetent" person or family members acting on behalf of the "incompetent" person? Discuss the legal, ethical and practical issues.

Who makes determinations about mental competency or capacity?

Who makes determinations about mental competency or capacity?

How are decisions made about and for individuals who appear to lack "capacity"?

b. What is an advance directive? Give examples of advance directives and explain how they are made in Hawai'i?

How are healthcare decisions made for individuals who appear to lack capacity and who have not made an advance directive?

What happens if a healthcare provider refuses to follow a healthcare decision?