

from attorney general larry long

Dear South Dakotans:

As Attorney General of South Dakota, I am committed to help all South Dakota consumers, especially our valued senior citizens. Thus, my office created this resource guide for seniors and their families, as well as those who work with the aging. We hope this guide will help seniors become more informed on important issues such as consumer protection, insurance, senior benefits, health care and much more.



South Dakota is an aging state. 14.3% of our total population is 65 or over. Our state currently has the 7th oldest population in the nation. Our percentage of seniors will only increase as life expectancy is extended and the baby boom population settles into retirement age. We offer this guide as a tool to help answer basic questions that seniors face daily.

This handbook offers practical advice for many of the problems commonly faced by older South Dakotans. It should also be helpful as a resource for locating those state, federal and private organizations which provide services to seniors, the information presented should assist the senior to become better educated on those legal issues that impact the quality of life in South Dakota.

Finally, if you or your group is interested in learning more about senior issues, contact my office. I or one of my staff would be happy to visit your group, senior center or other group.

Very Truly Yours,

Larry Long
Attorney General

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This handbook is based on South Dakota law and is designed to inform, not to advise. It was made possible with the assistance of the following organizations and state agencies. We thank them for their cooperation in preparing a reference book for South Dakota seniors. South Dakota Office of Adult Services & Aging, State Bar of South Dakota, State Division of Insurance, State Division of Securities, State Department of Social Services, and Social Securities Administration-Pierre.

consumer protection

Consumer protection issues and financial crimes are a major problem for the senior citizens of South Dakota.

Scam artists often target the elderly because many are alone and willing to listen. Con artists use deceptive techniques to steal millions of dollars from seniors every year.

In South Dakota, nearly 15% of our population is over the age of 65. National studies show over 30% of all scam victims are over the age of 65. If these statistics hold true for our state, older South Dakotans lose millions of dollars each year to sweepstakes, scams, and other types of fraud. That's millions most South Dakotans can't afford to lose.

The Attorney General's Division of Consumer Protection is available to help with consumer questions and complaints. The division investigates and mediates nearly 3000 complaints a year. They also seek to prevent consumer fraud by educating and advising consumers.

Although investigators cannot solve every problem, they have helped consumers recover over \$23 million since 1995. Questions about a product, service, or scam should be directed to the Division of Consumer

Protection at 1-800-300-1986.

sweepstakes

Nearly every day at least one piece of mail declares us the winner of a million dollars. Unfortunately, most of the time we haven't won a dime.

Legitimate sweepstakes mailings should clearly disclose that there is no purchase necessary to participate. It is illegal to require a payment.

Be sure to read sweepstakes mail carefully. Your entry might be disqualified if you do not follow the rules exactly.

Notice the eligibility requirements for the entry.

If a sweepstakes promotion states you are a pre-selected winner, you usually only receive a prize if you enter the competition. Although the sweepstakes claims you are a winner, you probably have not won the "grand prize."

Sweepstakes participants must have an equal chance of winning a prize. The probability of winning the big prize is usually very slim.

So, how can you tell if it's your lucky day or if it's just another scam artist hard at work?

Scams often declare you a winner or finalist of a contest you did **not** enter.

Scams require you to make a purchase before you receive your prize.

Scams claim you must send or wire them money for taxes, shipping, or insurance before you can claim your prize.

It is illegal to charge you anything if you have truly won a sweepstakes.

Scams often require you to call a 1-800, 1-900, or 1-888 number to verify your winnings.

Scam artists are constantly coming up with new ploys to trick the unsuspecting consumer.

The South Dakota sweepstakes law requires companies to:

- Give consumers the full terms of the deal before accepting payment;
- Put in writing the odds of winning, the true retail value of

prizes, and disclose cost associated with receiving prizes;

- Tell the consumer if they must listen to or attend any sales presentations;
- The law also prohibits sweepstakes operators from implying they are associated with a government entity, law firm, or insurance agency unless they are.

charitable sweepstakes

Sometimes charitable organizations use sweepstakes appeals to entice people to donate. In that situation, you do not have to give a donation to be entered into the sweepstakes.

Before donating to the charity, check out the charity as you would any other charitable donation. Again, you are not required to give to enter the competition. Do not give to the charity unless it specifies the programs your gift will be supporting.

telemarketing solicitations

Telemarketing fraud is one of the most common ways in which con artists can get your money. You can protect yourself by taking the time to carefully consider any purchase or by checking out the company before doing business. You can do this by calling the Consumer Protection Division at 1-800-300-1986.

Some deceptive tactics telemarketers use:

- Target seniors living alone or living on a fixed salary;
- Calling often to develop a friendship;
- High pressure tactics to get you to act now because the offer will not be available tomorrow. If it is a good deal today, it will be a good deal tomorrow.
- Promoting foreign lotteries. Although it is illegal to purchase tickets in a foreign lottery, crooks will sell under the pretense that you are part of the pool of ticket purchasers sure to win and split the proceeds.
- Having a delivery service pick up your check within hours.

Telemarketers talk fast and are smooth. Follow these tips to avoid telemarketing fraud:

- Ask the company to mail you in-

formation about their business. If they refuse, hang up. If they send the info, contact Consumer Protection to check them out.

- Never give checking or credit card numbers, or personal information to telemarketers.

Remember the best way to avoid telemarketing fraud is to just hang up!

South Dakota law requires telemarketers to:

- tell you their true name, the name of the company that employs them, and the business they represent;
- ask, at the beginning of the call, if you are interested in hearing a sales presentation;
- provide a written confirmation, complete with full terms of the deal, if you decide to make a purchase;
- receive verification, in writing, from the consumer before billing that consumer's account.

The law also forbids telemarketers from calling before 9 a.m. and after 9 p.m. and they are not allowed to call at all on Sunday.

This law does not apply to:

- merchants who operate an established business that has a fixed permanent location and

has less than twenty-five percent of total new sales made by unsolicited consumer telephone calls;

- Businesses who you have a clear, pre-existing business relationship with;
- Those transactions which you purchase goods or services pursuant to an examination of television, radio, or print advertisement or a sample, brochure or catalog.

do not call list

Consumers can also choose to have their name included in the Public Utilities Commission “do not call” registry. You will be able to register for free at www.sddonotcall.com or by calling 1-888-382-1222. Once your number is on the “do not call” registry, telemarketers will be on notice that you do not want telemarketing calls. Your telephone number will stay on this registry for five years and after that time you will have to renew your registration.

Not all types of telemarketing calls are prohibited however. You may still receive calls regarding charitable solicitations, political activities, businesses that you have an estab-

lished business relationship with, and the like. If you do not wish to receive these types of calls, simply say “put me on your do not call list.” All such callers are required to maintain an internal “do not call list.”

Complaints regarding calls that are exempt from the do-not-call list should be reported to the Consumer Protection Division at 1-800-300-1986.

credit card loss

Credit card loss protection insurance is a big concern for many seniors. Despite what telemarketers might tell you, your liability for unauthorized charges to your account is limited. Federal law states you are only responsible for \$50 of any fraudulent charge.

Worthless credit card loss protection is a popular offering for promoters trying to exploit consumer uncertainty. You should avoid doing business with callers who claim:

- you’re liable for more than \$50 in unauthorized charges on your account;
- you need credit card loss protection because computer hackers

can access your credit card number and charge to your account;

- a computer bug could make it easy for thieves to place unauthorized charges to your account;
- they are from a security department and want to activate the protection feature on your credit card.

buyers club

Consumers are finding charges on their credit card bills for memberships in buyers clubs they didn't agree to join or didn't agree to renew after the trial offer.

Consumers should be leery of offers that involve very low prices or free products. There are often disclosures in fine print that enroll you in a club.

Other times a "free trial offer" will be available, but the charges are made immediately. In other cases, consumers received notices that they would be charged for a "welcome packet" unless they called to cancel.

You should always look at your credit card and bank statement carefully. Once someone has your

account number it is possible to charge services to your account that you didn't agree to.

Consumers who find unauthorized credit card charges or debits should dispute them immediately by calling their credit card issuer or bank.

advance fee loans

Advertisements that guarantee loans are alluring, but they are most likely not legitimate. The "lender" usually promises to provide a loan, but requires the consumer to wire or transfer an up-front fee. The lender often refers to this as a "processing fee." The consumer then waits for several weeks or months only to find out the loan has been denied and the fee is non-refundable. Or the consumer never hears from the company.

Some common loan scam characteristics:

- Lender is based in Canada
- Lender requests funds to be sent by wire transfer
- Lender "guarantees" loan, even if you have credit problems

home improvement scams

Home improvement scams are nothing new to South Dakota.

Some common warning signs of these scams are:

A contractor comes to your door, claims he has just finished a job, and because he has materials left over, he can give you a bargain price on a project.

Asks you to get the required building permits.

The contractor uses a post office box with no street address or uses a local motel as the company's address.

The contractor has an out of state license plate.

The contractor requests you pay the full amount for the project up front.

To prevent home improvement scams use the following guidelines:

- Always check references;
- Deal with local, reputable companies;
- Obtain a written bid before having work done;
- Review contracts carefully before signing;
- Keep a copy of contracts, bids, and receipts;
- Limit your down payment to 25% of total price;

- Never sign a partially blank contract;
- Ask for lien waiver before payments are made

If a contractor will not cooperate or take no for an answer, contact local law enforcement or the Division of Consumer Protection.

credit card and checking account scams

Credit cards and bank accounts are a popular target for thieves looking to make some fast cash. Once con artists obtain your account number, it becomes easy for them to tap into your account.

During solicitation, sweepstakes promoters might attempt to obtain your credit card information in order to charge to your account.

In cases where they don't charge your account themselves, they might sell your numbers to other scam artists.

While credit card scams occur frequently, checking account scams are becoming more popular. In these scams, someone calls requesting your checking account information to verify an account, to finalize a so-called sweepstakes winning, or to complete a purchase.

Don't give them your numbers. Scam artists now use electronic transfers to tap into bank accounts. Most consumers are unaware that crooks can withdraw money directly from your checking account if you provide your checking account number.

Consumers who give their credit card or checking account numbers to strangers often end up with expensive and troublesome results.

Keep your numbers to yourself, review your monthly statements carefully, and contact your bank or the authorities if problems appear.

predatory lending

Growing numbers of financially strained individuals are being taken advantage of by dishonest lenders. These smooth talking sales people offer unfair loans with high interest rates, outrageous fees, and unaffordable repayment terms.

To avoid a bogus loan:

Be suspicious of anyone who offers you "bargain loans." Don't rely on salespeople who promise easy credit.

Beware of offers that are only good for a very short time.

Beware of anyone who contacts you first. Most good mortgage lenders don't solicit business over the phone or just show up on your doorstep.

Never act quickly. Say no to lenders who ask for up-front fees or offer next day approval.

Avoid "balloon payments." Balloon payments require small monthly payments but a very large payment at the end of the loan period.

Before borrowing money, find out the total cost of the loan, the annual percentage rate, the monthly payments, and how long you have to pay back the loan.

Read contracts carefully and understand everything before signing.

Remember you can back out of a loan at any time before you sign it. If you sign a contract using your home as security, law allows you to change your mind within three business days of signing the contract.

If you think you have an unfair loan, contact the Division of Consumer Protection and the Federal Trade Commission.

door-to-door sales

Door-to-door salespeople can put a lot of pressure on consumers, sometimes catching people off guard and tricking them into buying items they don't need.

When buying from a door-to-door salesperson be sure to get prices and warranties in writing. Also be sure to read contracts before signing them.

Before buying from a door-to-door salesperson take a couple of days to decide if you want the item, compare prices locally, and check out the legitimacy of the company.

If you do buy something and then decide you don't want it, South Dakota law provides a remedy.

You have three days to cancel purchases made in your home or place other than the place of business of seller. This law does not cover purchases under \$25, items purchased at home parties, or purchases that began in the seller's place of business.

The seller must inform you of this right and supply you with a cancellation form.

To cancel your purchase you must mail the form before midnight of the third business day after the sale. We recommend you send the cancellation by certified mail and keep a copy of the completed cancellation form.

If you cancel, within ten days the seller must cancel and return any papers you signed. The seller must refund all of your money and tell you whether any product left with you will be picked up. The seller must also return any trade-in.

Within 20 days the seller must pick up the items unless you agreed to send them back. If you agreed to send the item back you must be reimbursed within 20 days. If the seller fails to notify the consumer of their intention to repossess the goods within 20 days after cancellation, the consumer does not have to return the goods.

The consumer is not obligated to return goods to the seller until the money and/or contract has been recovered. If the consumer does not make the item available to the seller, or agrees to return the item but fails to do so, he remains obligated under the contract.

shopping by mail

In recent years, mail order companies have become very popular in rural states like South Dakota. Although most mail order companies have good customer service reputations, problems do occur. Some of the more common ones include:

- Customers not receiving merchandise they ordered;
- The company won't repair, exchange or refund damaged merchandise;
- The product is poorly made or overpriced;

Mail order complaints can often be resolved by contacting the company directly if a problem occurs.

To avoid the pitfalls of shopping by mail:

- Keep copies of your order form to verify your order;
- If you order by phone, write down the name of the person who took your order and your confirmation number;
- Never mail cash. Send a check;
- Ask for a shipping date so you know when to expect delivery.

Consumers sometimes receive merchandise they did not order. Under

South Dakota law, it's considered a gift and you are not required to return it or pay for it.

We do suggest you contact the company and give them the option of returning the merchandise at their own expense.

travel scams

Most travel scams offer a full vacation package to promote hotels, casinos, or other attractive resort destinations. Most say you only need to pay a flat fee up front. While some offers are legitimate, many are not. Some common problems include:

Most offers don't include transportation costs;

Some vacation packages do not reserve hotel rooms or cruise tickets as promised;

"First class accommodations" turn out to be small, out-of-the way, motels;

Promoters do not reveal all the costs and you end up paying much more than promised before reaching your destination;

Travelers arrive at some destinations

only to find the company has gone out of business.

charitable gifts

Millions of dollars are contributed to charities across the nation each year. While many of them are worthy causes, fraudulent charities are also out there. Asking questions is a great way to help determine the legitimacy of an organization. Some good questions to ask include:

Where is the organization located?

What charitable work has the organization done?

Do they have written material on the charity?

How long has the organization been operating in the state?

Is your contribution tax deductible?

Is your caller a 3rd party solicitor or a member of the charity? If it's a paid solicitor what percentage of your donation will go to the charity?

Giving to local charities and proven charities is the safest way to donate money to a good cause.

id theft

Identity theft has become an increasingly popular crime in our society.

If you suspect your personal information has been used to commit fraud or theft, take action immediately, and keep a record of your conversations and correspondences.

The following are four basic steps you should take in almost any identity theft case.

First, contact the fraud departments of each of the three major credit bureaus. Tell them you are a victim of ID theft and request a fraud alert be placed in your file, as well as a statement asking creditors to call you before opening any new accounts or changing your existing accounts. Order copies of your credit reports from credit bureaus. Then order new copies of your reports a couple of months later to verify your corrections and changes.

Secondly, contact your creditors for any accounts that may have been tampered with or opened fraudulently. Creditors can include credit card companies, phone companies, banks, and other lenders.

Ask to speak with someone in the security or fraud department and follow up with a letter. It is particularly important to notify credit card companies in writing because law requires that procedure for resolving errors on credit card billing statements.

The next step is to file a report with your local police or the police in the community where the ID theft took place. Get a copy of the police report in case the bank, credit card company, or others need proof of the crime. Even if police can't catch the thief in your case, having a copy of the police report can help you when dealing with creditors.

The last step is to contact the Social Security Hotline at 1-800-269-0271. It's a crime for someone to use your SSN to apply for a job or to work. Contacting the Social Security Administration will help flag the account for ongoing problems with your credit.

The Federal Trade Commission collects complaints about identity theft. Although the FTC does not have authority to bring criminal cases, the commission can help victims of ID theft. They provide information to assist victims in resolving

the financial and other problems that can result from this crime.

The FTC also refers victims to other appropriate government agencies and private organizations for further action. The FTC identity theft hotline is 1-877-438-4338.

One preventive measure that you can take to deter identity theft from occurring is ordering a copy of your credit report. A recent amendment to the federal Fair Credit Reporting Act, known as the Fair and Accurate Credit Transactions Act, established the free credit report program. The program requires the three national credit reporting companies, Equifax, Experian and TransUnion, to provide consumers, upon request, with a free copy of their credit report every 12 months.

The free reports are available only through the central site set up by the three major reporting agencies.

To obtain the free reports, consumers can:

- Call 1-877-322-8228
- Order online at www.annualcreditreport.com

- Complete the Annual Credit Report Request form, available at www.ftc.gov/credit and mail to Annual Credit Report Request Service, PO Box 105281, Atlanta, GA 30348-5281

When you order, you need to provide your name, address, Social Security number, and date of birth. To verify your identity, you may need to provide some information that only you would know, like the amount of your monthly mortgage payment.

opting out of credit card offers

Companies and government agencies who you have given your personal information to, might share that information with other companies.

If you receive pre-screened credit card offers in the mail, but don't tear them up after you decide not to accept the offer, ID thieves might retrieve the offers for their own use.

To opt out of pre-screened credit card offers call 1-888-567-8688.

car shopping

Car dealerships are under constant pressure from manufacturers to sell large volumes of cars. This means they pass the pressure on to you when you're looking for a new vehicle.

Here are tips to avoid succumbing to the pressure of salespeople. Plan your purchase ahead of time. Decide what kind of car you want and how much you can afford to spend.

Try to make financial arrangements before you buy.

Take a friend along for moral support when buying a new vehicle.

Shop around and compare dealer prices before buying a car.

Don't be talked into borrowing extra money to make a down payment.

Always test drive a car before buying it.

Avoid buying anything in a hurry. Take a few days to make sure you want the vehicle.

Have a mechanic check the car and make a list of things which need to be repaired.

Buy from a dealer with a good reputation.

Never sign a contract with blank spaces.

Ask for proof, in writing, of any repairs made to the car for resale.

Insist all agreements between you and the dealership are in writing.

When buying a used car, ask for the title to reveal any damage disclosure information.

Used car dealers must list the price of the vehicle in the contract. They must also explain all charges you incur.

Dealers must disclose the true mileage of the car. An odometer statement should be given to you.

If you suspect your car's odometer has been tampered with, contact the Department of Revenue, Dealer Licensing. You should receive a title for the car within 30 days after the purchase.

Almost all used cars are sold "as is."

This means that the dealer won't make any repairs after the car leaves the lot.

lemon law

The Lemon Law enables consumers to obtain a replacement or a refund for their new car, light pick-up, or motorcycle.

A condition that does not conform with the vehicle's warranty, and is identified by the consumer within the first year after delivery or the first 12,000 miles is covered.

If the condition has not been repaired after four or more attempts and impairs the use, value, or safety of the vehicle, the owner might be entitled to a new car.

repair shops

Always deal with a repair shop that has a good reputation. Explain your vehicle's problem as simply and clearly as possible and explain the condition you want your car in when it is returned to you.

Before the repair work begins, have the shop prepare an estimate. You should also note on the estimate, with both your signature and the mechanic's, that you will not pay

more than the estimate unless you give approval.

retail installments

When more than one payment is to be made for a car, there must be a written contract stating the consumer agrees to pay the actual price of the sale.

The contract must include the cash price of the vehicle, amount of the buyer's down payment, amount included for insurance and other benefits, official fees, finance charge, balance owed by the buyer, the number of installment payments, and the amount and date of each payment.

A buyer who pays or refinances the full amount of the installment contract is entitled to a refund of the unearned finance charge.

In order to safeguard personal information, law prohibits certain disclosures of information, such as social security numbers, from motor vehicle records. Limited exception to this law include disclosures to governmental entities, and disclosures to those who receive consent from the subject of record.

discount drug and medical plans

If you are offered a discount on your health care expenses by a company, you should make sure that the company has South Dakota medical providers in your area who are willing to honor those discounts. By law these discount plans must give you a list of the medical providers in this state who are accepting discounts. If you are not satisfied with the plan that you have purchased you do have 30 days in which to cancel it and get a refund of the premiums, less a processing fee. Businesses that offer you a discount on health care goods and services such as doctor, hospital or pharmaceutical bills must be registered with the Division of Insurance. You should only do business with discount plans that are registered.

If you have any questions or problems with a discount plan you can contact the SD Division of Insurance at 773-3563 or Consumer Protection Division at 605-773-4400 or (800) 300-1986. The Division of Insurance will maintain a list of registered discount plans on their website: www.state.sd.us/drr2/reg/insurance/consumer/index.html

investments

Most get-rich-quick opportunities turn out to be nothing more than fraudulent investment schemes. The best investment option is to stick with investments with proven track records, and to consult a financial planner, banker or stock broker to help with your investment needs.

Some of the more common investment schemes involve high tech securities, penny stocks, precious metals, coins, and real estate. While investments in these areas are legal and common, investors can easily be manipulated by swindlers.

Investment scam artists will generally make their pitch in person, but many are now using mail, TV, advertising, and classified ads to make their sales.

To avoid these schemes...

Ask for a written explanation of the investment;

Refuse to sign anything without reading it thoroughly;

Ask for references;

Determine whether you have the option, in writing, to get out of the investment after you sign up;

Have a witness observe the salesperson sign any agreement;

Never invest with anyone who can't answer your questions.

If you suspect an investment offer might be a scheme, or if you have questions about a company, person, or investment, contact the Division of Securities at 605-773-4823.

Remember there are legitimate investments that are far safer than the get rich quick "opportunities" mentioned above.

pyramid schemes

Like any get-rich-quick hoax, pyramid schemes usually end with one result-losing your money.

Pyramids focus on the exchange of money, and not the sale of products or services. They are pitched as a business opportunity. Some pyramid schemes will hold recruitment meetings designed to create an enthusiastic atmosphere. The basic selling principle is to make people believe the offer is the chance of a lifetime.

Once you are involved you are required to pay an up-front fee and then recruit a number of other people.

Pyramids focus on the exchange of money, but sometimes a worthless product is used to disguise the pyramid as a legitimate opportunity. The pyramid will eventually crash and investors will lose their money.

Before investing, question whether you would purchase the product at the same price if it was offered in a store. If you wouldn't, then it is a good indication that the deal is a loser.

Pyramid promoters might claim that this "opportunity" is a direct or multi-level marketing system which is legal and has been approved by the law. In many cases neither claim is true.

Pyramid schemes are not only a bad idea, they're against the law.

gifting clubs

Pyramid schemes are resurfacing with a new twist. The latest versions of pyramid schemes are called "gifting clubs." To join the club, consumers are asked to make a contribution to the highest-ranking members. High-ranking members often have titles like senior captain or chairperson.

Gifting club promoters usually target closely knit social and religious organizations. They encourage participants to bring in friends and relatives to help them assume a higher rank. In reality, the clubs are nothing more than illegal pyramid scams.

The problem is, like most pyramid scams, illegal gifting clubs must continually recruit ever increasing numbers to survive. When the supply of people runs out, the pyramid collapses.

If you're approached about joining a club, but are not sure if it is an illegal gifting club:

Consider that a legitimate gift has no strings attached and a gift is not an "investment."

Avoid being misled into thinking a gifting club is legitimate because the ads say that members consider their payments a gift and expect nothing in return.

Be wary of success stories or testimonials of tremendous payoffs. Very few members of illegal gifting clubs ever receive any money.

Take your time. Don't give in to a high pressure sales pitch. Solid opportunities and solid friendships are not formed through nerve-wracking tactics.

financial exploitation

Planning your estate often involves turning control of your finances and assets over to someone else. Perhaps the most important decision is the selection of an agent. The agent should be someone you trust. In most cases, the agent turns out to be honest and reliable; however, there are cases every year where the trust placed in the agent is violated.

There are some common sense steps you can take to help avoid such problems. If your agent is to be paid for services provided, make sure the documents you sign expressly describe the amount of the payment.

Demand regular accountings of your finances and your agent's activities. Although some might see this as a sign of you being untrusting, remember, no honest agent will object to telling you where your money is.

Notify a third party of your

financial arrangements. They don't need to know the details, but someone else should know that an agent is looking after your financial affairs.

As our friends and relatives become vulnerable, we need to help look out for their well-being. If you or someone you know has an agent, it is important to be aware of possible signs of trouble. There are numerous signs to look for including:

Has the agent had an unexpected and obvious windfall? Has the agent bought a new car or a new house?

Does the agent refuse to discuss the status of the person's finances?

Has the person being taken care of had a change of lifestyle for the worse? Has that person suddenly had to apply for Medicaid or other assistance?

Have the assets distributed from a will been much different than you expected?

While these signs could be indications of legitimate estate planning and personal choices, they could be indications that a betrayal of trust

occurred. Remember, theft is a crime. Any suspected criminal activity should be reported to a law enforcement agency.

promissory notes

Promissory notes are another scam swindling money from South Dakotans.

Companies sometimes promise to pay high interest rates to people willing to lend them money. These promises to pay are called promissory notes. The notes usually promise to return your investment plus up to 18% in interest.

It is important to remember, most legitimate companies don't sell promissory notes to the general public.

Before buying a promissory note ask these questions:

Is the person pitching the notes licensed to sell securities in your state?

Where is the company located?

How long has the company been in business?

What is the business's financial

condition?

Does the company provide annual reports?

Can you have one of the company's financial reports?

Most companies using promissory notes to borrow money are not well-established and are struggling to avoid bankruptcy.

The insurance companies "guaranteeing" the notes are often misrepresented and do not have the financial capabilities to guarantee anything.

elder abuse

Older Americans are often the targets of abuse. This is because they are often unable to make a complaint or are afraid to lodge a complaint.

Elder abuse is especially tragic because in many of these cases the abuser is in a position of trust; as a caregiver, a guardian, a trustee, or even a family member. By being aware of the signs of possible abuse, neglect, self-neglect and financial exploitation, you can help protect abuse victims.

Some common signs of physical abuse include:

- Frequent unexplained injuries or complaints of pain without any obvious injury;
- Burns or bruises suggesting the use of instruments, cigarettes, etc.;
- Passive, withdrawn, and emotionless behavior;
- Lack of reaction to pain;
- Patient reports physical abuse.

Signs of sexual abuse include:

- Sexually transmitted diseases;

- Injuries to genital area;
- Difficulty sitting and walking;
- Fear of being alone with caretaker;
- Patient reports sexual abuse.

Some common signs of neglect include:

- Obvious malnutrition;
- Lack of personal cleanliness;
- Individual is routinely dressed in torn or dirty clothing;
- Obvious fatigue and listlessness;
- Person is begging for food or water;
- Person is in need of medical or dental care;
- Person is left unattended for long periods of time.

Indicators of self-neglect:

- Dehydration, malnutrition, untreated or improperly attended medical conditions, and poor personal hygiene;

- Hazardous or unsafe living conditions/arrangements;
- Unsanitary or unclean living quarters;
- Inappropriate and/or inadequate clothing, lack of necessary medical aids;
- Grossly inadequate housing or homelessness.

immunity, civil and criminal, for individuals in licensed facilities who make reports concerning elder abuse in good faith. SDCL 22-46-6 does have a limitation and is not an “any person” standard.

You should also contact the South Dakota Office of Adult Services and Aging at 605-773-3656, or the Attorney General’s Medicaid Fraud Control Unit at 605-773-4102.

Signs of financial exploitation:

- Changes in spending patterns;
- Unusual bank account activity;
- Unpaid bills.

The Medicaid Fraud Unit can also be reached by logging onto www.state.sd.us/atg.

Two other areas of elder abuse are emotional abuse and abandonment. Emotional abuse is inflicting mental pain, anguish, or distress on an elder person through verbal or nonverbal acts. Abandonment is the desertion of a vulnerable elder by anyone who has assumed the responsibility for care or custody of that person.

Abuse of the elderly is a crime. If you suspect elder abuse, whether it’s at home, in a nursing home, or anywhere else, contact your local police. South Dakota law provides

health care

As our state's population ages, more and more seniors and their families will face health care decisions. Those decisions can be clouded by some of the false claims that appear in the medical arena.

medical quackery

Simply put, quackery is the promotion of a medical remedy that doesn't work or hasn't been proven to work. It sells false hope and preys on people with diseases that usually have no medical cure.

Medical quackery sells items such as medical devices, mattress pads, bracelets and herbal remedies. These items claim to cure diseases such as Alzheimer's Disease, arthritis, or cancer, and improve physical appearance. Although the claims might sound convincing, most of the gadgets or "cures" have not been tested by competent medical authorities. In some cases, such remedies have caused people to become gravely ill or addicted to the product.

It is important to be skeptical of medical procedures and to consult your doctor before trying any new form of treatment.

Other tips for avoiding quackery are:

Be skeptical of advertisements claiming a "miracle drug" or other device will cure your ailment;

Only follow the advice of qualified medical professionals; don't listen to friends or salespeople pushing miracle cures;

Consult with a physician before starting any weight loss or exercise programs; some diet plans may cause health complications.

Medical quackery is usually only after your money. Miracle cures commonly are nothing more than a scam.

The best medical advice is that received from a licensed medical doctor.

medical equipment

Medical equipment can be an expensive part of health care. That's why it's important to only purchase equipment that is right for you. Equipment that doesn't meet your needs might be uncomfortable or cause further pain and injury.

Before purchasing any equipment, determine if it will be covered by your insurance or Medicare. If your insurance will not cover the purchase, other options might be available. Your local hospital or health care provider might have a list of agencies that lease, loan, or provide equipment to those who can't afford it.

hearing aids

Hearing aids and batteries can be very expensive. To prevent a costly hearing aid mistake, make sure your hearing loss has been properly diagnosed. This can be done by an ear specialist, audiologist, or your own physician.

Once diagnosed, you will need to be fitted for a hearing aid. The State Board of Hearing Aid Dispensers regulates and licenses hearing aid salespeople. Licensed hearing aid salespeople are qualified to fit customers with hearing aids. Be sure the hearing aid you choose works properly and fits comfortably before you make the purchase.

You can obtain a list of licensed hearing aid dispensers by contacting the State Board of Hearing Aid Dispensers at 605-642-1600.

nursing homes

When a person is no longer able to live independently, a nursing home might become an option. Federal law provides for an assessment of the individual's health and social needs when the individual is admitted to a nursing home.

The assessment is conducted by a nursing facility social worker. The worker will prepare an individual care plan. If appropriate, a referral will be made to state programs and other community resources so that the person can remain at home.

If a family member needs to be placed in a nursing home, you will need to choose a home that best fits your family member's needs.

Begin the process of choosing by selecting a few homes in your area. You can also ask for recommendations from friends who have family in nursing homes. Your family physician might also be a good resource.

You should visit each nursing home personally before making a decision. Pay attention to the details while you are there, and be sure to ask lots of questions. Some things

you'll want to take note of include:	start in choosing a nursing home. But, before you make a final decision, read the contracts and policies carefully. Discuss payment options and make all necessary arrangements. Contact the Department of Health at 605-773-3361, and ask about the home's compliance with state regulations.
Are the residents clean and involved in activities? Are outings planned?	
Are church services planned?	
How often do they see others from the community?	
What is the staff per resident ratio?	The Office of Adult Services and Aging also has an Ombudsman Program. The program receives and investigates complaints made on behalf of residents of long-term care facilities. The Ombudsman is an advocate for the individual and provides information and assistance to residents and their families. They can be reached at 1-866-854-5465.
Are the staff within sight of the residents?	
Are the rooms clean and private?	
Do residents appear well nourished?	
How long have the nurses aides been working there? -A high turnover rate is a bad sign.	residents' rights
How are medical emergencies handled and how far away is the nearest hospital?	The Department of Health has adopted rules concerning the right of residents in nursing homes. Some of those rights include:
Does it appear restraints or sedatives have been overused?	The resident and family must be informed if the resident's treatment changes, when treatment changes, or when the patient needs to be moved or discharged.
Do the current residents of the home like or dislike the facility? Why?	The resident and family must be notified if the resident's roommate changes.
Those tips will give you a good	

Residents have the right to manage their own financial affairs and are not required to deposit personal funds with the facility.

The resident has a right to choose a personal attending physician and make choices, if competent, about their own health care.

Residents have the right to privacy and confidentiality in accommodations, medical treatment, mail, telephone communications, visits, and family meetings.

The resident has a right to a safe, clean, comfortable environment, free of abuse.

The nursing home is required to inform the resident before admission, of all of their rights and of the rules governing the facility.

For a free brochure on resident's rights, contact the Ombudsman Program at 1-866-854-5464.

Complaints regarding nursing homes should be directed to the Department of Health at 605-773-3361.

For a copy of The Guide to Choosing a Nursing Home call the

Medicare Hotline at 1-800-MEDICARE.

health care consent

Every person has the right to make their own health care decisions, but there might come a time when you or a family member is not capable of making those decisions.

Durable powers of attorney for health care and living wills can help plan ahead for these times. In the absence of these tools, South Dakota law authorizes others to make health care decisions for those unable to make their own.

By law, a person is incapable of giving informed consent if:

A guardian has been appointed for the person;

The court has determined the person to be legally incompetent;

It has been determined in good faith by the person's attending physician.

If the attending physician determines a person incapable of giving informed consent, that determination remains effective until decided otherwise by a physician or the

state. In the absence of a power of attorney or appointed guardian, a health care decision may be made by the incapacitated person's family.

South Dakota law has established an order as to who will make those decisions. The person's spouse is given the initial right, followed by, an adult child, a parent, an adult sibling, a grandparent or adult grandchild, an adult aunt or uncle, or an adult niece or nephew, respectively.

A person, before being determined incompetent, can disqualify any member of his family from making health care decisions for him. This disqualification must be made in a signed document, or made by notation in a person's medical record.

Persons authorized to make health care decisions must follow any expressed wishes of the incapacitated person. They must also act in good faith and cannot arbitrarily refuse consent. They are also required to consider the recommendation of the attending physician.

When no family members are available or family members do not agree on the decision to be made,

the state can make the health care decisions. It may also determine who is authorized to make the decision or appoint its own representative to make the decision.

Health care consent procedures can be avoided by preparing a durable power of attorney for health care. This appoints someone in advance to make these decisions.

Further details regarding living wills and durable powers of attorney for health care are explained in the estate planning section of this book.

assisted living centers

Assisted living is a residential alternative that promotes maximum independence for each resident through a combination of supportive services and assistance.

Each assisted living center may vary in size, style and optional services. By South Dakota Law, any health care facility or related institution for the care of people, including assisted living, must obtain a license from the Department of Health. This would not include those residences that only offer room and board. Assisted living centers are intended to be an alternative for individuals who do not need 24-hour nursing care but do need a combination of housing and assistance. Questions to ask when considering an assisted living center:

- Do the residents appear to be well attended?
- Is the assisted living center clean and odor free?
- Does there appear to be adequate staff for the number of residents?
- Can a resident bring their personal furniture or belongings?

- Are there activities, individual or group, offered at the center?
- Does the resident have privacy during family visits?
- Would the center consider a short term stay for a trial period?

When trying to choose the right assisted living center, there are many things to consider. If you need more information contact Adult Services and Aging at 605-773-3567 or 1-866-854-5465.

paying for health care

One of the biggest concerns for anyone is paying for health care. Several options are available for seniors facing health care costs.

The programs described below do change from time to time. It is best to obtain the updated details directly from the agency responsible for the program.

medicare

Medicare is a health insurance program for persons age 65 and older, people who have received Social Security Disability benefits for 24 consecutive months, or individuals of any age with permanent kidney damage. It is administered by the Centers for Medicare and Medicaid Services (CMS) and enrollment is handled by the federal Social Security Administration. Medicare is available regardless of income or the asset levels of the individual or family.

Persons approaching age 65 may apply for Medicare 3 months prior to their 65th birthday. You may apply for Medicare even if you do not plan to receive Social Security benefits. If you are already receiving Social Security or Railroad Retirement benefits when you turn 65, you are enrolled in Medicare automatically, and will receive

your Medicare card in the mail.

Medicare consists of two parts – Part A and Part B.

Part A is hospitalization insurance, and covers hospital, home health, skilled nursing and hospice care.

Part A is automatic with the receipt of Social Security, and is premium free for most beneficiaries. For those who do not qualify for premium free Part A benefits, coverage may be purchased if certain requirements are met. If the beneficiary has less than 29 quarters of Social Security coverage, the cost of the premium is \$375 per month –if the beneficiary has 30-39 quarters of coverage, the cost is \$206.

Part B Medicare is voluntary and covers the service of doctors, outpatient care, durable medical equipment, routine mammograms for the elderly, and some other services. You are automatically enrolled in Part B when you become entitled to premium Part A benefits, unless you don't want it. Part B covers physicians' services, outpatient hospital, diagnostic and therapeutic services, and durable medical equipment and supplies. Services covered under

Part B are subject to an annual deductible of \$110. After the deductible has been met, Medicare will cover 80% of the reasonable charge. Part B is generally a good deal because the federal government subsidizes about 75%.

The initial enrollment period for Part B and premium Part A runs for seven months beginning three months before the month in which you turn 65. If you do not enroll during this period, you will have to wait until the next general enrollment period. General enrollment periods run from January 1 through March 31.

If you do not enroll during your initial seven month enrollment period, your premiums will go up. The Part B premium goes up ten percent every year after you were first eligible. So, it is usually best to sign up when you first become eligible.

The increase in Part A is limited to ten percent no matter how late you enroll.

These higher premiums do not apply if you are 65 or over and are covered by group health insurance by your current employer.

Both parts of Medicare are relatively inexpensive methods of covering the costs of many health care services. Medicare, however, does not cover all medical expenses. It is important to check what amount of payment will be made for a particular service. Most Medicare claims are reduced. Sometimes payment for a particular good or service is even denied.

Allowable costs are determined by Medicare regulations, but can be appealed if you believe an exclusion is improper. Contact your local Medicare carrier for more information about appeals and Medicare coverage. The South Dakota carrier can be reached by calling 1-800-437-4762.

review policies

As you approach age 65, carefully review any current health insurance policies you are covered under.

Some policies will reduce their coverage once you are eligible for Medicare. For example, the insurance company might become a Medicare Supplement policy, rather than pay for the entire cost of the service. If this is the case with your current plan, you need to apply for Medicare.

DRGs

Diagnosis Related Groups (DRGs) have changed the nature of Medicare Part A coverage. With the adoption of DRGs, hospitals are now paid a fixed amount for inpatient care. This fixed rate is based on the type of illness or injury being treated. This change is designed to avoid excessive stays in the hospital. It also gives the hospital financial incentive to discharge patients as early as possible.

The average length of stay for Medicare beneficiaries has decreased since DRGs were adopted. However, you are entitled to receive care in a hospital for as long as it is medically necessary. No one can discharge you without your doctor's approval.

If you are hospitalized and someone tells you your Medicare coverage or "days" will lapse or end, contact the hospital administrator or Social Security representative. An appeals process is available.

Each hospital has a Utilization Review Committee. URC makes the initial determination about Medicare coverage. If your physician does not agree with the URC's

decision, your hospital must appeal to the State Peer Review Organization (PRO). The PRO will then make the determination on your coverage. PROs are groups of health care professionals paid by the federal government to monitor the quality of care provided to Medicare patients. PROs also take complaints from Medicare recipients in that state.

For more information on complaints and appeals, contact the South Dakota Foundation for Medical Care at 1-800-658-2285. The foundation serves as the state's PRO.

For additional assistance and questions regarding Medicare enrollment or for "The Medicare Handbook" contact your local Social Security administrator.

South Dakota has offices located in Sioux Falls, Rapid City, Huron, Aberdeen, Yankton, Watertown, Pierre, and Pine Ridge. The toll free number for the Social Security Administration is 1-800-772-1213.

More detailed questions should be directed to your Medicare carrier, the Peer Review Organization, or the Centers for Medicare and Medicaid Services at 1-800-Medicare.

The South Dakota Senior Health Information Education Program (SHIINE) might be able to assist you with questions about Medicare. They can be reached by calling 1-800-536-8197.

supplemental insurance

Medicare does not cover all necessary health care expenses. Most people need to find a way to pay for those costs not covered by Medicare. These policies are different from other major medical indemnity, specific-disease and long-term care insurance policies. Supplement policies are tied directly to the gaps in Medicare and are often referred to as Medigap policies.

The sale of Medicare supplemental insurance is regulated in South Dakota by the Medicare Supplement insurance law. In addition, the Division of Insurance has set standards and requirements for the sale of Medicare Supplement policies to protect the consumer.

Before purchasing Medigap insurance, you should review any insurance policies to determine what your current coverage already provides. You should also determine if you qualify for Medicaid assistance.

Once you determine what your in-

surance policies and Medicare will cover, you can determine whether or not you need a Medigap policy.

South Dakota has ten standard Medicare Supplement policies, with two new standardized plans to be introduced in the fall of 2005.

Prices will vary from one insurance policy to another. You should shop around and look at all your options before purchasing a policy. In addition, avoid purchasing a Medigap policy that offers duplicate coverage or that doesn't meet your needs. It is usually a good idea to purchase your policy within six months of the date you were enrolled in Medicare Part B and are age 65 or older.

State and federal laws guarantee your right to Medigap coverage during this six month open enrollment period. This means you have the right to buy the Medigap policy of your choice regardless of any health problems you might have. The company cannot deny or place any conditions on your policy. It can, however, impose the same standard pre-existing condition that it applies to Medigap policies sold outside the open enrollment period.

When you do find a policy, complete the application carefully. If

you are not applying during open enrollment, most applications will require you to provide a detailed medical history. Leaving out any pre-existing condition might cause problems, such as refusal of coverage or a cancellation of your policy.

Before you sign the application, your agent is required to give you an outline of the coverage. Read it carefully and if you don't understand something, ask your agent to explain it.

A good insurance agent will guide you through the process of purchasing a Medigap policy. Your insurance agent is also required to provide you with a shopper's guide. The Guide to Health Insurance for People with Medicare is a valuable resource and will help you make your health insurance decisions. It is available through your insurance agent or the State Division of Insurance.

State law and regulations do provide some protection for Medigap consumers. The law requires that:

Your insurer may not sell you a second Medigap policy.

Benefits for pre-existing condition can be refused for no longer than

six months.

Your policy can only be canceled for the failure to pay premiums or for material misrepresented to you.

You have the right to return the policy within 30 days for a full refund.

Your agent or company must provide you with an outline of coverage which includes premium information, legal disclosures, and charts of each plan offered.

Purchasing Medicare Supplemental Insurance is often a necessity. Knowing what to look for will help you make wise choices.

You can get more information about Medigap coverage by contacting the State Division of Insurance at 605-773-3563.

The Division also takes complaints about agents, carriers, and insurance policies.

Effective in January 2006, those that have a Medicare supplemental insurance policy with prescription drug benefits will see some major changes. Under the Medicare Modernization Act, Medicare beneficiaries will have a choice: they can keep their policies with prescription

drug benefits and not enroll in the new Medicare Part D or they can enroll in Part D and have the prescription drug benefit stripped out of their supplemental policy. New Medicare Supplemental policies will not have the prescription drug benefit.

insurance counseling

The Senior Health Information and Insurance Education program (SHIINE) is also a good resource for questions on Medicare Supplement Insurance. It is free to South Dakotans and offers counseling services.

SHIINE has a book available, South Dakota Medicare Supplement Insurance Rates, which outlines the ten standard policies and compares rates of each company and policy. You can get a copy of this book by calling SHIINE at 1-800-536-8197.

medigap alternatives

As an alternative to purchasing a Medicare Supplement insurance policy, you might want to consider other available options. For example, some employers offer health insurance to help retired employees supplement Medicare. Another option might be to choose

a Medicare Private Fee For Service Plan. A Private Fee For Service Plan is a health plan sold by a private insurance company. The plan charges a premium and cost-sharing amounts and lets people on Medicare choose the providers that they want to see. In a Private Fee For Service Plan, deductible and co-payment costs are set by the company and are different than those in the traditional Medicare program.

Sterling Life Insurance Company and Humana, Inc. offer a Medicare Private Fee For Service plan in South Dakota. Sterling's plan is available in all South Dakota counties. Humana's plan is only available to persons on Medicare residing in certain counties in South Dakota. For more information, contact Medicare at 1-800-633-4227 or SHIINE at 1-800-536-8197.

Other insurance policies might also be available. Indemnity, specific disease, and long-term policies are available to meet certain needs. However, the payment under these types of policies generally do not cover all Medicare gaps. It is usually preferable to purchase a Medicare Supplement insurance policy.

medicaid

Medicaid is a medical assistance program designed to provide health care to persons who meet strict financial and medical requirements.

To apply, contact the State Department of Social Services located in your area or county. Most South Dakota counties have a local office that can assist with the application process and answer questions about the various programs.

Several Medicaid programs exist specifically for the elderly.

The Long Term Care program provides hospital and nursing home care for people needing services for more than 30 days. A monthly income limit of \$1,737 and an asset limit of \$2,000 exists for this program. This is the test for a one person household. For a home being used by a spouse or by children, household goods and one car are not included in the asset limits. In addition, a minimum of \$20,000 is protected for the spouse not in long-term care.

The Elderly Waiver program allows for in-home care for those who elect to remain home instead of

using a nursing home. The limits are similar to those of the Long Term Care program.

The Qualified Medicare Beneficiary program, known as QMB, is used by some seniors to help pay the premium and deductibles that Medicare doesn't cover. It effectively serves as a supplement to Medicare for those who cannot afford Medigap insurance. Again, there are certain income and asset limits in place.

The Special Low Income Medicare Beneficiary program (SLMB) and Qualified Individual Program (QI) covers Part B Medicare premiums for those who meet less restrictive income limits than QMB.

For the QMB and SLMB programs, asset levels are \$4,000 for an individual and \$6,000 for couples. Some items are not counted in these limits, including your home, household goods and personal effects. Also not included are one car and irrevocable burial contracts.

For more information about Medicaid programs, contact your local Department of Social Services.

For those who do qualify for the

above programs, Medicaid covers many health care expenses, and provides payment directly to the provider.

If you receive a bill for a service paid by Medicaid, contact Social Services.

“spend downs”

Many people have attempted to qualify for Medicaid by giving away their property and assets. This is referred to as Medicaid “spend-down.” People considering gifts to liquidate their estate for the purpose of qualifying for Medicaid need to make sure those gifts are not in violation of the law.

Before you begin to transfer or manipulate your assets, contact your attorney to make sure you are not in violation of the law. Transfer laws change often; be aware of the rules in effect when you apply for Medicaid.

medicaid fraud

Over 9,000 Medicaid providers, including doctors, dentists, psychiatrists, pharmacists, nursing homes, medical equipment providers, and others, serve the needs of over

80,000 South Dakotans eligible for Medicaid assistance. Occasionally, however, some providers have engaged in fraudulent and questionable practices. The Attorney General’s Medicaid Fraud Control Unit investigates all forms of provider fraud relating to the Medicaid Program.

Provider fraud comes in numerous forms, including:

Billing services not performed or for products not received;

Billing for a more expensive service than was actually rendered;

Billing for several services that should be combined into one billing;

Billing twice for the same goods or services;

Billing the Medicaid Program and the recipient’s family for the same goods or services;

Performing unnecessary medical services;

Dispensing generic drugs and billing the Medicaid program for the more expensive brand-name drug.

There are many things you can do to avoid being a victim of provider fraud:

Be aware that not all medical services and products are covered by Medicaid. When receiving services, be sure to ask which services are covered, and which are not. You will be responsible for payment for any non-covered service. Read your medical bills; make sure you are only paying for services performed.

Medicaid recipients aren't usually required to make co-payments.

Be wary if you are asked to pay for a service covered by Medicaid.

In addition, when a provider performs services or provides products to a Medicaid recipient, the provider has agreed to accept the amount paid by the Medicaid Program as payment in full. Providers are not allowed to bill the Medicaid recipient, or recipient's family for the balance.

If you have private insurance coverage, be wary every time you see both Medicaid and the insurance company paying for the same procedures. All of these signs, as well as any irregularity in billing, could indicate improper conduct.

If you suspect that you are the victim of any fraudulent conduct, contact the Attorney General's Medicaid Fraud Control Unit at 605-773-4102 or through our web site at www.state.sd.us/atg.

other counseling services

Senior Fraud Patrol Program provides one-on-one counseling services free of charge. Volunteers can answer Medicare and Medicaid questions for you regarding fraud prevention. Volunteers can also assist you with any questions you have regarding Medicare coverage or billing issues by calling 800-822-8804.

long-term care insurance

There are many different types of long-term care insurance policies on the market. These policies cover a wide range of services including nursing home care, home health care, respite care, and adult day care.

Long-term care is very expensive. Medicare and Medicare Supplement Policies don't usually pay for long-term care costs. That is why many people depend on the state Medicaid program, a long-term care policy, or their own assets to pay for long-term care.

Long-term care policies might be a good option if you can afford the policy and have an adequate level of benefits.

On the other hand, if you don't have significant assets to protect, long-term care insurance might not be in your best interest.

When affording the premiums would cause financial difficulties, you should probably not purchase a long-term care policy.

If you decide to purchase a policy, determine what type of services you need and then find a policy that meets those needs. Before contacting an insurance agent or company, ask yourself these questions:

How long of a stay in a facility will you need?

How much daily insurance benefit will be enough?

Can you afford the first day coverage or will you need an elimination period?

Do you want inflation protection? (state law requires agents and companies to offer inflation protection)

Take your time and shop around for a policy that best meets your needs at a price you can afford. Like with any insurance policy, a good insurance agent will be patient and assist you with the process.

Your agent is also required to provide you with a shopper's guide to help you with your decisions. The Shopper's Guide to Long-Term Care Insurance provides a good overview of the long-term care industry and the choices involving long-term care insurance.

If you do decide to purchase a policy, take time to understand the policy before you sign it. Make sure it provides the coverage you want. If you don't understand something, ask your agent, a family member, or a friend to clarify it.

The sale of long-term care insurance is regulated by the South Dakota Division of Insurance. The Division has established some rules that carriers must meet when selling long-term care policies. These rules are designed to protect consumers and to ensure seniors are getting a quality product. Some of these include:

Your agent must provide you with an outline of your coverage.

You have a 30-day period in which the policy may be returned for a full refund.

The insurance company may deny coverage for a pre-existing condition for no longer than six months.

A long-term care insurance policy may not exclude benefits on the basis of organic brain disease, including Alzheimer's or senile dementia.

Once issued, the policy may not be canceled, non-renewed or otherwise terminated. Other laws and protections do exist. For more information, to file an insurance complaint, or to obtain a shopper's guide, contact the South Dakota Division of Insurance at 605-773-3563.

Remember insurance possibilities other than what we've touched on in this book do exist. They include HMOs, employer health benefits, and indemnity policies.

estate planning

Planning for your future is an important part of growing older.

Many people are planning for their retirement, the possibility that they become disabled, or even their death. Estate planning is a way to address these concerns.

Estate planning involves wills, living wills, trusts, durable power of attorney, life insurance, investments, retirement plans, gifts, joint tenancy, and property ownership.

In this section we will address some of the more common estate planning tools. We will also discuss probate, guardianship, conservatorship, and preplanned funeral arrangements. Many of the estate planning tools described here can be created inexpensively by an attorney. As with any service, prices may vary from one lawyer to another. It is always a good idea to shop around for a good price with a knowledgeable lawyer.

For assistance finding a lawyer, contact the State Bar Association at 1-800-952-2333.

durable power of attorney

In estate planning, a durable power of attorney is often chosen as a way to plan for those times when you

are incapacitated.

It is a written document that remains valid even if you should later become unable to make your own decisions.

With a durable power of attorney, you are able to appoint an agent to manage your financial affairs, make health care decisions, or conduct other business for you during your incapacitation.

A durable power of attorney may be general or limited. A general durable power of attorney may allow your agent to do every act which may legally be done by you.

A limited durable power of attorney covers specific events, like selling property, making investments, or making health care decisions.

One of the most important parts of creating a durable power of attorney is choosing an agent. The agent is the person you choose to carry out the duties you have outlined in the durable power of attorney. The agent should be someone you trust to carry out your wishes, someone who will not take advantage of you when you are incapacitated and someone

who is willing to serve as your agent. The agent is usually a family member or a friend, but you can choose anyone.

If you choose to create a durable power of attorney, a lawyer can tailor your document to meet your needs.

for health care

The durable power of attorney for health care is a limited durable power of attorney created only for the purpose of making health care decisions.

The durable power of attorney for health care can do everything that a living will can do. In addition, it gives your agent the power to actively remind your physician of your wishes. Your agent will make all of your health care decisions in the event you become incapacitated. The agent must follow your wishes and must consider your physician's recommendations. Any decision must also be within the range of accepted medical practice.

Part of creating a durable power of attorney for health care is choosing an agent. The agent is the person that you assign to make health care decisions for you. You need to think

carefully about who knows you best, and who will be able to speak on your behalf regarding your health care matters. You should also consider where the person lives and whether that person could be present when health care decisions need to be made.

You should discuss your health care wishes with your agent. You should also consider naming a second person to act as an agent in the event that your first choice is unavailable or is unwilling to make the decision.

Once you have signed a durable power of attorney for health care, you should inform your physician, your family, and your religious advisor. If you change your mind after creating the document, you can amend or revoke it at any time if competent.

living wills

A living will is another tool that allows you to make health care decisions now for those times when you are unable to do so.

It is a document that gives instructions to your physician and other healthcare providers as to the circumstances under which you want

life sustaining treatment provided, withheld or withdrawn.

It is different from a durable power of attorney for health care because it does not cover anything besides your wishes for life sustaining treatment.

Like the durable power of attorney for health care, living wills should be created by an attorney to make sure your special needs are included. You should also consult with your physician, family, and religious advisor, telling them that you have created and signed a living will. You should also make sure someone knows where to find it. You can choose to amend or revoke a living will at any time.

guardianship

A guardian or conservator may be appointed to handle your affairs if you become incapacitated. A guardian is appointed to manage your personal financial affairs, while a conservator manages your estate.

A guardian or conservator is appointed by the court. Anyone can petition the court for appointment of a guardian or conservator, but it is usually done by a relative or by the person or facility that has

assumed responsibility for your care. Any interested person, including the Department of Human Services or the Department of Social Services, may petition to have a guardian appointed to you. In some circumstances, you might ask the court to appoint a guardian to you.

You may also make prior arrangements for a guardian by nominating a person to fill these roles before you become incapacitated. The nomination should be made in writing or orally to the court. The court will usually appoint the person of your choice, so long as they are able to complete the duties.

If you do not make prior arrangements, the court will choose the guardian based on a number of factors. Those include, whether or not the person is your relative, where the person lives, and their qualifications.

The court might appoint more than one guardian or conservator.

trusts

A trust can be a valuable estate planning tool. A trust is a document that you can use to transfer ownership of your property to a trustee. The trustee will then manage the property for the benefit of others and you.

As a person forming the trust, you are called the settlor, grantor, or trustor. All three terms mean basically the same thing. Those who are meant to benefit from the trust are the beneficiaries.

The trustee is someone picked by you to manage and care for the property you put in trust. The trustee may be a friend, family member, bank, or anyone you choose. In some cases, you can name yourself as trustee.

The trustee should be someone you trust and someone capable of managing the property as you have directed in the trust agreement. You should consider naming a successor trustee to act in the event the first trustee becomes unable or unwilling to serve.

There are several different types of trusts that may be used for different reasons. Some trusts are created to

take effect when you die. These are called testamentary trusts. Some trusts are designed to take effect while you are alive. These are called living trusts. Some trusts are created to turn over the management of property to a professional, while still others are simply to avoid taxes and probate costs. Some trusts can be canceled by you after you set them up. Those are revocable trusts. Trusts you cannot cancel after you create them are irrevocable trusts.

There are several legitimate reasons for creating a revocable living trust. It can be an excellent way to let someone else manage the property when you are no longer willing or able to do so. In some cases, it might be cheaper to create the trust than it is to do a probate.

Some people have been led to believe that with a revocable living trust you avoid paying taxes or claims by your creditors or that the trust can be used as a way to qualify for Medicaid. This is simply not true. This type of trust may help you lesson probate costs, but it will only avoid those costs if all of your property is placed into the trust.

Creating a living trust usually takes more time and money than having

a will prepared. You may also have to pay a trustee to manage the property.

There are “do it yourself” living trust forms and kits available. You should keep in mind though, these forms might not fit your situation. Using these forms could lead to legal and tax problems. It might end up costing you more than it would to get advice from a lawyer, accountant, banker, or insurance agent.

There are ways to put your property in trust so that you can minimize the income tax burden, minimize estate taxes, and avoid probate costs as well. Usually, getting all of these benefits does come with a cost. You usually give up total control of your property.

There will be increased expenses in creating such trusts, and there might also be gift taxes to pay. You will probably not have the ability to cancel the trust and you probably won't be its only trustee.

There is no one right approach for everyone. Too much depends on individual circumstances. Some trusts have an advantage over a will, and some do not. In most cases you will be able to accomplish what you want by writing a will.

wills

Everyone should have a will. A will is a written document that states what you want to have happen to your property after your death. Your will should ensure that your assets go to the person that you want to receive them.

Generally, a will allows for a smoother transfer of your property after death.

If you do not have a will, your property will be distributed as outlined by the law.

Without a will, you essentially have no say in the distribution of your property.

In addition to distribution of property, wills also allow you to provide for the guardianship of a minor child, create trusts, and save state and federal estate taxes.

There are legal requirements which must be met for a will to be valid in South Dakota. The law requires that the maker of the will be at least 18 years old and of sound mind. The will must be written, signed, and witnessed by two or more individuals.

No witnesses are necessary if the will is dated and if the signature and material portions of the will are in the handwriting of the person making the will. This is called a holographic will. Creating a will is important regardless of the size of your estate. Your will is valid until it is changed or revoked. It should be reviewed periodically and revised when there are changes in the size or value of your estate. It should also be reviewed if your family status changes, the federal estate tax laws change, or you move to another state.

Your will allows you to name a personal representative or trustee to handle the distribution of your estate. You may also designate alternates or co-representatives. As with choosing any trustee, you should choose someone you can trust to execute your will as you have written.

Because of legal details of wills, it is best to contact an attorney to help you draft your will. They will be able to draft it in a way that meets your needs for a limited cost.

probate

Probate is a legal proceeding that transfers your property following your death according to the terms

of your will or in the absence of a will, to your heirs based on probate law. The South Dakota Uniform Probate Code was designed to protect the rights of heirs and to assure the orderly collection, preservation and transfer of property.

Having a will undoubtedly simplifies the distribution of your property. A will helps speed the probate process because your wishes are already outlined.

Testate probate proceedings are held for those who have a will upon their death.

For those who die without a will, probate law provides a means for distributing the property of the deceased, called an intestate probate proceeding. The court will appoint a personal representative to administer the estate and distribute the property. This person is often a surviving spouse or another beneficiary. Because there is no will, state law will be used to distribute property. Property will usually go to surviving spouses and other heirs.

With either type of probate proceedings, all creditors must be paid from the estate. The probate court also provides for the

collection of appropriate state inheritance, federal estate and income taxes. A handful of other taxes must also be paid to the state before the estate can be closed. Administrative costs, court costs and attorney fees are also paid by the estate. Probate law is complex. When used correctly, it will ensure that the property of the deceased is distributed quickly and fairly.

As with all estate planning, contact your lawyer for more details.

funerals

When death occurs, decisions must be made under emotional conditions and limited time constraints. Some of these decisions could involve purchases of goods and services costing thousands of dollars. A preplanned funeral is a way to remove this burden from a spouse or other family member.

A preplanned funeral consists of writing down your preferences and suggestions for your funeral.

It may include the funeral home, church, minister, type of service, preference for burial or cremation, and information for the obituary. Many funeral homes have worksheets to assist a person in making decisions.

Your preplanned funeral document should be kept with your estate planning documents. You should also tell a family member about your wishes.

Some individuals desire to do more than merely plan for their funeral. For these people, prearranged funeral contracts might be desirable.

Through a prearranged funeral contract, you can contract with a funeral home or other provider for goods and professional services for your funeral. Money is paid to the funeral home or other provider at the time the contract is made.

Under state law, the funeral home is required to deposit 85% of that money into the trust. The law also restricts how the trust funds may be invested. The trusts may be revocable or irrevocable. Any contract should be reviewed carefully by your attorney.

Prearranged funeral contracts and trusts, especially irrevocable ones, are not for everyone. Individuals who contemplate a move to a different town or state may find out that the money in trust cannot be moved prior to death. Asking questions beforehand will help ensure that problems do not arise.

senior benefits and services

social security

Social security is a federal retirement program. It provides payments to retired workers at age 65.

Reduced benefits are available beginning at age 62. Should you elect to receive early benefits, the reduced rate will continue to be paid past age 65.

If you choose to work and delay retirement beyond age 65, you are entitled to higher benefits when you do retire.

Social security also provides disability and survivor benefits to qualifying recipients, and is responsible for the Medicare Part A program. If you are not yet 65 but have significant medical problems, you may qualify for disability benefits.

To qualify for disability benefits you must first meet an earnings test, and then a disability test.

Some people may be sent to a vocational rehabilitation program to obtain therapy, training, and assistance finding a job.

For those who meet the disability requirements, benefits will start six

months after the Social Security Administration determines the disability began. Dependents of a disabled worker are also eligible to collect benefits.

Family members of retired or deceased workers are also eligible to collect survivors, widows, or widowers benefits. Again, certain qualifications must be met in order to qualify.

You should apply for Social Security benefits three months prior to the date benefits are to start, but not later than the month before reaching age 65.

To apply, contact your local Social Security Administrator or call 1-800-772-1213. Social Security representatives visit some South Dakota communities on a regular basis. Applications can also be taken over the phone in some cases.

The amount of Social Security benefits you will receive depends on your earnings record and the length of time you worked at employment covered under the program. Contact you local Social Security office for an explanation of what is or could be payable based on your record.

The Social Security program is much more complex than what can be explained here. Handbooks are available from the Social Security Administration. For assistance regarding your Social Security benefits, contact your local Social Security Administration or call 1-800-772-1213.

supplemental security income

The Supplemental Security Income (SSI) program is designed to provide a minimum monthly income to people age 65 and over, or blind and disabled people, with limited income and resources. Monthly benefits are based on need. You may be eligible even if you have never worked or paid into the social security system. SSI limitations change on an annual basis. You need to contact your Social Security representative to determine if you qualify under the income and asset limits.

When counting assets, the home you live in, household items worth \$2,000, your car, a life insurance policy worth \$1,500 cash surrender value, and burial plots are usually excluded.

Eligibility determinations for SSI are made on a monthly basis; there-

fore, any change in income from month to month needs to be reported and may have an effect on your eligibility and the amount of your monthly benefits.

To apply for SSI benefits, go to your local Social Security Administration office. A Social Security representative will help you complete the necessary applications. Be sure to bring proof of age and any medical reports you might have. Before applying for SSI, you must apply for any other benefits you are eligible for. This includes Social Security, pensions, and workman's compensation.

If the Social Security Administration declares you are not eligible for SSI or reduces your SSI check, you can appeal their decision. You need to appeal within 10 days to keep your benefits at the existing rate.

appeals

The first step for appealing a Social Security or SSI decision is to ask the Social Security Administration to reconsider your case. In a Social Security appeal, you have 60 days to make the request. As described above, you only have 10 days if you want your SSI benefits to continue during the appeal.

If you are not satisfied with the result of the reconsideration, your next step is a hearing before an administrative law judge. After that you may appeal to the Appeals Council. Your last option is to file suit in your local Federal District Court.

All appeals must be made in writing. It is advisable to obtain assistance from an attorney when you decide to appeal. You can, however, be represented by anyone you choose.

representative payeeship

In the event you are no longer able to manage your government benefits, a representative payee may be appointed to manage them.

The person asking to be named a representative payee must file an application with the Social Security Administration. That person must also supply evidence that he or she is related to or cares for the beneficiary of the payments.

The beneficiary does not have to be ruled legally incompetent to obtain a representative payee. The agency paying the benefits does need to find the beneficiary unable to manage their benefits.

The appointed representative payee usually has a continuous relationship with the beneficiary and has shown strong concern for the personal well-being of that person.

If no such person exists, a public or private agency may be appointed to the position.

The representative payee must use the payment for the needs of the beneficiary. A written report of how the funds are being used must be submitted by the representative to the Social Security Administration.

Beneficiaries can terminate their relationship with the representative at any time. This is done by the beneficiary proving he/she is able to manage their benefits. If the representative is not acting in the best interest of the beneficiary, that representative can be removed.

For more information, contact your local Social Security Administration.

tax breaks

State law provides several means to reduce the tax burden of senior citizens.

Sales and property tax refunds and

property tax freezes are available to seniors who meet the qualifications. county treasurer or the South Dakota Department of Revenue.

property tax freeze

Those who meet the requirements for a property tax freeze will receive a freeze on the assessment of their home. Seniors and disabled people may qualify by meeting the following:

Having a household income of less than \$20,000 for a single member household.

Having a household income of less than \$25,000 for a multiple-member household.

Having owned the single family dwelling for one year, or having been a South Dakota resident for one year.

Having resided in the home for at least 200 days of the previous calendar year.

The value of the home must be below \$150,000.

Applications for the freeze should be made at the county treasurer's office before April 1 of each year. For more information about a property tax freeze, contact your

property tax refunds

Property tax refunds are available to disabled people and people 65 and older. To qualify you must have owned your home for three years or have lived in South Dakota for five. Refunds are only available for single household dwellings.

The amount of refund is based on your income level. Applications are available from the county treasurers office and should be made by July 1. Refunds will be received by September 1.

Property tax refunds are not available to those receiving sales tax refunds.

sales tax refund

Those people who do not receive a property tax refund and who do not own a home may apply for a refund of sales tax.

Applicants must be 65 or older, disabled, a resident of South Dakota for the entire calendar year, and meet strict income requirements. Only one claimant per household is allowed. Applications and

assistance are available from your county treasurer. The deadline for filing your claim is July 1. Refunds are made by September 1.

property tax reductions

Some South Dakota communities might choose to give senior citizens and disabled people discounts on property taxes.

The municipal governing board may adopt the South Dakota law applying to these reductions. If they choose to adopt it, seniors receive a reduction in property taxes paid to the city based on their income level.

To qualify, you must be 65 or older or disabled, and have owned and lived in your house for five years. The home must also be a single family dwelling.

Your county treasurer will know if this reduction applies to your town and if you qualify for it.

energy assistance

The low income Energy Assistance Program is available to provide low-income households with financial assistance for heating costs.

Applications for assistance are taken through the last weekend of February. When applying, you will need to provide proof of income as well as documentation of your heating bills. Strict annual income limits do apply: \$14,896 for one person, \$19,984 for two people, and increased amounts for additional people.

You will be notified within 60 days if you are approved and you can obtain fuel immediately after notification.

Acceptance and amount of assistance is determined by household size, income level, type and cost of heat used, and the region in which you live.

For more information or to obtain an application, contact the Department of Social Services at 1-800-233-8503.

adult services & aging

The Office of Adult Services and Aging provides many services free of charge or for a small contribution. Some of the services include:

Personal services such as maintenance nursing, emergency response

systems, respite care, adult day care, medication management, nutrition services, and homemaker;

Placement services to help individuals in changing their current living arrangements;

Legal services;

Counseling on insurance and Medicare questions;

Adult foster care services;

Information about community resources and other services;

Assistance for adults at risk of abuse, neglect, or exploitation;

Resolves complaints about long-term care facilities;

Meals on wheels and other nutrition programs;

Transportation services in some communities.

These services are all based on income or other program requirements. For more information on any of the programs contact the Office of Adult Services and Aging. The state office can be reached by calling 1-866-854-5465. Some

communities have district offices that can help you as well.

legal services

The need for legal advice is great in the elderly community. But, for numerous reasons, many seniors do not receive the legal advice they need. Some cannot afford to hire an attorney. Others are physically unable to leave their home, or not willing to accept free or low-cost legal services.

Several alternatives are available for those who can't afford a private attorney. Legal Service Corporations provide service to those who can't afford it.

South Dakota has two legal service corporations. The East River Legal Services office is located in Sioux Falls and the Dakota Plains Legal Services office is located in Mission. The Dakota Plains Legal Services office has branch offices in Eagle Butte, Rapid City, Ft. Thompson, Pine Ridge, Sisseton, and Ft. Yates, ND.

Another program designed more specifically for seniors, guarantees legal services to people age 60 and over, regardless of income or resources. The Office of Adult Services

and Aging has contracted with the same legal corporations to provide these services.

South Dakota's Referral Service at 1-800-952-2333.

Each legal service program handles different types of cases. Not all legal problems are accepted. Some of the services that may be available include assistance with landlord/tenant disputes, help with obtaining public benefits, or advice on consumer protection problems. For more information on legal services contact your local Legal Service office.

For residents of Pennington County, an additional program exists to supplement the work of Dakota Plains Legal Services. The Pennington County Legal Assistance Project consists of a group of private attorneys who provide free legal services to those who qualify. If the Legal Services Office cannot help and you qualify for the program, you will be referred to an attorney who will handle your case.

If you can afford to hire an attorney, find someone who can deal effectively with your problems. Seniors may need an attorney that specializes in estate planning or elder law. For assistance finding a private attorney, contact the State Bar of

reference guide

Office of Attorney General Larry Long 500 East Capitol Avenue Pierre, SD 57501-5070 www.state.sd.us/atg	605-773-3215
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Office of Adult Services and Aging 700 Governors Drive Pierre, SD 57501-2291 www.state.sd.us/social/asa	1-866-854-5465 605-773-3656
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AARP South Dakota 5105 S. Nevada, Suite 105 Sioux Falls, SD 57108	1-866-542-8172
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consumer protection

SD Division of Consumer Protection	1-800-300-1986 605-773-4400
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SD Division of Insurance	605-773-3563
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SD Public Utilities Commission (takes complaints on telecommunications companies and power companies)	1-800-332-1782
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SD Department of Revenue	605-773-3311
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National Fraud Information Center (provides advice and referrals on telemarketing fraud)	1-800-876-7060
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National Highway Traffic Safety (provides information on auto safety recalls and automobile defects)	1-800-424-9393
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Direct Marketing Association Telephone Preference Service (remove your name from telemarketing lists).	PO Box 1559 Carmel, NY 10512
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Mail Preference Service (remove your name from direct mail lists)	PO Box 643 Carmel, NY 10512
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elder abuse

Attorney General's Medicaid Fraud Control Unit 605-773-4102

Adult Services and Aging Protective Services 605-773-3656
1-866-854-5465

estate planning

State Board of Funeral Service 605-642-1600

health care

South Dakota Department of Health 605-773-3361

Office of Adult Services and Aging Ombudsman 1-866-854-5465
Resource Directory www.state.sd.us/social/asa/directory

South Dakota Department of Commerce

(each Board is responsible for the regulations and/or licensure of their specific profession)

State Board of Chiropractic Examiners 605-668-9017

State Board of Dentistry 605-224-1282

State Board of Hearing Aid Dispensers 605-642-1600

State Board of Medical and Osteopathic Examiners 605-336-1965

State Board of Nursing 605-362-2760

State Board of Nursing Home Administrators 605-331-5040

State Board of Optometry Examiners 605-347-2136

State Board of Pharmacy..... 605-362-2737

National Health Information Center 1-800-336-4797
(US Department of Health and Human Services information referral service)

investments

South Dakota Division of Securities 605-773-4823

legal services

East River Legal Services	1-800-952-3015 605-336-9230
Dakota Plains Legal Services, Mission SD (branch offices in Eagle Butte, Ft. Thompson, Pine Ridge, Rapid City, Sisseton and Ft. Yates, ND)	1-800-658-2297 605-856-4444
State Bar Lawyer Referral Service	1-800-952-2333

paying for health care

Social Security Administration Aberdeen Office Huron Office Pierre Office Rapid City Office Sioux Falls Office Watertown Office Yankton Office	1-800-772-1213 605-226-7231 605-353-1422 605-224-2137 605-342-1819 605-330-4334 605-886-8284 605-665-6801
Centers for Medicare and Medicaid Services	1-800-633-4227
South Dakota Foundation of Medical Care (South Dakota's Medicare Peer Review Organization)	1-800-658-2285
Noridian Mutual Insurance Company (South Dakota's Medicare Part B carrier)	1-800-633-4227
Cahaba Health Benefits Administration (South Dakota's Medicare Part A carrier)	1-800-633-4227
US Department of Health and Human Services Office of the Inspector General (Medicare) (Takes complaints of fraud or abuse in Medicare or Medicaid programs; answers Medicare questions)	1-800-447-8477

Cigna Healthcare (Equipment Carrier)	1-800-633-4227
Adult Service & Aging SHIINE Program	1-800-536-8197
SD Department of Social Services	605-773-3165
Attorney General's Medicaid Fraud Control Unit	605-773-4102

volunteer programs

Foster Grandparent Programs www.state.sd.us/social/asa/directory	
Retired and Senior Volunteer Program/RSVP www.state.sd.us/social/asa/directory	
Senior Companions of South Dakota 4800 W. 57th Street, Box 5038 Sioux Falls, SD 57117-5038 www.state.sd.us/social/asa/directory	605-361-1133

senior benefits and services

Social Security Administration	1-800-772-1213
Low income Energy Assistance Program	1-800-233-8503

other resources

American Cancer Society National Information Call Center (provide equipment assistance to cancer patients)	1-800-ACS-2345
Aberdeen	1-800-622-8267
Mitchell	1-888-361-8696
Pierre	1-800-214-1966
Rapid City	1-800-529-0024
Sioux Falls	1-800-660-7703
Watertown	1-866-870-5572
Cancer Information and Counseling Line	1-800-525-3777

Easter Seal Society of South Dakota (serves people with disabling health problems and financial needs)	605-224-5879
Elderhostel (education/ travel experiences for seniors age 60 plus)	1-877-426-8056
Eye Care America (provides help for the elderly with eye problems)	1-800-222-3937
Experience Works (formerly Green Thumb, Inc) (provides part time employment for people over 55 who meet federal low income guidelines)	605-332-7991

The Senior Citizen Handbook is written and published by the South Dakota Attorney General's Office. 10,000 copies of this document were printed at the cost of \$.89 per copy. State (SDLC 20-13) and Federal (Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973 as amended, and the Americans With Disabilities Act of 1990) laws require that the Office of Attorney General provide services to all persons without regard to race, color, creed, religion, sex, disability, ancestry, or national origin