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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051361
Party	Plaintiff United Home Care Services, Inc
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Submission	Motion for Summary Judgment
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UHC0002



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1. To be eligible for services, the following criteria must be met:

- Patient has Medicare Insurance.
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- The patient requires part-time or intermittent skilled nursing care, physical therapy, speech therapy, and/or occupational therapy.



2. Services NOT covered by Medicare include:

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3. Homebound Reasons Acceptable to Medicare:

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- Confined to chair.
- Activity limited to bed or chair.
- No weight bearing.
- Requires assistance of 2 or more people to get in and out of car.
- Requires assistance of another person to ambulate.

United HomeCare Services

Corporate Office
5255 N.W. 87th Avenue, #400
Miami, FL 33178
Phone: (305) 477-0440 • Fax (305) 716-0288

Web Site: www.unitedhomecare.com

OFFICE LOCATIONS

Miami-Dade

Phone: (305) 716-0805 • Fax: (305) 716-0798
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HHA299991265

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United HomeCare Services is the agency of choice for thousands of elderly and disabled adults.

•United HomeCare Services is a non-profit organization with over 30 years of experience caring for residents in Miami-Dade County.

•With an efficient, compassionate and caring staff, United HomeCare Services gives you and your loved ones peace of mind.

•United HomeCare Services employees undergo background screening, are reference checked, and insured.

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How can we help?

At a full service home health care agency, we provide either short and long-term care. Whether you are recovering after hospitalization, need assistance with the activities of daily living, or need care with a chronic illness, we can offer services to you at your loved one in the comfort of your own home.

Our qualified care experienced staff includes skilled nurses, certified case managers, licensed social workers, home health aides, physical, occupational and speech therapists, counselors, and dietitians.

We work in partnership with your medical providers, family members, and caregivers to give you home care services that are enjoyable and special to your needs.

We accept elderly clients, 60 years of age and older, and disabled adults (18-59 years of age).

What services are available?

- Case Management
- Nursing Care
- Physical Therapy
- Occupational Therapy
- Speech Therapy
- Clinical Social Work
- Gerontological Counseling
- Mental Health Counseling
- Nutritional Assessments
- Nutrition Risk Reduction
- Home Health Aide
- Personal Care
- Homemaker Services

• Escort Services

- Companionship
- Respite
- Care
- Home Behavioral Alerts
- Courthouse Medical Supply
- Medical Equipment
- Environmental Modification
- Emergency Alert Response
- Helathism Monitoring
- Adult Day Care

Services such as Dental, Hearing, Vision, and Assisted Living Facilities can be provided to those eligible to participate in our Long Term Care Insurance Program.

How can you learn more about programs and services available?

We want you to make the right decision about what care is best for you or your loved one. We understand that sorting through all the available information can be confusing. This is why we would like to give you a helping hand!

Call us today at (203) 477-0440 or visit our website at www.uhhealthcare.com.



¿En qué podemos ayudarle?

Desde una Agencia de Cuidado de Salud en el Hogar de servicio completo, ofrecemos con un equipo grande de servicios y programas para asistir a los pacientes mayores, de 60 años o más, al igual que a nuestros clientes con discapacidades, de 18 a 59 años, en la comodidad de sus hogares, hogares. Colaboramos con la comunidad médica, miembros de la familia y proveedores de cuidado para que disfruten un servicio de cuidado del hogar más cómodo.

Nuestro cuidado personal incluye enfermeras, terapeutas, monitores de casos certificados, rehabilitadores sociales, terapeutas, asistentes de salud en el hogar, consejeros, dietistas y terapeutas físicos, ocupacionales y del habla.

Nuestros servicios están diseñados y disponibles para nuestros clientes elegibles que se encuentran en recuperación en su hogar, y que necesitan servicios a corto plazo para recuperación de una hospitalización, que necesitan asistencia con actividades de la vida diaria o que necesitan cuidado a largo plazo debido a alguna enfermedad crónica.

¿Qué servicios están disponibles para usted?

- Manejo de Casos
- Cuidado de Enfermeros
- Terapia Física
- Terapia Ocupacional
- Terapia del Habla
- Trabajo Social Clínico
- Consejería Gerontológica
- Consejería de Salud Mental
- Evaluaciones Nutricionales
- Reducción de Riesgo Nutricional
- Asistencia de Salud en el Hogar
- Cuidado Personal

• Servicios de Auto de Cuidado

- Servicios de Escucha
- Compañía
- Respiros
- Inicio del Hogar
- Gastos Emergencia en el Hogar
- Suministros Médicos Consumibles
- Equipo Médico
- Modificación Ambiental
- Respiros o Alarms de Emergencia
- Cuidado Digno para Adultos

Servicios dentales, de audición, visión e instalaciones de vivienda con asistencia pueden proveerse a aquellos personas elegibles en nuestro Programa de Cuidado a Largo Plazo.

¿Cómo puede saber más acerca de los programas y servicios disponibles?

Queremos que usted tome la mejor decisión acerca del cuidado que mejor le corresponde a usted o a su ser querido. Entendemos que la información disponible puede ser algo confuso y abrumador, pero podemos ayudarle a simplificar el proceso.

Ullmanns hoy mismo al (303) 477-0440 o visite nuestro página en Internet: www.uhhealthcare.com.

Aging in America and its Impact on Community: Why You Should Care

As the Baby Boomers age and their parents enter their 80's, we face significant challenges in the care of the elderly: increasing needs and limited dollars will affect their quality of life and those who care for them.

***United HomeCare Services strives to address those challenges effectively
but we can't do it alone.***

- According to a 2005 U.S. Department of Health and Human Services report, nursing homes in the United States in 1999 cost an average of \$47,000 per year, with costs rising each year. More recent data suggests these costs had risen to \$60,000 in 2005.
- **In contrast to the cost of nursing home care, in-home care costs an average of \$15,000 annually.** There is evidence suggesting that the longer a person is able to remain home in familiar surroundings, the longer their physical and intellectual faculties remain sound.
- Miami-Dade County had nearly 400,000 residents of retirement age (65 and up) in 2000. More than 18% of them live below the U.S. poverty level in the seventh most expensive MSMA in the U.S.
- The fastest growing segment of our population is the 85 and older group. By 2050, this group will increase from 4 million to 18 million. This age group is the one most likely to need care. **
- Roughly half of those in the 85 and older group suffer from major cognitive impairments such as Alzheimer's disease, which today affects 4.5 million Americans. by 2050, if there is no cure, this number will increase to 16 million.**
- A recent MSN study on retirement expenses indicated that the average retiree couple will spend \$200,000 in out-of-pocket medical expenses during their retirement (17 year average).
- Currently, nearly 1000 individuals are on UHCS's waiting list to receive in-home services. The average time spent waiting for services is nearly six months.

There are only four kinds of people in the world:
Those who have been caregivers
Those who currently are caregivers
Those who will be caregivers, and
Those who will need caregivers.

Rosalyn Carter, The Rosalyn Carter Institute for Caregiving.

About United HomeCare Services

- United HomeCare Services is a non-profit 501 (C)3 organization whose mission is ***"To make a difference in the lives of individuals by offering home health and community care solutions that promote independence and wellness."***
- **At one-fourth the cost of institutional care, in-home care is not only the most cost-effective care option it is also the most desirable for clients.**
- We offer a comprehensive spectrum of programs including: State, Federal, local grants, Medicare, Medicaid, long-term care insurance and private funds.

Services available to clients through UHCS include:

- case management
 - adult day care
 - in-home personal care assistance
 - homemakers
 - respite
 - emergency alert response
 - mental health counseling
 - nutrition risk reduction/education
 - caregiver training
 - home delivered meals
 - chore
 - companionship
 - escort
 - medical supplies
 - environmental modifications
 - skilled nursing
 - therapy services
- UHCS has also recently launched an innovative pilot program: **TeleHealth**, designed to monitor clients' vital signs and medical conditions remotely, ensuring best care and rapid response.

Learn how you can make a difference in someone's life, for information call Betsey Greene Freeman at 305-328-0879 or e-mail her at bgreenefreeman@unitedhomecare.com

For information on accessing any of the United Home Care's services call Customer Assistance at 305-716-0710



United HomeCare Services 5255 NW 87 Avenue Miami, Florida 33178

Local leaders critical to community's educational success

By ZACHARY S. FAGENSON

THE BEST OF MIAMI 2009 EDUCATIONAL UPGRADES

In his first address to a joint session of Congress, President Obama called for Americans to challenge themselves and seek education beyond high school.

He didn't say how they should do it. He didn't break out the Obama family checkbook and fork over the money for books, tuition, laptops or dormitory fees.

He didn't invent groundbreaking strategies for elementary school teachers to persuade their students to read regularly or memorize multiplication tables.

While politicians pontificate from the pulpit of Capitol Hill on the importance of education, it's local leaders who shoulder the weight of the future of their entire communities.

Mark Rosenberg, the incoming president of Florida International University, identified several individuals who have helped promote education throughout Miami-Dade County at all lev-

els. He first nominated **Dean Colson**, chair of the University of Miami's board of trustees and a partner at the Coral Gables-based law firm Colson, Hicks, Eidson, as someone who has worked tirelessly for Miami's public and private universities.

"It was Mr. Colson who convinced Gov. [Charlie] Crist that the [public] universities needed assistance and help," Mr. Rosenberg said. "He was instrumental in the governor's mid-November announcement on major university finance that had not only local but statewide impact."

Mr. Colson said all of Miami's presidents of its three largest institutions of higher education deserve recognition for their dedication to the community. He paid special attention, how-

ever, to Miami Dade College President **Eduardo Padrón**.

"Eduardo has made Miami-Dade County better and, frankly, the fabric of our society changes if Miami Dade College doesn't do its job," he said. "When the economy goes south, what you'll see is enrollments in community colleges go way, way up, yet their funding doesn't."

At the elementary school level, Dr. Rosenberg gave a nod to the accomplishments of state Rep. **Anitere Flores**, a Miami Republican who chaired the pre-Kindergarten through 12th Grade Appropriations Committee, and state Rep. **David Rivera**, a Republican who represents parts of Miami-Dade and Collier counties and chairs the House's Appropriations Council on Education and Economic Development.

Rep. Flores "had responsibility for [the funding] of kindergarten through 12th grade," Dr. Rosenberg said.

Her work during the legislative session, however, was an uphill battle.

"When we started off we were looking at an initial budget reduction of 15% per student and that would've been higher in Dade," Rep. Flores said. "Working with the superintendent and several parents we were able to pass through an idea where the local school board can increase the millage rate for public schools."

"That increase would have to be approved by voters in Dade County," she added.

Finally, she suggest **Robert Fernandez**, an attorney with Akerman Senterfitt and a member of Miami Dade College's board of trustees, as someone who's helped advance education.



Anitere Flores has chaired the grade school appropriations committee.

"He's someone in the private sector who spearheaded the half-penny tax for education," she said.

And after touting local legislators' work on education during a challenging year, Dr. Rosenberg's final nomination was former Miami Herald Publisher and Children's Trust Founding Board Chair **David Lawrence Jr.**

"What he managed to accomplish for pre-kindergarten is path-breaking and is going to have an impact on generations of children to come," he said. "Our infants and kids are going to be better prepared to address the rigors of school."

Like Mr. Colson, Mr. Lawrence praised Dr. Padrón's work, calling him one of the community's "most creative leaders."

Mr. Lawrence also tipped his hat to all of Miami-Dade for voting to renew and permanently fund the Children's Trust.

"Even as the market began to

tumble late last August, people voted to tax themselves in perpetuity not only on behalf of their own children but all the children of this community," he said.

Later, Dr. Padrón said it was "difficult" to name just one influential leader in education but his choice was **Barbara Kahn**, dean of the University of Miami's business school.

"She has really put in place a program that addresses the important issues of the [business] community," he said. "She's connected to the various sectors and doing a great job in serving the needs of the business community."

And while he was appreciative of the compliments of so many community leaders, Dr. Padrón credited it all to Miami Dade College's mission.

"The [college's] trademark is that we have given every resident an opportunity to grow and to learn," he said. "That's the most important thing."



Photo by Marlene Quattroni

Barbara Kahn heads up the University of Miami's business school.

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Since 1974, elderly and disabled adults in Miami-Dade have trusted and depended on UNITED HOME CARE SERVICES for the delivery of compassionate home care services. We have helped thousands of elders remain living comfortably and safely in their homes.

Our Geriatric Care Management service offers a valuable fee-for-service option designed to help overwhelmed and overstretched caregivers. Our Geriatric Care Manager works with you to develop a customized Plan of Care for your loved one and to coordinate the delivery of services.

UNITED HOME CARE SERVICES can provide services 24 hours a day/7 days a week and can provide any combination of the following services to suit your needs:

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- SKILLED NURSING
- PHYSICAL, OCCUPATIONAL & SPEECH THERAPY
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- EMERGENCY ALERT RESPONSE
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- CAREGIVER SUPPORT GROUPS

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HOT MEALS: Oneida Mateo, 74, from left, Generosa Advincula, 84, and Maria Gutierrez, 86, receive hot meals days after Hurricane Wilma hit South Florida. Artists Gloria and Emilio Estefan supplied the meals from Bongos Cuban Cafe to hundreds of seniors at Las Palmas Plaza, 2501 NW Seventh St.

STORM STRAINS CAREGIVERS' JOBS

POST-HURRICANE WILMA LIFE COMPLICATES SOCIAL SERVICE WORKERS' EFFORTS TO TEND TO THE NEEDS OF THEIR ELDERLY PATIENTS

BY DAVID OVALLE
dovalle@herald.com

Every day missed at work in the chaos that is post-Hurricane Wilma Miami carries an economic toll. But for Norma Guevarra, the loss chipped away at the heart.

On Thursday, Guevarra, a social service worker, planned to feed and bathe Albina Keiser, a 77-year-old with few family and Alzheimer's disease.

Instead, as her husband went to the hospital for kidney dialysis, Guevarra and her two children spent 14 hours in a line, pushing her fuel-starved car to get gas.

Wilma has strained relationships between the homebound elderly and the social service workers who are their crucial lifelines, providing food, medical attention and, most importantly, human contact.

"They need me to come, if even for a moment," said Guevarra, who Friday made it back to Keiser's tiny apartment on the lip of the Miami River. "What they need most is human warmth."

Like other entities, social service agencies have been hampered by gaps in communication and initial gasoline shortages. That means many case managers and caregivers have been stretched trying to balance their own families with the needs of the elderly who cannot stand in line for water and food.

MEALS DELIVERED

At United Home Care Service, which services about 3,000 people in Miami-Dade, case workers had checked on most of their clients by the end of last week, and meals have been delivered to most, president Jose Fox estimated. Case managers have been

allowed to work from home so they can also tend to children home from school and damaged homes, Fox said.

"In these situations, we don't necessarily tell them to come to the office. We try and be flexible," Fox said.

Before the storm, the Aging & Disability Resource Center of Broward County, an umbrella organization that feeds about 2,000 homebound senior citizens, and another 3,000 elderly people at centers, delivered two weeks' worth of meals to clients.

On Monday, it was unclear how many meals had been delivered to its homebound

senior citizens. But a core group of more than 40 staffers had been working the phones all weekend, checking on the elderly and coordinating volunteer efforts, executive director Edith Lederberg said.

With gas shortages and transportation schedules disrupted, meals were delivered to seniors who normally get rides to meal centers. Also, the federal government delivered four trailer loads of Meals Ready to Eat for senior citizens, Lederberg said.

"They're not healthy enough, many of them, to stand in lines to wait for food at central locations throughout the county," she said.

Back at Keiser's apartment at the Halsey Soligo Tower near the Orange Bowl, more mobile senior citizens milled about the parking lot, sitting on benches, chatting.

Miami Mayor Manny Diaz and Commissioner Joe Sanchez, both running for reelection, visited here last week to hand out ice and water. On Friday, a group of 20-somethings representing Bongos Cuban Cafe, partnering with

mayoral candidate Enrique Santos, handed out hot meals.

But that was a world away from Keiser's 10th floor apartment.

There she sat, wrapped in a gold robe, tube socks on her feet. Keiser, who hails originally from Argentina, struggles to remember dates.

Her adult sons live overseas and rarely visit.

Wilma felt worse than any other storm, Keiser said, stroking her thinning, spiky hair.

HUNGER SUBDUED

"I felt the floor moving," she said quietly.

For the first few days, the power was out. She could not go downstairs — the elevators did not work.

"When I was hungry," she said, voice trailing, "I slept."

Keiser barely acknowledges Guevarra, who works as a patient care technician for the Little Havana Activities and Nutrition Centers, as she bustles around the kitchen.

Guevarra is a freckled Nicaraguan native. The pay for technicians is not the best, she admits, and the rising price of gas makes driving to visit her four patients every day costly.

The first time Guevarra visited Keiser a few months ago, she would not let her inside her apartment. The Tuesday after the storm, Guevarra walked up 10 stories to reach her patient, to make sure she had water and food.

Guevarra walks into the living room to check on Keiser. The television crackles with white noise; another Wilma press conference was under way on the screen. Keiser was stretched out, asleep.



GETTING HELP

- Broward County seniors age 60 and over who were affected by the results of Hurricane Wilma may contact the Aging & Disability Resource Center (formerly known as the Area Agency on Aging) of Broward County at 954-714-5484.
- Alliance for Aging provides referrals and information for residents in Miami-Dade and Monroe counties. Call 305-670-4357 (Miami-Dade), 800-963-5337 (Monroe) or 305-670-7721 (TDD).



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TO LIVE AT HOME

INDEPENDENTLY.

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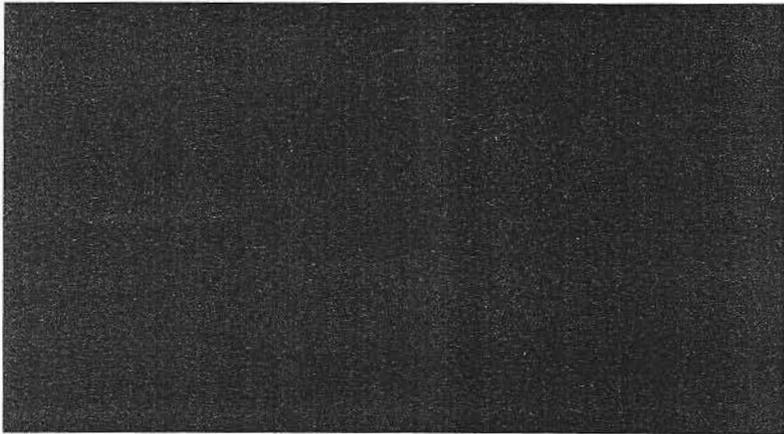
For People Who Cherish

Their

Independence



This brochure was prepared by UNITED HOME CARE SERVICES, INC. with financial assistance from Aging and Adult Services Program Office, State of Florida Department of Health and Rehabilitative Services and the Alliance for Aging, Inc., Area Agency on Aging for Dade and Monroe Counties. Funds were appropriated under the Older Americans Act and Community Care for the Elderly Program.



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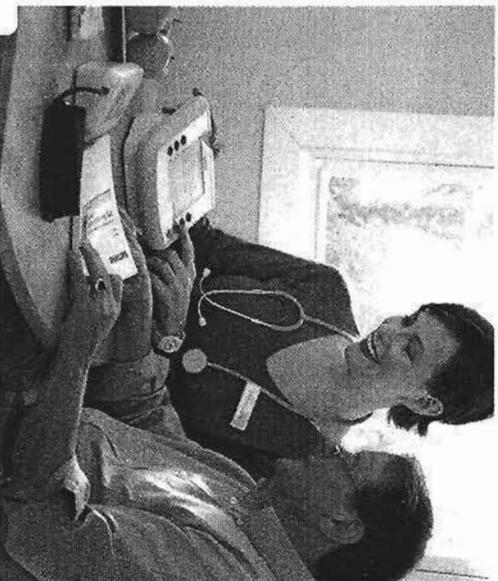
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United HomeCare Services can give you more information about this daily monitoring program.



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UHC0022

The program makes me feel well taken care of. I know they are watching me, and the experts are checking me. I feel good."

Robert D. (telemonitoring patient)

For more information

Please note: United HomeCare Services' Telemonitoring Services, which use Philips Telemonitoring devices, assist in the management of health conditions and are not intended as a substitute for medical care or as an emergency alert response device.

If you would like more information on this program, please ask your doctor or home care nurse.



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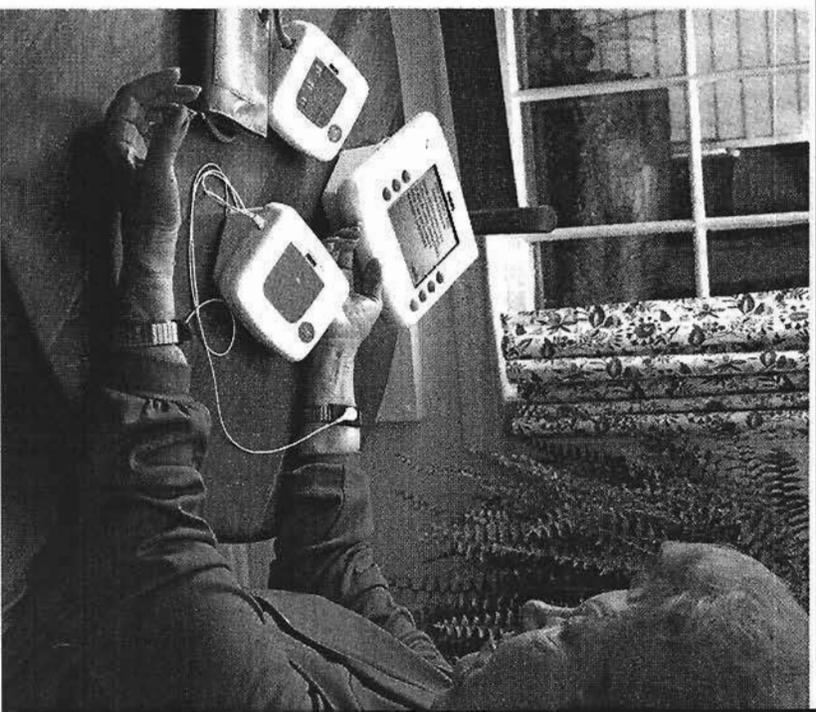
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Home-based monitoring helps you manage your health

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A new way to take care of yourself

Patients with heart failure (HF), diabetes, or pulmonary disease (COPD) may need to make lifestyle adjustments to stay healthy. It's important to follow your doctor's guidelines about diet, exercise and medication. It's also useful for your care team to track your vital signs and symptoms.

It helps your caregivers to have daily information about your health

If you are invited to participate in this program, you will be asked to do one or more of these activities each day – answer a few questions about how you feel, and measure your own weight, blood pressure, heart rate, glucose level or blood oxygen level – using small devices set up in your home. It's easy to do and can contribute significantly to a healthy lifestyle.



With this program, your care team

receives daily reports about your health. Home-based monitoring will enable a nurse to view a status report on your health on a more consistent schedule and more frequently than your regularly scheduled visits to the doctor's office. Daily Information serves as a useful supplement, not a replacement, to the care you get from your doctor.

No equipment to buy

United HomeCare Services will deliver everything you need to your home and teach you how to use it.

Convenient

You take measurements in your home, without the schedule disruption or time commitment of a doctor's appointment.

Efficient

The routine requires only a few minutes each day.

Easy to use

This award-winning system is designed so you can take measurements by yourself, without assistance. Results are sent automatically through your telephone line, toll-free, to a healthcare professional who reviews them daily. There are no interruptions to your phone service.

Quick attention

Whenever there are significant changes in your measurements, United HomeCare Services will call you or your doctor.

No added costs

This program is available to Medicare patients at no extra cost.

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**United
HomeCare**
SERVICES

**ONE AGENCY
TO SERVE
ALL YOUR NEEDS**

SINCE 1974

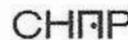
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OCCUPATIONAL THERAPY
SPEECH THERAPY
HOME HEALTH AIDE
MEDICAL SOCIAL WORKER
NUTRITIONIST
MEDICAL EQUIPMENT
TELEHEALTH MONITORING

Our Services also include:

- Case Management
- Personal Care
- Homemaker Services
- Escort Services
- Companionship
- Caregiver Respite
- Chore
- Gerontological Counseling
- Home Delivered Meals
- Nutrition Risk Reduction
- Consumable Medical Supplies
- Environmental Modification
- Emergency Alert Response
- Adult Day Care

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Tel: 305.716.0805 Fax: 305.716.0798





**United
HomeCare**
SERVICES

THE AGENCY OF CHOICE

Since 1974, we have been empowering thousands of elders and disabled adults to remain living independently in their homes, while bringing peace of mind and tranquility to their caregivers.

As the oldest non-profit home care agency in Miami-Dade County, United HomeCare Services has served a multitude of clients with the utmost care and respect.

We are an experienced and trusted home health care provider with a talented and dedicated group of over 700 employees and volunteers.

We are licensed by the State of Florida Agency for Health Care Administration and accredited by the Community Health Accreditation Program, Inc.



5255 N.W. 87th Avenue, Suite 301

Miami, Florida 33178

Medicare Division

Tel: (305) 716-0805 | Fax: (305) 716-0798

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PERSONALIZED HOME HEALTH CARE YOU CAN TRUST

SINCE 1974

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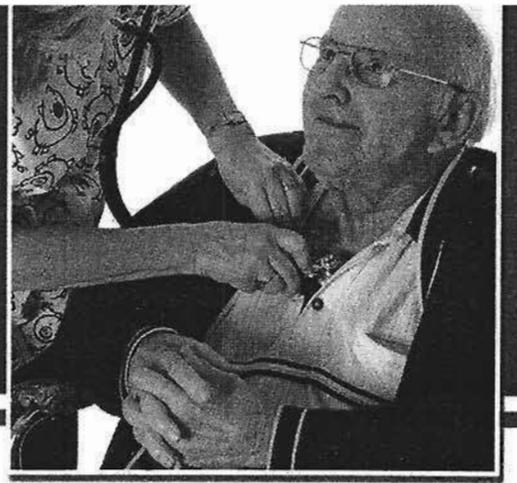


DEPARTMENT OF
ELDER
AFFAIRS
STATE OF FLORIDA

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**United
HomeCare**
SERVICES

EL CUIDADO DE SALUD QUE USTED NECESITA EN LA COMODIDAD DE SU HOGAR

DESDE 1974

- ASISTENCIA EN EL CUIDADO PERSONAL
- AYUDA CON QUEHACERES DOMÉSTICOS
- CUIDADO POR ENFERMEROS
- TERAPIA FÍSICA
- ACOMPAÑAMIENTO
- SERVICIOS DE DESCANSO AL CUIDADOR
- SERVICIOS DE CANTINA
- RESPUESTA A ALERTAS DE EMERGENCIA
- CHEQUEO DE SIGNOS VITALES A TRAVÉS DE MONITOR

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Answers on Aging



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