

MSBA ELDER LAW SECTION eNEWSLETTER

December 4, 2007

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THOUGHTS FROM THE CHAIR

Dear Section Members:

We have posted a list of the Elder Law Section committees on the Elder Law Section Website on the "What's New" page, including the three committees developed in response to the Section survey: Pro Bono, Greater Minnesota Support, and Member Education. Please look at the list. If you are interested in getting involved in one of the committees, please let me know at lhanson@mnelaw.com.

Our next Council meeting will be on December 14, 2007, at 3:30 pm at MAO in Minneapolis. You can always participate by phone. In addition to discussing committee structure and membership, we will have a short presentation by Phil Duran, a staff attorney with Out Front Minnesota, to elicit the Section's support of the following resolution put forth by the MSBA's Diversity and Human Rights Committee:

RESOLVED: That, in light of the disparity between legal rights and protections available to same-sex couples as compared to different-sex couples, the President of the Minnesota State Bar Association shall create a task force to review the current state of Minnesota law and to make recommendations as to desirable changes, if any, in the law to address this disparity. The President is encouraged to invite broad participation by MSBA members from relevant sections and committees with a goal of producing a report to be considered by the MSBA Assembly no later than its June, 2009, meeting.

This resolution follows an October, 2007, report by Project 515 (www.project515.org) cataloguing 515 Minnesota statutes that provide rights, protections, privileges, or responsibilities on the basis of marriage. The resolution came to the Section's attention when one of the members of the Legislative Committee was asked about the difference afforded married and unmarried couples as far as Medical Assistance was concerned. There are many places where legal marriage and Medicaid rules overlap and legally married spouses and unmarried couples are treated differently. The Legislative Committee felt that the Governing Council would be interested in understanding the

resolution and taking a position. For more information, see the Project 515 Website; the full resolution is also posted on the Elder Law Section Website.

Have a good week!
Laurie

ELDER LAW NEWS

Home but not alone

<http://www.startribune.com/389/story/1568948.html>

Representatives hear concerns about nursing facility funding

<http://www.ifallsdailyjournal.com/node/5690>

Durenberger advocates publicly financed long term care insurance

http://www.aapress.com/communitynews.php?subaction=showfull&id=1195176340&archive=&start_from=&ucat=3

IT scarce in nursing homes: survey

<http://www.modernhealthcare.com/apps/pbcs.dll/article?AID=/20071115/FREE/305060002/1029/FREE>

Minnesota AG files suit against another annuity firm

<http://www.chron.com/disp/story.mpl/ap/fn/5340025.html>

2 Minnesota nursing homes named among nation's 54 worse; state NH inspector says they're no so bad

<http://wcco.com/local/nursing.homes.worst.2.599368.html>

Board on Aging designates new AAA in northern MN (Scroll halfway down article to "In other business . . .")

http://www.wctrib.com/articles/index.cfm?id=27611§ion=news&freebie_check&CFID=71331811&CFTOKEN=46819170&jsessionid=8830a55b7798474b3a42

Bethel gerontology student publishes end-of-life workbook

<http://www.bethel.edu/bethel-news/inter/2007/11-28-07kenemore/>

ELDER LAW SECTION ACTIVITIES

ELDER LAW SECTION GOVERNING COUNCIL MEETING: The next Governing Council meeting will be on Friday, December 14, 2007, at 3:30 pm, at the MAO offices, 2021 E. Hennepin, Suite 200, Minneapolis. Members may attend by phone. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A. at 952-929-0622.

MEDICAL ASSISTANCE COMMITTEE MEETING: The next Medical Assistance committee meeting will be on Tuesday, December 18, 2007, at the MAO offices.

MINNESOTA CASES

No cases to report this week.

STATUTES, REGULATIONS, BULLETINS

DHS MANUAL LETTER #8: NEW AND REVISED MATERIAL FOR THE HEALTH CARE PROGRAMS MANUAL, INCLUDING ANNUAL CHANGES EFFECTIVE JANUARY 1, 2008.

This letter includes the annual updates to long-term care allowances, including:

- 2008 Minimum/Maximum asset allowance for community spouse: Minimum - \$29,389; Maximum - \$104,400
- 2008 Long-term Care Allowances: Clothing and Personal needs - \$84; Home Maintenance - \$851; Maintenance Needs (SIS-EW) - \$839; Community Spouse Monthly Basic Shelter - \$514; Maximum Monthly Income Allowance - \$2610

The complete DHS letter may be accessed at:

<http://hcpub.dhs.state.mn.us/hcpmsrc/38.htm>

DHS BULLETIN 07-85-02 : INFORMATION ABOUT THE DISTRIBUTION, PUBLICATION, USE, AND RETENTION OF DHS BULLETINS.

DHS issues about 100 commissioner's bulletins annually to announce new programs and policies, rules, or statutory legislation, to announce changes to current programs, to communicate fiscal and budgetary information, and to request information from counties, tribal health and human services agencies, or business partners.

DHS bulletins do not have the force and effect of law, nor do they create a legal obligation or modify an existing legal obligations that is in federal or state statutes, administrative rules, or federal regulations. Bulletins are limited to providing information, instructions, and clarity that may not be present in laws or rules.

This bulletin explains the bulletin process, including the bulletin numbering system, email distribution, expiration, and reissue of older bulletins. It is available at:

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_139762.pdf

Don't forget that the Elder Law Website is a great resource. Here's what you can find on the Website: Links under "What's New" to the DHS Health Care Programs Manual, the updated Income and Asset Eligibility Figures for Minnesota Health Care Programs, the DHS Bulletin on treatment of uncompensated transfers, the Minnesota Bankers Association Compliance Bulletin on Powers of Attorney, and a legislative

summary; Practice Links to organizations such as NAELA, ABA Commission on Law and Aging, Minnesota Senior Federation; Links to Federal and State Government Agencies, Statutes, and Regulations; Meeting Notices, Listings of Officers and Council Members, Section Bylaws, and more.

To access the ELDER LAW SECTION WEBSITE

Click here: <http://www2.mnbar.org/sections/elder-law/index.asp>

Please send eNewsletter contributions by noon on Saturday of each week to Vicki McIntyre at vmcintyre2@yahoo.com