

MSBA ELDER LAW SECTION E-NEWSLETTER

FEBRUARY 24, 2009

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FOCUS ON GUARDIANS AND CONSERVATORS

In January 2009, a study group report entitled *Report of the Guardianship and Conservatorship Study Group* was published by the State Court Administrator's Office to make recommendations to the Minnesota Legislature on various issues, including the rights of protected persons and the powers and duties of guardians and conservators. Among the report's recommendations were to educate family members, interested persons, and guardians on the duties, responsibilities, and limitations of guardians. The report is available at: <http://archive.leg.state.mn.us/docs/2009/mandated/090100.pdf>.

To learn more about recent developments in the area of guardianships and conservatorships, please consult the following additional information:

- Proposed legislation introduced in the House to increase protections for wards, including creating a statewide registry of guardians/conservators; enumerating a bill of rights for protected persons; and allowing for more transparency in annual reporting by guardians. HF 804 is available, by searching under "Bills" at: <http://www.house.leg.state.mn.us/>.

- A recent article published about an Excelsior woman whose assets were reportedly depleted based on the decisions of her guardian. The article is available at: http://www.startribune.com/local/west/39597902.html?elr=KArksD:aDyaEP:kD:aUq9_b9b_jEkP:QUiD3aPc:_Yyc:aUU.
- Summary information and links to resources at the “Self-Help Center” portion of the state court website, available at: <http://www.mncourts.gov/selfhelp/?page=1207>.
- Information on the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA), which addresses problems of interstate guardianship and related issues, available as a webcast or as slides of a presentation entitled *Why States Should Enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act*, produced by the American Bar Association Commission on Law and Aging at: http://www.abanet.org/aging/guardianshipjurisdiction/archive_publicity.pdf. Additional information on UAGPPJA is available at <http://www.guardianship.org/UAGPPJA.htm>.

ELDER LAW NEWS

Commentary -- Nursing homes can't be neglected (by nursing home administrator Susan Olson)

<http://www.morrissuntribune.com/articles/index.cfm?id=16519§ion=Opinion>

Arden Hills nursing home found at fault in death of woman, 91, with neck fracture

http://www.twincities.com/ci_11703051?source=most_email

Personal care aides: Between budget and hard place

<http://www.startribune.com/local/39534342.html>

Her family's legacy is gone, and she will never know it

http://www.startribune.com/local/west/39694467.html?elr=KArks7PYDiaK7DUdcOy_nc:DKUiD3aPc: Yyc:aUU

County's seniors struggle to pay bills

<http://www.parkrapidsenterprise.com/articles/index.cfm?id=15499§ion=News>

Fewer care facilities use restraints for elderly residents

http://www.usatoday.com/news/health/2009-02-16-nursing-home-restraints_N.htm

UPCOMING EVENTS AND CLE PROGRAMS

ABCs of Will and Trust Drafting Plus Planning for Dementia & Incapacity

Video Replay

March 6, 2009 – Duluth

March 6, 2009 – Marshall

March 11, 2009– Minneapolis

March 12, 2009 – Moorhead

March 13, 2009 – Mankato

March 13, 2009 – Albert Lea

March 19, 2009 – St. Cloud

Contact Information: <http://www.minncle.org/SeminarsSearch.asp> or 1 800-759-8840.

Medical Assistance and Long Term Care 2009

Live Presentation

March 16, 2009, 8:30 am – 4:30 pm

Video

April 6 & 21, 2009 – Minneapolis

April 24, 2009 – Mankato

April 29, 2009 – Moorhead

May 7, 2009 – St. Cloud

May 29, 2009 - Duluth

Contact Information: <http://www.minncle.org/SeminarsSearch.asp> or 1 800-759-8840.

Hot Topics in Elder Law

HCBA Presentation

March 23, 2009, Noon

Contact Information: <http://www.hcba.org/intus/Event3/event.asp> or 612-752-6600.

Tools of the Trade – Strategic Planning in Elder Law

HCBA Video Presentation

March 25, 2009, 8:30 am

Contact Information: <http://www.hcba.org/intus/Event3/event.asp> or 612-752-6600.

Hospice Minnesota's 2009 End-of-Life Conference

Mystic Lake Casino Hotel, Prior Lake, MN

April 6 - 7, 2009

Contact Information:

<http://www.mnhospice.org/displaycommon.cfm?an=1&subarticlenbr=197> or 651-659-0423.

**Elder Law: Long Term Care And Financial Planning
RCBA Live Presentation**

April 15, 2009, 3:00 – 5:00 p.m.

Contact Information: <http://www.ramseybar.org/calendar.html> or 651-222-0846

ELDER LAW SECTION ACTIVITIES

2ND ANNUAL NATIONAL HEALTHCARE DECISIONS DAY (NHDD): NHDD is scheduled for Thursday, April 16, 2009. The Governing Council of the MSBA Elder Law Section will serve as Minnesota state liaison. Volunteers are needed to: (1) sponsor an NHDD event around April 16th; (2) work at a sponsored event; and (3) join the state liaison committee to secure new sponsors and support the committee's initiatives. Contact Vicki McIntyre at vmcintyre2@yahoo.com for more information or to volunteer.

GOVERNING COUNCIL MEETING: The next meeting of the Elder Law Section Governing Council will be at 3:30 p.m. on Friday, April 17, 2009, at the MAO offices, 2021 E. Hennepin, Suite 200, Minneapolis. All members are welcome to attend. To participate by phone, please contact Karla Nelson with Schmitz & Schmidt. P.A., at 651-291-2405.

VULNERABLE ADULT COMMITTEE MEETING: The next meeting of the Vulnerable Adult Committee will be Thursday, April 30, at Noon, at the offices of Pearson, Randall, Schumacher & LaBore, P.A., 100 S. 5th Street, Suite 1025, Minneapolis, 612.767.7500. Contact co-chairs Ken LaBore at klabore@prslegal.com or Joel Smith at joel@koslaw.com for more information.

ELDER LAW SECTION ANNUAL MEETING: The annual meeting of the Elder Law Section will be on June 9, 2009. More details to follow.

MINNESOTA CASES

There are no Cases to report this week.

STATUTES, REGULATIONS, BULLETINS

DHS – NEW FACT SHEETS OF INTEREST. The following Fact Sheets were recently published by the DHS:

- *Elderly Waiver Program* – The fact sheet, dated 12/08, is available at: <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-5357-ENG>
- *Food Support: Helping Meet Nutritional Needs* –The fact sheet, dated 2/09, is available at: <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-5738-ENG>
- *Minnesota's Rxconnect – Information on Affordable Prescription Medications* – The fact sheet, dated 1/09, is available at: <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-5414-ENG>

DHS LEGISLATIVE FAST FACTS. The following Fact Sheets, dated February 2009, contain information on how the Governor’s Proposed Budget would affect various DHS programs:

- *Health Care Service Reductions -*
http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_144103.pdf
- *Redesign, Target Resources for PCA Services*
http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_144073.pdf
- *Target Long-Term Care Services to Those with Greatest Need*
http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_144072.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 E-Newsletter contributions by noon on Saturday of each week to Suzy Scheller at sscheller@prslegal.com.

If you do not wish to receive this E-Newsletter, send your request to be removed from the mailing list to Kim Basting at kbasting@statebar.gen.mn.us.