

**MSBA ELDER LAW SECTION E-NEWSLETTER**  
**MARCH 24, 2009**

**E-Newsletter Editorial Staff:**

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**GOVERNOR'S SUPPLEMENTAL BUDGET RELEASED**

*Reported by Permission from Julian Zweber*

The Governor's Supplemental Budget Recommendations were released this week. Relevant Health and Human Service recommendations from an Elder Law practitioner's perspective include:

- p. 10 Modify NF Level of Care Thresholds; PCA Redesign and Provider Standards; Limit Disabilities Waiver Growth; Limit Customized Living Service Rates
- p. 11 Reduce LTC Provider Rates and Grants; Change MA Single Bed Payment Policy (no more double rooms); Eliminate MinnesotaCare Eligibility for Adults; Delay New Mental Health Services
- p. 12 Eliminate Chiropractic Coverage for Adults; Eliminate Dental Coverage for Adults
- p. 13 Eliminate Podiatry Service Coverage; Eliminate Rehab Service Coverage
- p. 15 Align MA Asset Limits (delayed by American Recovery and Reinvestment Act (ARRA)); Align Medicare Savings Program Asset Limits (delayed by ARRA); Homestead/ Estate Recovery (undo Barg);  
Modify MA Asset Reduction Policy (in month of application) (delayed by ARRA); Regulation of Some Trusts and Transfers (SNTs and Pooled Trusts)(delayed by ARRA)

Changes delayed by ARRA are to become effective January 1, 2011. The Recommendations are available at: <http://www.mmb.state.mn.us/doc/budget/bud-op/op10/rev-rec.pdf>

**SURVEY ABOUT CLIENTS WITH DIMINISHED CAPACITY**

The ElderCare Rights Alliance is conducting a survey of attorneys working with clients with diminished capacity. Please consider taking ten to fifteen minutes to fill out this survey – your time and thoughts would be much appreciated. Thank you! The survey is available at:

[http://www.surveymonkey.com/s.aspx?sm=NVSC0MnxgQzTKAfJa\\_2fEHuA\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=NVSC0MnxgQzTKAfJa_2fEHuA_3d_3d).

## ELDER LAW NEWS

Thieves use relish ruse to steal elderly Fla. woman's purse, buy gift cards, beer, cigarettes  
<http://www.startribune.com/nation/41163322.html?elr=KArksUUUU>

Pfizer Cancer Campaign Persuades U.K. to Pay for Drug  
<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=akjU6vfvrsQ>

Size Up a Nursing Home by Visiting: Ask the right questions, know the signs of good and bad care, use your senses. It's detective work  
<http://health.usnews.com/articles/health/best-nursing-homes/2009/03/11/the-visit-how-to-size-up-a-nursing-home.html>

Senators Reintroduce Bill to Raise Standard of Care in Nursing Homes Nationwide.  
<http://aging.senate.gov/record.cfm?id=310113>

How to prepare for the end of life  
<http://minnesota.publicradio.org/display/web/2009/03/20/midmorning1/>

Health care reform needs a drastic shake-up  
<http://www.bemidjipioneer.com/articles/index.cfm?id=22313&section=news>

Study: Nursing home specialists could improve workforce, quality problems  
<http://www.mcknights.com/Study-Nursing-home-specialists-could-improve-workforce-quality-pr%20blems/article/129010/>

2 ex-Albert Lea nursing home aides want abuse statements disallowed  
[http://www.startribune.com/local/41468217.html?elr=KArks:DCiUHc3E7\\_V\\_nDaycUiD3aPc:\\_Yyc:aUU](http://www.startribune.com/local/41468217.html?elr=KArks:DCiUHc3E7_V_nDaycUiD3aPc:_Yyc:aUU)

Area nursing homes explore collaborative  
<http://www.timberjay.com/current.php?article=5166>

Commentary: Why northern Minnesota veterans need a 'home'  
<http://www.bemidjipioneer.com/articles/index.cfm?id=22200&section=Opinion>

## UPCOMING EVENTS AND CLE PROGRAMS

### **Medical Assistance and Long Term Care 2009**

#### **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**

April 6 - 7, 2009

Mystic Lake Casino Hotel, Prior Lake, MN

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

**Probate & Trust Law Section Conference**

June 8 - 9, 2009

Saint Paul RiverCentre

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

**ELDER LAW SECTION ACTIVITIES**

**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. 5<sup>th</sup> Street, Suite 1025, Minneapolis, 612.767.7500. Contact co-chairs Ken LaBore at [klabore@prslegal.com](mailto:klabore@prslegal.com) or Joel Smith at [joel@koslaw.com](mailto: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 Minnesota Cases to report this week.*

**STATUTES, REGULATIONS, BULLETINS**

**DHS BULLETIN #09-25-02: Revision of the LTC Screening Documents and the Minnesota Long-Term Care Consultation Services Assessment Forms.** The Long Term Care (LTC) screening document used to document preadmission screening and long term care consultation (LTCC) activities as required by state and federal law, including recording public programs eligibility determinations and collecting information about people screened, assessed, or receiving services under home and community-based services programs, has been changed. The MN LTC Consultation Services Assessment Forms (DHS-3428 and DHS-3428A) effective 02/09 were also updated to include the new fields and values and can be found on the DHS website under Documents and Forms (eDocs). The effective date of the forms is 02/09. **Older versions of the form should no longer be used.** The bulletin, dated March 12, 2009, is available at: [http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16\\_144470.pdf](http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_144470.pdf)

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**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>

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Please send eNewsletter contributions by noon on Saturday of each week to Suzy Scheller at [sscheller@prslegal.com](mailto:sscheller@prslegal.com).

If you do not wish to receive this eNewsletter, send your request to be removed from the mailing list to Kim Basting at [kbasting@statebar.gen.mn.us](mailto:kbasting@statebar.gen.mn.us).