

MSBA ELDER LAW SECTION E-NEWSLETTER

May 19, 2009

E-Newsletter Editorial Staff:

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LEGISLATIVE UPDATE

With the current legislative session winding down and a deadline of May 18, 2009 to finalize proposed legislation, the following are updates on a few laws of interest:

- **OMNIBUS HEALTH & HUMAN SERVICES BILL.** Governor Pawlenty signed the Omnibus Health and Human Services bill (HF1362) on May 14, 2009. Significant provisions in the bill relate to personal care assistants; limits on alternative care and elderly waiver funds; return of gifts to eliminate periods of ineligibility for MA; and MA estate recovery. The full text of the bill is available at:
<https://www.revisor.leg.state.mn.us/laws/?id=79&doctype=chapter&year=2009&type=0>
- **CREATING LIFETIME COMMUNITIES.** A new law asks the Minnesota Board on Aging to develop a process for “Communities for a Lifetime” by February 28, 2010. The communities are envisioned to be partnerships of small municipalities that extend support services for persons age 65 or older; to help them stay engaged in civic matters and to offer an array of home and community-based services. Information about the new law (HF936/SF839) is available at: <http://www.house.leg.state.mn.us/hinfo/swkly/2009-10/sw1909.pdf> (Page 12)
- **VULNERABLE ADULTS ACT AND RELATED PROVISIONS.** HF 818 passed in both the House and the Senate on May 16, 2009. No significant changes to the bill language have been reported since committee hearings. The text of the current House version of the bill is available at:
<https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=H0818.6.html&session=1s86>
- **GUARDIAN/CONSERVATOR.** HF 804 passed in both the House and Senate and is in Conference Committee as of May 17, 2009, attempting to resolve final language of the bill. The text of the current House version is available at:
<https://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=H0804.2.html&session=1s86>

ELDER LAW NEWS

Senior surveillance proposed in (Nevada) care facilities – Victims Advocates Say
Devices Would Prevent Abuse

<http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2009/05/13/state/n175501D57.DTL&type=health>
<http://www.fox5vegas.com/news/19460109/detail.html>

Pawlenty's promise of a possible \$3 billion cut draws heat, praise – Aid and reimbursements to local hospitals and nursing homes hang in the balance
<http://www.sctimes.com/article/20090515/NEWS01/105140053/1009/Pawlenty+s+promise+of+a+possible++3+billion+cut+draws+heat++praise>

Obama must act to save Social Security, Medicare

<http://www.upi.com/news/issueoftheday/2009/05/13/Obama-must-act-to-save-Social-Security-Medicare/UPI-52271242224069/>

Legislature increases funding for veterans program

<http://www.dglobe.com/event/article/id/22536/>

Medicare won't cover 'virtual colonoscopy'

<http://www.google.com/hostednews/ap/article/ALeqM5gYpv5emtoelF9R9cRApK-zGugTywD9852ROO0>
<http://www.reuters.com/article/healthNews/idUSTRE54B77820090512>

Nursing Homes Worry About State Budget Cuts

<http://wcco.com/health/nursing.homes.budget.2.1008089.html>

Social Security: Another financial hit for retirees?

<http://www.startribune.com/nation/44847797.html?elr=KArks:DCiUBcy7hUiD3aPc: Yyc:aU7DYaGEP7vDEh7P:DiUs>

Direct services pros, clients watching Legislature with fear

<http://www.startribune.com/opinion/commentary/44828957.html?elr=KArksc8P:Pc:U0ckD:aEyKUiD3aPc: Yyc:aULPQL7PQLanchO7DiUr>

AARP reminds legislators of the needs of elders

<http://www.albertleatribune.com/news/2009/may/11/aarp-reminds-legislators-needs-elders/>

Money from Washington will help renovate Silver Lake Vets Home

http://www.minnpost.com/politicalagenda/2009/05/08/8679/money_from_washington_will_help_renovate_silver_lake_vets_home

Insurance schemes that target elderly now illegal

http://www.startribune.com/44709832.html?elr=KArksDyycyUtyycyUiD3aPc:_Yyc:aUU

Bloomington finding way to make room for 'granny flats'

The move could add affordable housing options for older and younger family members alike.

<http://www.startribune.com/local/west/45222697.html?elr=KArksUUUU>

UPCOMING EVENTS AND CLE PROGRAMS

Medical Assistance and Long Term Care 2009

Video

May 29, 2009 - Duluth

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

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 Institute

October 8-9, 2009

Minnesota CLE Conference Center

ELDER LAW SECTION ACTIVITIES

ELDER LAW SECTION ANNUAL MEETING AND GOVERNING COUNCIL

MEETING: The annual meeting of the Elder Law Section will be on June 9, 2009 at 1:00 p.m. at RiverCentre in St. Paul (following the Probate and Trust Law Annual Conference). The Annual Meeting also serves as the next Governing Council meeting.

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, June 16, 2009, at the MAO Offices, 2021 E. Hennepin, Suite 200, Minneapolis. Topics for the meeting may be submitted to MA Committee Chair, Cathryn Reher, at creher@mnelderlaw.com, or faxed to 952-542-9201. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A. at 952-929-0622.

VULNERABLE ADULT COMMITTEE MEETING: The next meeting of the Vulnerable Adult Committee will be Thursday, July 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.

MINNESOTA CASES

There are no Minnesota Cases to report this week.

STATUTES, REGULATIONS, BULLETINS

PROPOSED STATE PLAN ON AGING AMENDMENT NOTICE FOR PUBLIC COMMENT. The Minnesota Board on Aging and Department of Human Services, Aging and Adult Services Division, have issued a Notice Requesting Public Comment on Proposed FFY 2010 Amendment to Minnesota State Plan on Aging. The proposed amendment provides updates to the current State Plan on Aging and highlights activities to coordinate services for tribal elders, protect the rights of vulnerable older adults, prepare for emergencies, partner with faith-based agencies and coordinate aging services with health care services. Public comment is invited until June 3, 2009. The notice is available at:

http://www.comm.media.state.mn.us/bookstore/stateregister//33_45.pdf (Page 1860)

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 Suzy Scheller at 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.