

# **MSBA ELDER LAW SECTION E-NEWSLETTER**

## **June 16, 2009**

### **E-Newsletter Editorial Staff:**

**Communications Committee Chair:** Laurie Hanson, Esq.

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### **IMPLEMENTATION OF 2.58% RATE REDUCTION FOR CERTAIN PROVIDERS**

The Minnesota Department of Human Services (DHS) has issued a 49 page bulletin outlining changes in procedure due to the Medical Assistance reimbursement rate reduction of 2.58% for certain continuing care and other services, which was approved by the 2009 Legislature. The new reimbursement rate becomes effective July 1, 2009. See the Statutes, Regulations, Bulletins section below for further details.

### **ADJUNCT PROFESSOR FOR ELDER LAW CLINICAL COURSE**

The University of St. Thomas School of Law is seeking an adjunct professor to supervise and teach the Elder Law Practice Group in the Interprofessional Center for Counseling and Legal Services. This is a one-year, half-time position working with 5 other attorneys in the clinic, including a Clinical Law Fellow for the Elder Law Practice Group. The adjunct professor will supervise and teach certified law students charged with representing clients in matters related to long-term care rights, Medical Assistance and other benefits, financial exploitation, and guardianship/conservatorship, including significant civil litigation in these areas. A complete position description is available at the IPC website, <http://www.stthomas.edu/ipc/>.

### **ELDER LAW NEWS**

Nursing home movement to let residents live on own terms offers potential payoffs, challenges

[http://www.twincities.com/news/ci\\_12564429?source=rss](http://www.twincities.com/news/ci_12564429?source=rss)

Number of nursing home beds, residents decreasing, report finds

<http://www.mcknights.com/Number-of-nursing-home-beds-residents-decreasing-report-finds/article/138346/>

Klobuchar introduces Medicare legislation

[http://www.minnpost.com/cynthiadizikes/2009/06/11/9491/klobuchar\\_introduces\\_medicare\\_legislation](http://www.minnpost.com/cynthiadizikes/2009/06/11/9491/klobuchar_introduces_medicare_legislation)

Retirees cheated by Madoff sue trustee, saying claims system unfairly withholds aid  
<http://www.startribune.com/business/47222717.html?elr=KArksUUUU>

Law office on wheels comes to Twin Cities to help veterans  
[http://minnesota.publicradio.org/display/web/2009/06/09/low\\_income\\_veterans\\_assistance/](http://minnesota.publicradio.org/display/web/2009/06/09/low_income_veterans_assistance/)

### **MINNESOTA CASES**

*The following is an unpublished decision from the Minnesota Court of Appeals released on June 9, 2009:*

**A08-0944**

In re the Estate of: Erna M. Wingen, Deceased.

JOHNSON, Judge

An elderly woman died and left a will that purports to bequeath her estate to only two of her four surviving children. The two disinherited children brought a motion for court-ordered discovery relating to their allegation that the will was executed because of undue influence. The district court denied the discovery motion and probated the will. We conclude that the disinherited children should not have been prohibited from conducting discovery within the probate proceeding and, therefore, reverse and remand.

The opinion is available at:

<http://www.lawlibrary.state.mn.us/archive/ctapun/0906/opa080944-0609.pdf>

*Unpublished opinions may not be cited except as provided by Minn. Stat. Section 480A.08, Subd. 3 (2008).*

### **STATUTES, REGULATIONS, BULLETINS**

**DHS BULLETIN #09-25-05: ANNUAL INCREASE FOR MAINTENANCE NEEDS ALLOWANCE AND ELDERLY WAIVER CONVERSION RATES. Effective July 1, 2009, the new Maintenance Needs Allowance (MNA) rate for those on Special Income Standard – Elderly Waiver (SIS-EW) will increase to \$911. An exception to the maximum allowance exists for certain persons leaving a nursing facility who are using conventional EW or Community Directed Community Support Services (CDCS). Those who are eligible for the higher cap and who are interested in requesting a conversion rate under the exception should contact the Department of Human Services (DHS). The bulletin, dated June 10, 2009, is available at:**

[http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16\\_145136.pdf](http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_145136.pdf)

**DHS BULLETIN #09-69-02: 2009 MINNESOTA LEGISLATURE AUTHORIZES A RATE REDUCTION FOR CONTINUING CARE AND OTHER PROVIDERS.** The 2009 Minnesota Legislature approved a decrease in the Medical Assistance reimbursement rates of certain providers of continuing care and other services by 2.58%, effective July 1, 2009. The bulletin outlines which providers and services are affected by the change and what providers and counties need to do to implement the change, such as amend service contracts. The bulletin, dated June 9, 2009, is available at:

[http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16\\_145129.pdf](http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_145129.pdf)

### **UPCOMING EVENTS AND CLE PROGRAMS**

#### **The Basics of Elder Law**

##### **Video**

June 16 – Minneapolis

June 18 – Moorhead

June 19 – Brainerd

June 22 – Duluth

June 22 – St. Cloud

June 26 – Mankato

July 17 – Rochester

July 20 - Minneapolis

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

#### **Health Care Issues in Estate Planning**

##### **HCBA Live Replay of Teleseminar**

June 18, at 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**

June 22, at 1:15 p.m.

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

#### **Elder Law Institute**

October 8-9, 2009

Minnesota CLE Conference Center

### **ELDER LAW SECTION ACTIVITIES**

**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](mailto: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. 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.

**GOVERNING COUNCIL MEETING:** The next meeting of the Elder Law Section Governing Council will be at 3:30 p.m. on Friday, August 21, 2009, at the MAO offices, 2021 E. Hennepin, Suite 200, Minneapolis. All members are welcome to attend. To participate by phone, please contact Vicki McIntyre at [vmcintyre2@yahoo.com](mailto:vmcintyre2@yahoo.com) or 612-722-8572.

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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 E-Newsletter 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 E-Newsletter, 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).

Current and prior E-Newsletters are posted on the website for the MSBA Elder Law Section and are available at: <http://www.mnbar.org/sections/elder-law/newsletters.asp>.