

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

## **SEPTEMBER 16, 2008**

**Celebrating the 1-year Anniversary of the E-Newsletter**

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

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

**Editor in Chief:** Vicki McIntyre, Esq.

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### **COMMITTEE SPOTLIGHT: LEGISLATIVE COMMITTEE**

The Elder Law Section's Legislative Committee monitors proposed legislation affecting the Section membership at the state and federal levels and acts as a coordinator for the Section's legislative activities. The duties of the Committee include reviewing legislative proposals put forward by MSBA Sections and Committees - or by other groups, agencies, or individuals - and providing comment and response to those proposals. The Committee also may make recommendations concerning support of or opposition to the proposals. The Committee develops relationships with other organizations affected by legislation of interest to the Section and keeps Section members informed of proposed legislation. Additionally, the Committee develops legislative proposals for inclusion in the MSBA legislative agenda, provides witnesses and testimony in support of or opposition to legislative proposals, and in general supports the MSBA and the Section's legislative agendas.

Section members interested in joining the Legislative Committee or learning more about the work of the Committee may contact Co-Chair Julian Zweber at [julianzweber@qwest.net](mailto:julianzweber@qwest.net) or Co-Chair Lori Guzman at [Lori@guzmanlaw.com](mailto:Lori@guzmanlaw.com).

### **MELISSA HUNT WINS ELDER LAW AWARD**

Melissa Hunt, William Mitchell 4L and the Law Clerk for the Elder Law Section Governing Council, has won the 2008 Gregory K. Steele Prize in Elder Law, awarded annually to the best student paper submitted to the Canadian Centre for Elder Law Studies. The competition is open to students from around the world. This is the first time that an American law student has won the Steele Prize. The prize includes a \$500 (cdn) honorarium, free registration for the Canadian Conference on Elder Law, and a travel subsidy to attend the conference.

Melissa's winning paper discusses the rights of grandparents to visitation over parental objections under the standards articulated by the U.S. Supreme Court in *Troxel v. Granville*. Melissa will present the paper at the 2008 Canadian Conference on Elder Law to be held in Vancouver, B.C., on November 13-15, 2008. Congratulations, Melissa!

## **ELDER LAW NEWS**

Beatrix Hoffman presents an overview of health care reform and social movements in the United States.

[http://www.redorbit.com/news/health/1540191/health\\_care\\_reform\\_and\\_social\\_movements\\_in\\_the\\_united\\_states/](http://www.redorbit.com/news/health/1540191/health_care_reform_and_social_movements_in_the_united_states/)

Four nurses have created a company that provides a variety of services to help families with elder care.

[http://www.startribune.com/business/27670264.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:\\_Yyc:aUUF](http://www.startribune.com/business/27670264.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aUUF)

The Knute Nelson Foundation and Alexandria Technical College Foundation are joining efforts to host educational workshops on estate planning and charitable giving.

<http://www.echopress.com/articles/index.cfm?id=58499&section=news>

Fifteen residents of the Good Samaritan Society one mile north of Albert Lea were found to have been verbally, sexually and emotionally abused by four former nursing assistants according to a Minnesota Department of Health report.

<http://www.austindailyherald.com/news/2008/sep/02/report-shows-elder-abuse/>

Health-care issues move to forefront of Minnesota 's U.S. Senate race.

[http://www.startribune.com/politics/state/28335704.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:\\_Yyc:aULPQL7PQLanchO7DiUX](http://www.startribune.com/politics/state/28335704.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aULPQL7PQLanchO7DiUX)

Grandparents serve as support for working parents when formal child care falls through.

<http://www.northlandpress.com/USgrandparentchildcare9908.html>

Reverse mortgages have become the hit of the housing loans market.

[http://www.startribune.com/business/27932279.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:\\_Yyc:aUnciatkEP7DhUsX](http://www.startribune.com/business/27932279.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aUnciatkEP7DhUsX)

Questions for Obama and McCain on health care.

[http://niemanwatchdog.org/index.cfm?fuseaction=ask\\_this.view&askthisid=00366](http://niemanwatchdog.org/index.cfm?fuseaction=ask_this.view&askthisid=00366)

## **UPCOMING EVENTS AND CLE PROGRAMS**

### **Estate Planning for Retirement Benefits**

Presented by Minnesota CLE

Tuesday, September 23, 2008

Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis

Application has been made for 6.0 CLE credits

More information and registration is available under "Seminars" at: [www.minncle.org](http://www.minncle.org)

### **Change in the Context of End of Life Care: Past, Present, and Future**

Presented by Professor Kathryn Tucker, Affiliate Professor, Lewis & Clark College of Law and Director of Legal Affairs, Compassion in Choices

Co-sponsored by the student Elder Law and Estate Planning Society, William Mitchell College of Law

Wednesday, September 24, 2008 - Noon - 1:30 p.m.

William Mitchell College of Law Auditorium, St. Paul

Application has been made for 1.0 CLE Credit

Admission is free. No registration required.

### **Home and Community-based Medical Assistance in Minnesota**

Presented by Jeffrey W. Schmidt in conjunction with Medical Education Services, Inc. Professional Development Network

Thursday, September 25, 2008 - 9:00 a.m. - 4:30 p.m.

Radisson Suites, 404 West St. Germain, St. Cloud

5.25 CLE credits have been approved by the Minnesota Board of Continuing Education  
Information and online registration is available at: [www.meds-pdn.com](http://www.meds-pdn.com)

### **The New Transfer on Death Deed (TODD) Legislation**

Presented by Julian Zweber and Minnesota CLE Faculty

Tuesday, October 14, 2008 - 9:00 a.m. - 12:15 p.m.

Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis

Application has been made for 3.0 CLE credits and 3.0 Advanced Real Estate Specialist credits

More information and online registration is available at:

<http://www.minncle.org/AABuy1.asp?ITEMTYPE=S&ITEMNMBR=101850901&ArticleID=> or call 800-759-8840.

### **8th Annual National Aging and Law Conference - Setting the Agenda: Advocating for Elders After the Election**

Sponsored by the AARP Foundation, the American Bar Association Commission on Law and Aging, National Senior Citizens Law Center, The Center for Social Gerontology, Center for Medicare Advocacy, Inc., NAELA, National Consumer Law Center, and the National Association of State Units on Aging

Wednesday through Saturday, December 3-6, 2008

Doubletree Hotel, Arlington, Virginia

More information and registration is available at: [www.aarp.org/nltp](http://www.aarp.org/nltp)

## **ELDER LAW SECTION ACTIVITIES**

**THE 2008 ELDER LAW INSTITUTE: PROTECTING VULNERABLE CLIENTS IN TOUGH ECONOMIC TIMES.** This year's Elder Law Institute will be held on Thursday and Friday, October 2-3, 2008, at the Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis.

**SPECIAL FEATURE:** Find out the latest on the new Transfer on Death Deed in a presentation by Suzanne Sandahl on Friday morning, October 3rd, at 9:00 a.m. Suzanne will discuss the specific requirements of the new law, as well as the benefits, concerns, and impact of the law. Don't miss this special session on one of the newest developments in estate planning.

**CLE CREDITS:** Application has been made for 10.25 CLE credits, including 1.0 Ethics credit.

**REGISTER TODAY!** More information is and registration is available by phone at 651-227-8266 or 800-759-8840, or online at:  
<http://www.minncle.org/AABuy1.asp?ITEMTYPE=S&ITEMNMBR=100540901&ArticleID=>

**GOVERNING COUNCIL MEETING.** The next meeting of the Elder Law Section Governing Council will be at 3:30 p.m. on Friday, October 10, 2008, at the MAO offices, 2021 E. Hennepin, Suite 200, Minneapolis. All members are welcome to attend. To participate by phone, contact Karla Nelson with Schmitz & Schmidt, P.A., at 651-291-2405.

**MEDICAL ASSISTANCE COMMITTEE MEETING.** The next Medical Assistance Committee meeting will be at 3:30 p.m. on Tuesday, October 21, 2008, at the MAO offices, 2021 E. Hennepin, Suite 200, Minneapolis. If there are specific MA topics you would like to discuss at the meeting, please email Chair Cathryn Reher at [creher@mnelderlaw.com](mailto:creher@mnelderlaw.com) or fax materials 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.

**LEGISLATIVE COMMITTEE MEETING.** The next Legislative Committee meeting will be at noon on Wednesday, November 19, 2008, at the offices of Garvey and Boggio, P.A., 9995 Lyndale Avenue South, Bloomington. Section members are welcome to attend. Please RSVP by November 18, 2008, to Peter Hendricks at 952-881-4996 or [phendricks@gblawoffice.com](mailto:phendricks@gblawoffice.com).

## **MINNESOTA CASES**

No cases to report this week.

## **STATUTES, REGULATIONS, BULLETINS**

**DHS BULLETIN: FOOD SUPPORT CHANGES FROM THE FARM BILL, PUBLIC LAW 110-246 - THE FOOD, CONSERVATION AND ENERGY ACT OF 2008 (FCEA).** The purpose of this Bulletin, dated August 26, 2008, is to provide information about changes in Food Support eligibility which will take place on October 1, 2008. The Bulletin contains the following sections: Mandatory changes to be implemented 10-01-08 and the MAXIS system changes; Other changes to the Food Support program effective 10-01-08; Federal changes that do not impact Food Support in Minnesota. The Bulletin is available at:  
[http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16\\_142271.pdf](http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_142271.pdf)

**DHS NEWS: AGE AND DISABILITY ODYSSEY AWARDS ANNOUNCED.** This news release announces the recipients of the 2008 Age and Disabilities Odyssey awards, which recognize individuals and organizations as leaders and advocates in providing services to older Minnesotans and people with disabilities. The news release is available at: [http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_142302.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_142302.pdf)

**DHS MANAGED CARE AND PAYMENT POLICY DIVISION: NOTICE OF REQUEST FOR PROPOSALS TO EVALUATE THE MINNESOTA SENIOR CARE PROGRAM - PHASE II.** DHS is requesting proposals to conduct an independent assessment of the 1915(b) waiver, called the Minnesota Senior Care Program. The study will conduct data analysis and report findings related to access to and quality of care under the waiver. Work is anticipated to start October 31, 2008, and last through March 31, 2009. Further information is available on page 461 of the September 2, 2008, *State Register* at: [http://www.comm.media.state.mn.us/bookstore/stateregister/33\\_09.pdf](http://www.comm.media.state.mn.us/bookstore/stateregister/33_09.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 Vicki McIntyre at [ymcintyre2@yahoo.com](mailto:ymcintyre2@yahoo.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)