

MSBA ELDER LAW SECTION E-NEWSLETTER

NOVEMBER 25, 2008

E-Newsletter Editorial Staff:

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HAPPY THANKSGIVING TO ALL!!

Editor's Note: There will be no e-newsletter on December 2nd, due to the holiday. The newsletter will resume publication on December 9, 2008.

ELDER LAW NEWS

It's open season for Medicare enrollment.

<http://www.albertleatribune.com/news/2008/nov/19/its-open-season-medicare-enrollment/>

Smart shopping: saving money on prescriptions.

<http://wcco.com/consumer/prescriptions.saving.tips.2.869060.html>

Multigenerational living is a trend that's likely to grow in Minnesota, and nationwide, as the economy shrinks.

http://www.startribune.com/lifestyle/homegarden/34677044.html?elr=KArks7PYDiaK7DUHPYDiaK7DUiD3aPc:_Yyc:aUU

Group assists seniors in picking Medicare drug plans.

<http://www.keyc.com/node/13463>

Poor understanding of Medicare leads to worse healthcare access.

http://www.eurekalert.org/pub_releases/2008-11/w-puo111808.php

Group offers fixes for health care system.

http://www.startribune.com/lifestyle/health/34622999.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aULPQL7PQLanchO7DiUsA

New discount drug program started in Minnesota.

<http://www.ifallsdailyjournal.com/news/state-news/new-discount-drug-program-started-11771>

Grand opening of an assisted living facility in Kelliher gives options for Minnesota residents.

http://www.bemidjipioneer.com/articles/index.cfm?id=9886§ion=homepage&property_id=75

No need for nursing home if PACE handles senior care.

http://www.usatoday.com/news/health/2008-11-16-PACE_N.htm

UPCOMING EVENTS AND CLE PROGRAMS

The New Transfer on Death Deed (TODD) Legislation

Video Replays

November 25, 2008 - Minneapolis

January 15, 2009 - Mankato

January 23, 2009 - Duluth

For more information and online registration, go to:

<http://www.minncle.org/SeminarsSearch.asp> 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

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, December 12, 2008, 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.

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, December 16, 2008, 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.

MINNESOTA CASES

Following is a Minnesota Court of Appeals unpublished decision released on November 18, 2008.

A07-1942

In re the Guardianship of: Jennifer Bixley, Ward, Jean Bixley, petitioner, Appellant, Joyce Wallace (Isanti County Family Services), Petitioner Below, Steve Haavisto, Guardian ad Litem, County of Isanti, Petitioner Below.

STONEBURNER, Judge

Appellant challenges the district court's appointment of Lutheran Social Services as guardian for her adult daughter, arguing that the appointee lacks the knowledge and the desire to treat what appellant considers to be her daughter's primary medical condition. Because the district court did not abuse its discretion in appointing Lutheran Social Services, we affirm.

The case is available at: <http://www.mncourts.gov/opinions/coa/current/opa071942-1118.pdf>

Unpublished opinions may not be cited except as provided by Minn. Stat. Section 480A.08, Subd. 3 (2006).

STATUTES, REGULATIONS, BULLETINS

DHS BULLETIN #08-48-01: REVISED MSA PROVISION SUPPORTS OPTIONS INITIATIVE WITH EXTRA ALLOWANCE FOR SHELTER-NEEDY CLIENTS WITH SPECIAL NEEDS. The Options Initiative was designed to increase access to community supports and to strengthen the capacity of local communities to meet the needs of persons with disabilities and special health care needs. This bulletin outlines procedures for the MSA Shelter-needy special need allowance. The bulletin, dated November 7, 2008, is available at:

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_143299.pdf

DHS AGING AND ADULT SERVICES DIVISION: NOTICE OF REQUEST FOR PROPOSALS TO DEVELOP AND IMPLEMENT DEMONSTRATION PROJECTS FOR OLDER ADULT SERVICES COMMUNITY CONSORTIA.

DHS is seeking proposals to develop and implement demonstration projects to expand and integrate home and community-based services for older adults in ways that allow local communities to rebalance their long-term care service delivery system, support people in their own homes, expand the caregiver support and respite care network, and promote independence. More information is available on page 883 of the November 17, 2008, *State Register* at:

http://www.comm.media.state.mn.us/bookstore/stateregister//33_20.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 eNewsletter contributions by noon on Saturday of each week to Vicki McIntyre at vmcintyre2@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