

MSBA ELDER LAW SECTION E-NEWSLETTER

NOVEMBER 18, 2008

E-Newsletter Editorial Staff:

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MORE ON TODD

Boyd K. Johnson's article, "A New Tool for Estate Planners: Minnesota's Transfer on Death Deed," appears in the November 2008 issue of *Bench & Bar of Minnesota*. In the article, Mr. Johnson examines the key provisions of the new Transfer on Death Deed (TODD), which was established under Minn. Stat. section 507.071, effective August 1, 2008. Mr. Johnson also offers an analysis of how the TODD works and when it is useful. The article is available online at:

http://www2.mnbar.org/benchandbar/2008/nov08/death_deed.html

CENTER FOR ELDER JUSTICE AND POLICY SENDS FOUR PRESENTERS TO CANADIAN CONFERENCE ON ELDER LAW

William Mitchell's Center for Elder Justice & Policy had the largest number of presenters at the Fourth Annual Canadian Conference on Elder Law, held on November 13 - 15, 2008, in Vancouver, BC. As previously reported in this newsletter, Melissa Hunt received the 2008 Gregory Steele Prize from the Canadian Centre for Elder Law for her paper exploring the rights of grandparent custodians in Minnesota after the U.S. Supreme Court decision in *Troxel v. Granville*. Melissa's presentation at the conference was entitled "Grandparent Custody: The Minnesota Experience." Melissa is a 4L at William Mitchell and is also the current law clerk for the Elder Law Section's Governing Council.

Also presenting at the conference were Allison Crandall, Law Student Liaison to the Elder Law Section Governing Council, Alicia Jaworski, and Professor Kim Dayton. Allison presented a discussion of her paper, "Federal Law and Nursing Homes: Applying the Fair Housing Act." Alicia's presentation, "Emergency Management Planning and the Elderly," examined how emergency management plans developed at the national, state, and local levels can protect the community's most vulnerable citizens. Kim Dayton, director of the Center for Elder Justice & Policy, presented "A Feminist Perspective on Elder Law" and moderated a panel discussion.

Congratulations to our four Minnesota ambassadors who so ably represented Minnesota and the MSBA Elder Law Section in Canada.

Note: Melissa's paper is posted on the Elder Law Website and is available under "Documents and Reports" at:

<http://www.mnbar.org/sections/elder-law/WhatsNew.asp>

ELDER LAW NEWS

Seniors celebrate new partnerships, friends.

<http://www.sctimes.com/article/20081113/NEWS01/111130012/1009>

Grandma B gets all A's from students.

<http://www.morrissuntribune.com/articles/index.cfm?id=15410>

Scam targets grandparents.

<http://www.northlandsnewscenter.com/news/local/34224329.html>

AARP stops selling some UNH health insurance plans.

http://www.startribune.com/business/34235944.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aU7EaDiaMDCiUZ

As assets fail, seniors brace for a few more years at work.

http://www.twincities.com/ci_10943474

The Medicare Rx Access Network of Minnesota will hold meetings throughout the state in November 2008.

<http://www.in-forum.com/News/articles/221382>

The Election Day brings major changes to Washington - an analysis.

<http://patientadvocate.org/news.php?p=655>

Health care presentation encourages reform (Sen. John Marty comes to Mankato).

http://www.mankatofreepress.com/local/local_story_311233128.html

UPCOMING EVENTS AND CLE PROGRAMS

The New Transfer on Death Deed (TODD) Legislation

Video Replays

November 18, 2008 - Hibbing, St. Cloud

November 21, 2008 - Albert Lea, Park Rapids

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

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.

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

No cases to report this week.

STATUTES, REGULATIONS, BULLETINS

CENTERS FOR MEDICARE & MEDICAID SERVICES: MEDICAID SPENDING PROJECTED TO RISE MUCH FASTER THAN THE ECONOMY. In its new annual report, CMS projects that Medicaid benefits will grow at an annual rate of 7.9 percent, with cumulative spending reached \$4.9 trillion over the

next ten years. More information is available in the CMS Press Release dated October 17, 2008, at:

<http://www.cms.hhs.gov/apps/media/press/release.asp?Counter=3311&intNumPerPage=10&checkDate=&checkKey=&srchType=1&numDays=350>

CENTERS FOR MEDICARE & MEDICAID SERVICES: CMS ISSUES AGENT COMPENSATION REQUIREMENTS FOR MEDICARE ADVANTAGE AND PRESCRIPTION DRUG PROGRAMS. CMS has issued revised compensation requirements for sales agents and brokers who sell Medicare Advantage and prescription drug plan options to people with Medicare. More information is available in the CMS Press Release dated November 10, 2008, at:

<http://www.cms.hhs.gov/apps/media/press/release.asp?Counter=3353>

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