

## MSBA ELDER LAW SECTION E-NEWSLETTER

### February 2, 2010

#### E-Newsletter Editorial Staff:

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### **LATEST ON HEALTH CARE REFORM BILL:**

Check out the latest links below for the most up-to-date information about the Health Care Reform Bill.

#### **Bill Language**

House Version: H.R.3962 - Affordable Health Care for America Act

<http://www.opencongress.org/bill/111-h3962/show>

Senate Version: [H.R.3590](#) - Patient Protection and Affordable Care Act (Legislative Vehicle)

<http://www.opencongress.org/bill/111-h3590/text?version=ocas>

#### **Clearinghouses of Information**

*Kaiser Daily Health Care Policy Report*, subscribe to the Report at:

<http://www.kaiserhealthnews.org/>

*The Hill e-Newsletter*, a Congressional newspaper. Sign up for *The Hill News Alerts* at the top left corner of the home page at: <http://thehill.com/>

Health Care Reform: U.S. Department of Health & Human Services

<http://www.healthreform.gov/>

#### **Latest Health Care Reform News Reports**

Full text: Obama vs House Republicans

[http://www.ft.com/cms/s/0/292b631e-0d1e-11df-a2dc-00144feabdc0.html?nclick\\_check=1](http://www.ft.com/cms/s/0/292b631e-0d1e-11df-a2dc-00144feabdc0.html?nclick_check=1)

Democrats Struggle to Salvage Healthcare

[http://search.ft.com/search?queryText=Democrats+Struggle+to+Salvage+Healthcare&ftsearchType=type\\_news](http://search.ft.com/search?queryText=Democrats+Struggle+to+Salvage+Healthcare&ftsearchType=type_news)

60% Say Passage of Health Care Reform Will Increase Deficit

[http://www.rasmussenreports.com/public\\_content/politics/current\\_events/healthcare/november\\_2009/60\\_say\\_passage\\_of\\_health\\_care\\_reform\\_will\\_increase\\_deficit](http://www.rasmussenreports.com/public_content/politics/current_events/healthcare/november_2009/60_say_passage_of_health_care_reform_will_increase_deficit)

What Happened to Healthcare Reform?

[http://www.youtube.com/results?search\\_query=What+Happened+to+Healthcare+Reform%3F&search\\_type=&aq=f](http://www.youtube.com/results?search_query=What+Happened+to+Healthcare+Reform%3F&search_type=&aq=f)

**Can Mayo Emerge a Winner?**

<http://www.startribune.com/business/82998597.html?elr=KArksUUUoDEy3LGDio7aiU>

### **LINK OF THE WEEK**

“Minnesota Help Info” is a one-stop shop for many resources for the elderly and disabled. The site is a “comprehensive database of local community resources for consumers, caregivers, and service providers,” including the Long Term Care Navigator and connections to both the Senior Linkage Line® and the Disability Linkage Line™. Content for the site is developed by the Minnesota Board on Aging in conjunction with other entities, including various DHS Departments.

**Access Minnesota Help Info from the Useful Links page of the Elder Law Section Website:**

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

### **ELDER LAW NEWS**

Minnesota ends prescription importation program

<http://www.ama-assn.org/amednews/2010/01/25/bise0129.htm>

St. Thomas Center offers senior citizens' classes

[http://thecatholicspirit.com/index.php?option=com\\_content&task=view&id=3212&Itemid=136](http://thecatholicspirit.com/index.php?option=com_content&task=view&id=3212&Itemid=136)

Insurer outmaneuvers pill cutters

<http://www.startribune.com/blogs/82936567.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:Yyc:aUgOy9cP3DieyckcUsI>

Analysis: Poor ratings persist for 1 in 5 U.S. nursing homes

[http://www.usatoday.com/news/health/2010-01-28-nursing28\\_ST\\_N.htm](http://www.usatoday.com/news/health/2010-01-28-nursing28_ST_N.htm)

A first for Minnesota: Medica offers non-group health coverage to any two individuals -- targeted at the pre-retirement boomer generation ages 50 to 64 who lack traditional health coverage

[http://www.minnpost.com/bradallen/2010/01/27/15361/a\\_first\\_for\\_minnesota\\_medica\\_offers\\_no\\_n-group\\_health\\_coverage\\_to\\_any\\_two\\_individuals](http://www.minnpost.com/bradallen/2010/01/27/15361/a_first_for_minnesota_medica_offers_no_n-group_health_coverage_to_any_two_individuals)

Med students live with seniors in new U of M program

<http://minnesota.publicradio.org/display/web/2010/01/22/student-senior-living/>

Increased Patient Cost-Sharing May Hurt Elderly

<http://www.npr.org/templates/story/story.php?storyId=123038880>

Talking 'bout my generation: Despite loud music, baby boomers get good news from hearing study

<http://www.startribune.com/lifestyle/health/82796777.html?elr=KArksUUUoDEy3LGDIO7aiU>

A Best Day

<http://www.startribune.com/sports/outdoors/blogs/82782922.html?elr=KArksUUUoDEy3LGDIO7aiU>

Overmedication in the Nursing Home

<http://newoldage.blogs.nytimes.com/2010/01/11/study-nursing-home-residents-overmedicated-undertreated/?scp=3&sq=elder%20law&st=cse>

Health Care Gives Way

<http://www.nytimes.com/2010/01/28/us/politics/28health.html?scp=5&sq=seniors&st=cse>

### **MINNESOTA CASES**

*The following is a published decision released by the Minnesota Court of Appeals on January 26, 2010:*

**A09-837**

***National City Bank, Apellant vs. Judith M. Engler, Respondent, Estate of Harold P. Engler, Defendant***

**KLAPHAKE, Judge**

On appeal in this mortgage dispute, appellant argues that the district court erred in determining that the mortgage on respondent's homestead was void ab initio because the mortgage was signed only by respondent's late husband, and not by respondent. When respondent actively and knowingly participated in the transaction and waived respondent's homestead rights, the mortgage may be enforced. We reverse.

The decision is available at:

<http://www.mncourts.gov/opinions/coa/current/opa090837-0126.pdf>

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

**DHS NEWS REPORT, JANUARY 27, 2010: LOWER COSTS ALLOW GAMC PROGRAM TO CONTINUE THROUGH END OF MARCH:** DHS announces that state funding is available for GAMC through March 31, 2010 instead of March 1, possibly because program costs and new enrollment were lower than expected. **The News Report is available at:**

[http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_147931.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_147931.pdf)

**DHS NEWS REPORT, JANUARY 6, 2010: PROGRAM WILL BE DISCONTINUED AS DEMAND FOR CANADIAN MEDICATIONS DECLINES:** DHS announces that Minnesota RxConnect, a state-run service allowing Minnesota resident's access to Canadian pharmacies, will end March 1. Since 2004, Medicare has added more lower-cost generic alternatives which have made the Canadian program less utilized and less cost-effective. **The News Report is available at:**  
[http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_147668.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_147668.pdf)

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

#### **Estate Planning for the Elderly**

##### **HCBA Tele-CLE**

February 9 & 10, 2010

Contact Information: [http://www.hcba\\_registrar@hcba.org](http://www.hcba_registrar@hcba.org) or 612-752-6600.

#### **Estate Planning in Uncertain Times (including Medical Assistance)**

##### **Minnesota CLE Video Replay**

February 12, 2010 - Duluth

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

#### **Advanced Issues in Guardianships and Conservatorships**

##### **Minnesota CLE Live Seminar**

February 24

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

#### **Medical Assistance: "What's Going On?"**

##### **Minnesota CLE Live Seminar**

March 1

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

### **ELDER LAW SECTION ACTIVITIES**

**MA COMMITTEE MEETING:** The next MA Committee meeting will be at 3:30 p.m. on Tuesday, February 16, 2010, 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.

**GOVERNING COUNCIL MEETING:** The next meeting of the Elder Law Section Governing Council will be at 3:30 p.m. on Friday, February 19, 2010, 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.

**VULNERABLE ADULT COMMITTEE MEETING:** The next meeting of the Vulnerable Adult Committee will be Thursday, April 29, 2010 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.

**GREATER MINNESOTA COMMITTEE:** Please contact Bonita Kallestad at 1-320-235-9600 or [bkallestad@westernlegal.org](mailto:bkallestad@westernlegal.org) with issues you would like the Greater Minnesota Committee to address. Also contact Bonita if you would like to serve on the Greater Minnesota Committee.

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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 to the DHS Health Care Programs Manual, the DHS Bulletin on treatment of uncompensated transfers, the Minnesota Bankers Association Compliance Bulletin on Powers of Attorney, legislative summary; Practice Links to organizations such as NAELA, ABA Commission on Law and Aging, 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 Elyse Farnsworth at [efarnsworth@statebar.gen.mn.us](mailto:efarnsworth@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://www2.mnbar.org/sections/elder-law/newsletters.asp>.