

MSBA ELDER LAW SECTION E-NEWSLETTER

March 2, 2010

E-Newsletter Editorial Staff:

Communications Committee Chair: Laurie Hanson, Esq.

Editor in Chief: Suzy Scheller, Esq.

Assistant Editor in Chief: Marjorie Austin, Esq.

Contributors: Joel Smith, Esq., Kristine Mullmann, Esq., Amanda Christman, Esq., Andrea M. Palumbo, Esq., Vicki McIntyre, Esq.

WHAT'S NEW IN THE ELDER LAW SECTION?

NATIONAL HEALTHCARE DECISIONS DAY (NHDD) - APRIL 16, 2010

Volunteers are still needed for the National Healthcare Decisions Day (NHDD) event to be held at William Mitchell College of Law on Friday, April 16, 2010. Volunteers will answer questions and help event attendees with completion of a health care directive. Each volunteer serves a 2-hour shift, along with two other attorneys. If you would like to assist with the Mitchell event, or if you'd like further information, please contact me at vmcintyre2@yahoo.com. Thanks!!

Vicki McIntyre
Chair, MSBA Elder Law Section
vmcintyre@mcintyrelegal.com

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

At health-care summit, Obama tells Republicans he's eager to move ahead
http://www.washingtonpost.com/wp-dyn/content/article/2010/02/25/AR2010022502369.html?wpisrc=nl_headline

Around the table: A health summit seating diagram

<http://www.washingtonpost.com/wp-dyn/content/graphic/2010/02/25/GR2010022503141.html?sid=ST2010022502486>

At summit, Republicans prove they aren't putting America's health first

<http://www.washingtonpost.com/wp-dyn/content/article/2010/02/25/AR2010022505948.html?sid=ST2010022502486>

Just like old times: President Obama and John McCain spar at health care summit

http://www.nydailynews.com/news/politics/2010/02/25/2010-02-25_obama_kicks_off_bipartisan_health_care_reform_summit_tells_republicans_democrats_.html

Dem says Impossible for Senate to Reconcile Healthcare Bill That Doesn't Exist

<http://congress.blogs.foxnews.com/2010/02/24/expediting-healthcare-definitely-not-easy/>

Democrats will have votes for health bill, Obama aide says

http://www.washingtonpost.com/wp-dyn/content/article/2010/02/28/AR2010022803243.html?wpisrc=nl_politics

Obama says healthcare reform can't wait a generation

<http://www.ft.com/cms/s/0/6090ae42-2392-11df-8b20-00144feab49a.html>

LINK OF THE WEEK

AMERICAN SOCIETY ON AGING: The ABA Society on Aging is the largest organization of multidisciplinary professionals in the field of aging with resources, publications, and educational opportunities geared to enhance the knowledge and skills of people working with older adults and their families.

Society on Aging offers an 'Aging in America' Conference to be held in Chicago starting March 12, 2010, along with other conferences on aging and web seminars throughout the year. Several publications and resources are available, as well as Diversity Initiatives and links to other Aging organizations. Updates of coming events and other ASA happenings can be received on-line.

Access the Society on Aging via the "Useful Links" area of the Elder Law Section website, <http://www.mnbar.org/sections/elder-law/practiceLinks.asp>.

ELDER LAW NEWS

Meditation improves cognition in people with memory loss

<http://www.news-medical.net/news/20100224/Meditation-improves-cognition-in-people-with-memory-loss.aspx>

Pot use among seniors goes up as boomers age

Gray-haired tokers turn to marijuana to relieve many problems of aging

<http://www.msnbc.msn.com/id/35519187/ns/health-aging/>

Next Steps: A Practical Guide to Planning for the Best Half of Your Life

<http://www.elderlawanswers.com/resources/article.asp?id=8101§ion=5>

Growing old in Todd County

<http://minnesota.publicradio.org/collections/special/columns/ground-level/archive/2010/02/growing-old-in-todd-county.shtml>

State death inquiry: Aide blamed for fall at St. Anthony senior home

<http://www.startribune.com/local/east/84135042.html?elr=KArksUUUoDEy3LGDiO7aiU>

79-Year-Old Graduates From Law School, Begins Career in Elder Law

<http://www.elderlawanswers.com/resources/article.asp?id=8104&Section=4&state=>

Oxygen burns smoking patient

<http://www.startribune.com/blogs/84817382.html?elr=KArksUUUoDEy3LGDiO7aiU>

State death inquiry: 3 nurses failed to act on man's breathing distress

<http://www.startribune.com/local/84728087.html?elr=KArksUUUoDEy3LGDiO7aiU>

MINNESOTA CASES

The following is an unpublished decision released by the Minnesota Court of Appeals on February 23, 2010.

A09-925

In re the Estate of: Ahmed Omar Abdullahi, Deceased.

KLAPHAKE, Judge

This appeal involves the district court's determination of the heirs of Ahmed Abdullahi, who died intestate on September 5, 2007, and appointment of decedent's brother, Said Abdullahi, as personal representative of decedent's estate. On appeal, Jimate Waqo, who appeared as objector during the probate proceedings, challenges the district court's (1) appointment of Said Abdullahi as personal representative, (2) determination that decedent did not divorce his first wife, Hawo Mahad, and (3) determination that appellant failed to prove that she was married to decedent at the time of his death. Appellant also claims that the district court demonstrated improper bias in handling the case. Because we conclude that the evidence supports the district court's (1) appointment of Said Abdullahi as a proper personal representative, (2) determination that

decedent was married to Hawo Mahad, and (3) determination that decedent was not married to appellant, we affirm as to those issues. We also observe no evidence of district court bias in the probate proceedings. We reverse as to the district court's determination of decedent's heirs and remand for appointment of a guardian ad litem to represent their interests, however, because the record shows that the interests of decedent's nonmarital children were not represented during the probate proceedings.

This decision is available at:

<http://www.lawlibrary.state.mn.us/archive/ctapun/1002/opa090925-0223.pdf>

Unpublished opinions may not be cited except as provided by Minn. Stat. Section 480A.08, Subd. 3(2009).

STATUTES, REGULATIONS, BULLETINS

DHS BULLETIN #10-21-03 Changes to General Assistance Medical Care (GAMC) Due to the Elimination of GAMC Funding. Moving GAMC Enrollees to Transitional MinnesotaCare. 2/25/10. This bulletin provides policy and instructions to move current GAMC enrollees to Transitional MinnesotaCare. The bulletin, dated February 25, 2010, is available at: http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_148316.pdf

DHS BULLETIN #10-22-04 Modified Requirements for the Medical Assistance (MA) Deduction for Medical Expenses in the Long-Term Care (LTC) Income Calculation. This bulletin provides information and instructions to implement the modified requirements for the MA medical expense deduction in the LTC income calculation. The bulletin, dated February 17, 2010, is available at: http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_148947.pdf

NEWS FROM DHS. February, 2010. Initiatives aim to strengthen programs and services for older adults. DHS is currently implementing a number of legislatively mandated initiatives that will impact services and programs for older adults. The initiatives are aimed at strengthening the long-term sustainability of programs, advancing reforms and improving consistency of the programs across Minnesota.

A [list of these initiatives](#) is online.

UPCOMING EVENTS AND CLE PROGRAMS

Alzheimer's Association: "A Meeting of the Minds"

Dementia Conference 2010

March 20

Contact Information: <http://www.regonline.com/builder/site/default.aspx?EventID=723531>

10 Things Estate Planners Should Know About Medical Assistance

Hennepin County Bar Association

March 22

Contact Information: <https://www.hcba.org/Intus/Event3/event.asp>

Elimination of Bias Training: Advising and Representing Gay, Lesbian, Bisexual and Transgender Elders

MN Legal Services Coalition

March 26

Contact Information: <http://www.projusticemn.org/link.cfm?14483>

Rural Urban Connections Video Conferences

Multiple Video Conferences with Various Topics

March 29, Northeast Minnesota

Tentative Topic: Health Care/Entrepreneurship

Contact Information:

<http://go2.wordpress.com/?id=725X1342&site=mnruralpartners.wordpress.com&url=http%3A%2F%2Fblog.rurb.mn%2Fvideoconferences%2F>

Four Programs on Aging

Circle of Life Aging Services

March 2

“Psychological Aspects of Aging”

Bloomington Center of the Arts

March 22

“Sociological Aspects of Aging”

Shoreview Community Center

March 23

“Ethics and Professionalism in the Aging Field”

Bloomington Center of the Arts

Contact Information: <http://www.circleoflifemn.com/training/schedule.html>

ELDER LAW SECTION ACTIVITIES

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, April 20, 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, 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, April 23, 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 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. 5th Street, Suite 1025, Minneapolis, 612.767.7500. Contact co-chairs Ken LaBore at klabore@prslegal.com or Joel Smith at joel@koslaw.com for more information.

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>.

Please send E-Newsletter contributions by noon on Saturday of each week to Suzy Scheller at sscheller@prslegal.com and Marjorie Austin at mj@mjaustinlaw.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.

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>.