

MSBA ELDER LAW SECTION E-NEWSLETTER

March 9, 2010

E-Newsletter Editorial Staff:

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BILLS INTRODUCED TO DELAY EFFECTIVE DATE OF 2009 ESTATE RECOVERY AMENDMENTS

Submitted by Julian J. Zweber

On Thursday, March 4, 2010, bills were introduced in the Minnesota House and Senate to delay the effective date of the 2009 amendments to Minn. Stat. 256B.15. These amendments made drastic changes to the property rights of married persons if one or the other receives medical assistance benefits and dies on or after July 1, 2009. CMS has not yet approved these changes. The bills would delay the effective date until July 1, 2010, or 30 days after notice of approval is published in the State Register, whichever is later. The bills would clarify that the amendments do not apply to estates of decedents who die prior to the effective date. Rep. Gail Kulick Jackson (DFL-Milaca) is the author of H.F. No. 3364. Sen. Don Betzold (DFL-Fridley) is the author of the companion bill, S.F. No. 2997.

ELDER LAW SECTION ACTIVITIES

SPRING SERVICE EVENT: Join colleagues and law students for service and socializing on Saturday, May 1 at 10 A.M. Groups of 5-6 attorneys and students will each rake a yard for seniors living in south and northeast Minneapolis. After raking, enjoy lunch and mingling at Steinhagen & Crist, PLLP at 5001 Chowen Ave. S. in Minneapolis. RSVP before April 7 with Law Student Committee Chair, John Kantke, at jkantke@houkpa.com or 651-633-2516.

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

Ramming Health Care Through Congress Is About Obama Not Us
<http://www.foxnews.com/opinion/2010/03/08/jon-kraushar-obama-health-care-reconciliation/>

Dick Durbin Expresses Need For Health Care Reform In Chicago: Tells Insurance Companies The 'Party's Over' (VIDEO)
http://www.huffingtonpost.com/2010/03/08/dick-durbin-expresses-nee_n_489926.html

What Kind of Health Care Reform Would Actually Help the Debt?
<http://www.theatlantic.com/business/archive/2010/03/what-kind-of-health-care-reform-would-actually-help-the-debt/37163/>

3 Dems unsure about changing votes for health care
http://news.yahoo.com/s/ap/us_health_care_overhaul

LINK OF THE WEEK

NATIONAL ELDER LAW NETWORK. The National Elder Law Network, <http://www.neln.org>, founded in 1995, serves as a repository for elder law related bibliographies and legal pathfinder on a wide variety of topics. The site also has a growing collection of reports by the Congressional Research Service on topics of interest to elder law practitioners and resources. Browse materials on the site by title, author, topic, or date. NELN is also fully searchable by keyword.

Access NELN via the “Useful Links” area of the Elder Law Section website,
<http://www.mnbar.org/sections/elder-law/practiceLinks.asp>.

ELDER LAW NEWS

Ramsey County of Minnesota Selects DSS to Provide EHR, Mental Health and Practice Management Technology to the County’s Mental Health Center
<http://au.sys-con.com/node/1303129>

Minneapolis man sentenced for 'borrowing' from mom with dementia – He gets 90 days in jail, admits taking \$300,000

http://www.twincities.com/ci_14501509?IADID=Search-www.twincities.com-www.twincities.com

Wadena nursing home cited for fatal prescription drug error

http://www.twincities.com/ci_14523358?IADID=Search-www.twincities.com-www.twincities.com

Budget squeeze hits public health

<http://www.startribune.com/lifestyle/health/85821692.html?page=1&c=y>

Old Age, From Youth's Narrow Prism

<http://www.nytimes.com/2010/03/02/health/02case.html>

Health-care costs in retirement are the third certainty in life

<http://blogs.marketwatch.com/retirement/2010/03/02/health-care-costs-in-retirement-are-the-third-certainty-in-life/>

Alzheimer's Drug Falls Short

http://online.wsj.com/article/SB10001424052748703862704575099320507972894.html?mod=WSJ_latestheadlines

MINNESOTA CASES

Update on Unallotment Litigation:

Case # 62-CV-10-1830

On March 5, 2010, Judge Gearin denied the parties' motion for a TRO. The remaining issues of the governor's unallotment of \$15,789,000 for GAMC for the July 1, 2009-June 30, 2010 is continued for further hearing on June 3, 2010 at 9:00 a.m.

The Judge's order is available at:

http://www.mncourts.gov/Documents/2/Public/Civil/1%20Pawlenty%203510/Amended_order_Denying_Motion_for_TRO_-_Judge_Gearin.pdf

Further information about the 2009 Unallotment Litigation is available at:

<http://www.mncourts.gov/district/2/?page=3775>

STATUTES, REGULATIONS, BULLETINS

There are no Statutes, Regulations or Bulletins this Week.

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>.