

# MSBA ELDER LAW SECTION E-NEWSLETTER

July 28, 2009

## E-Newsletter Editorial Staff:

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## ATTENTION GREATER MINNESOTA!

**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.

## ELDER LAW NEWS

Daughter is charged in suspected 'elder abuse'

[http://www.startribune.com/local/east/50902952.html?elr=KArks:DCiUtEia\\_nDaycUiacyKUnciatkEP7DhUr](http://www.startribune.com/local/east/50902952.html?elr=KArks:DCiUtEia_nDaycUiacyKUnciatkEP7DhUr)

New organization to advocate for older Minnesotans

[http://www.startribune.com/local/51146352.html?elr=KArks:DCiUHc3E7\\_V\\_nDaycUiD3aPc:Yyc:aUU](http://www.startribune.com/local/51146352.html?elr=KArks:DCiUHc3E7_V_nDaycUiD3aPc:Yyc:aUU)

Minn. delegation unites to seek Medicare reform

[http://minnesota.publicradio.org/display/web/2009/07/22/medicare\\_reform/](http://minnesota.publicradio.org/display/web/2009/07/22/medicare_reform/)

National Arbitration Forum Barred From Credit Card And Consumer Arbitrations Under Agreement With Attorney General Swanson

<http://www.ag.state.mn.us/Consumer/PressRelease/090720NationalArbitrationAgremnt.asp>

State settles suit against arbitration company it alleges misled consumers

<http://individual.com/story.php?story=104001480>

### Senate Stalls On Health Care Bill

<http://www.npr.org/templates/story/story.php?storyId=106968825>

### U.S. official says seniors' caregivers need more support

<http://www.startribune.com/lifestyle/health/51356452.html?elr=KArksUUUoDEy3LGDio7aiU>

### Obama says savings in Medicare won't mean cuts in benefits to seniors

<http://www.startribune.com/politics/51437447.html?elr=KArksUUUoDEy3LGDio7aiU>

### Neural Stem Cells May Rescue Memory In Advanced Alzheimer's, Mouse Study Suggests

<http://www.sciencedaily.com/releases/2009/07/090720190726.htm>

### Ten Tips to Keep Elderly Family Members Independent

[http://www.associatedcontent.com/article/1926394/ten\\_tips\\_to\\_keep\\_elderly\\_family\\_members.html](http://www.associatedcontent.com/article/1926394/ten_tips_to_keep_elderly_family_members.html)

## MINNESOTA CASES

*The following are three unpublished cases from the Minnesota Court of Appeals released on July 21, 2009:*

### **A08-1515**

*In re the Matter of: Doug McGaughey, Appellant, vs. Commissioner of Crow Wing County Social Services, Respondent, Minnesota Department of Human Services, Respondent.*

SCHELLHAS, Judge

Appellant challenges the district court's decision to affirm the commissioner of human services' denial of his request for general assistance funds, arguing that he is eligible to receive general assistance. We affirm.

The decision is available at:

<http://www.lawlibrary.state.mn.us/archive/ctapun/0907/opa081515-0721.pdf>.

### **A08-1603**

*Antoinette Jones, Relator, vs. Dakota County Community Development Agency, Respondent.*

HALBROOKS, Judge

Relator Antoinette Jones challenges the decision of respondent Dakota County Community Development Agency (CDA) to terminate her Section 8 housing benefits on the grounds that the decision is unsupported by substantial evidence and is arbitrary and capricious, and that the agency erred by not granting her a reasonable accommodation under the federal Fair Housing Act and the Minnesota Human Rights Act. We affirm.

The decision is available at:

<http://www.lawlibrary.state.mn.us/archive/ctapun/0907/opa081603-0721.pdf>.

### **A08-1801**

*Roderick Blanchard, Relator, vs. Dakota County Community Development Agency, Respondent.*

BJORKMAN, Judge

In this certiorari appeal, relator argues that respondent community development agency's denial of his request for a live-in-aide accommodation under the Section 8 Housing Choice Voucher Program is contrary to law. Because the agency's decision accords with Section 8 regulations and related guidance, we affirm.

This decision is available at:

<http://www.lawlibrary.state.mn.us/archive/ctapun/0907/opa081801-0721.pdf>.

*Unpublished opinions may not be cited except as provided by Minn. Stat. § 480A.08, Subd. 3 (2008).*

## **STATUTES, REGULATIONS, BULLETINS**

**DHS BULLETIN #09-62-01: NURSING FACILITY POLICY CHANGES IN 2009 LEGISLATION.** The purpose of the bulletin is to describe changes to law enacted in 2009 and unallotments that apply to nursing facilities and to provide details on how the Department of Human Services (DHS) will implement these changes. The changes outlined include community transitions; level of care criteria; changes to the rebasing law; natural disasters; changes to payments in single bed rooms, and more. The bulletin, dated July 17, 2009, is available at:

[http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16\\_145446.pdf](http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_145446.pdf)

## UPCOMING EVENTS AND CLE PROGRAMS

### **Medical Assistance & Long Term Care 2009**

#### **Video**

August 17 – Minneapolis

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

### **Elder Law Institute**

October 8-9, 2009

Minnesota CLE Conference Center

## ELDER LAW SECTION ACTIVITIES

**VULNERABLE ADULT COMMITTEE MEETING:** The next meeting of the Vulnerable Adult Committee will be Thursday, July 30, 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.

**PRO BONO COMMITTEE.** The next meeting of the Pro Bono Committee will be August 11, 2009, from 4:00pm - 5:00pm at GRATHWOL LAW OFFICE, 216 Water Street, Excelsior, MN 55331. For more information or to confirm your attendance, contact the Grathwol Law Office at 952-474-2955 or FAX. 952-474-4625.

**MA COMMITTEE MEETING:** The next MA Committee meeting will be at 3:30 p.m. on Tuesday, August 18, 2009, 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@mnellderlaw.com](mailto:creher@mnellderlaw.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, August 21, 2009, 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.

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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://www.mnbar.org/sections/elder-law/newsletters.asp>.