

MSBA ELDER LAW SECTION E-NEWSLETTER

August 11, 2009

E-Newsletter Editorial Staff:

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ENCOURAGING LEVEL-HEADED DIALOGUE ABOUT HEALTH CARE DIRECTIVES

Many recent media stories address a provision in President Obama's health care plan to allow for Medicare reimbursement of voluntary discussions with a physician about health care directives or similar documents (see Elder Law News below). One such article, spotlighting William Mitchell College of Law and Elder Law section member Kim Dayton, touches on the need for level-headed dialogue on the subject and encourages more individuals to execute health care directives. The article is available at:

http://www.startribune.com/local/52556732.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aUUsI.

The Elder Law Section will again do its part to encourage execution of health care directives when it will once again be the Minnesota sponsor for National Healthcare Decisions Day, which is on April 16, 2010.

ELDER LAW NEWS

Euthanasia Scare Shows a Tough Sell on Health Care (Update2)

<http://www.bloomberg.com/apps/news?pid=20601087&sid=aHq7dX65mBCU>

Trish Greeves : It's not moral to compel suffering

<http://www.startribune.com/opinion/commentary/52691192.html?elr=KArksUUUoDEy3LGDio7aiU>

Coon Rapids nurse to spend a year in prison for pilfering patients' pain pills

<http://www.startribune.com/local/north/51917822.html?elr=KArksUUUoDEy3LGDio7aiU>

Young, healthy and preparing for the worst

http://www.startribune.com/local/52556732.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aUUsI

Building The Healthcare Home

<http://www.startribune.com/jobs/healthcare/51392477.html?elr=KArksUUUoDEy3LGDio7aiU>

Studies: Popular back treatment for elderly with osteoporosis no better than fake one

<http://www.startribune.com/lifestyle/health/52544847.html?elr=KArksUUUoDEy3LGDio7aiU>

Seniors worry Medicare cuts in health care overhaul will undermine benefits

<http://www.startribune.com/politics/national/congress/52099197.html?elr=KArksUUUoDEy3LGDiO7aiU>

Euthanasia Scare Shows a Tough Sell on Health Care (Update2)

<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aHq7dX65mBCU>

The Future of Elder Care?

http://www.time.com/time/specials/packages/article/0,28804,1914267_1914263_1914258,00.html

MINNESOTA CASES

The following is a published case from Minnesota Court of Appeals released on August 4, 2009:

A08-1696

Gellert v. Eginton

Dakota County District Court. Syllabus of the Court:

An award of attorney fees under Minn. Stat. § 524.3-720 (2008), is not limited to probate proceedings and may be proper when an interested person prosecutes or pursues a claim that contributes to the benefit of an estate.

The decision is available at:

<http://www.lawlibrary.state.mn.us/archive/ctappub/0908/opa081696-0804.pdf>

STATUTES, REGULATIONS, BULLETINS

There are no Statutes, Regulations or Bulletins to report this week.

UPCOMING EVENTS AND CLE PROGRAMS

“Second Death” Issues in Estate Planning

HCBA Tele-Seminar

August 11 at Noon

Contact Information: <http://www.hcba.org> or 651.752.6600.

Medical Assistance & Long Term Care 2009

Video

August 17 – Minneapolis

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

Advising Trustees: Duties, Disclosures, and Liability

HCBA Tele-Seminar (Part 1 of 2)

August 25 at Noon

Contact Information: <http://www.hcba.org> or 651.752.6600.

The Prudent Investor Rule: Understanding the Rules of Trust Investments

HCBA Tele-Seminar (Part 2 of 2)

August 26 at Noon

Contact Information: <http://www.hcba.org> or 651.752.6600.

Elder Law Institute

October 8-9, 2009

Minnesota CLE Conference Center

ELDER LAW SECTION ACTIVITIES

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@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, 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 or 612-722-8572.

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

GREATER MINNESOTA COMMITTEE: Please contact Bonita Kallestad at 1-320-235-9600 or 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.

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.

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