

MSBA ELDER LAW SECTION E-NEWSLETTER

October 20, 2009

E-Newsletter Editorial Staff:

Communications Committee Chair: Laurie Hanson, Esq.

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WHAT'S NEW IN THE ELDER LAW SECTION?

The October meeting of the Elder Law Section Governing Council was held immediately following the annual Elder Law Institute on October 9, 2009, in conjunction with a luncheon to thank the Institute's planners and faculty for all of their hard work. The minutes from that Governing Council meeting are now posted on the section's website and are available at: <http://www.mnbar.org/sections/elder-law/minutes.asp>.

Here are a few highlights from the Governing Council meeting:

- The section's webmaster, Kim Dayton, has been working on a website redesign, which should be operational in the next few weeks. Additionally, the MSBA is planning a redesign of all section websites, to be implemented in mid-2010, which will provide a consistent format and design for all sections. The new design is intended to be more user-friendly.
- The section is looking for an Assistant Editor for the newsletter. Anyone who is interested may contact Communications Committee Chair, Laurie Hanson, at: lhanson@mnelderlaw.com.
- The council voted to support a letter written by the Real Property Section for submission to CMS objecting to changes in Minnesota's estate recovery laws. (A copy of the letter is available upon request.)
- The council voted to investigate the cost of obtaining a complete copy of the State Plan and to review options for tracking proposed State Plan amendments. Anyone who has contacts with the state or CMS or who wishes to assist in the effort may contact me at the address below.
- The Pro Bono Committee is gearing up for the next National Healthcare Decisions Day - scheduled for April 16, 2010 - for which the section will continue to serve as State Liaison. Anyone interested in helping with the NHDD planning process or in volunteering to host an event may contact Pro Bono Committee co-chair Pook Grathwol at: pook@grathwollaw.com.

Also this week, the spelling of Mary Alice Gooderl's last name was called into question. Historically, the name has been spelled two different ways: Gooderl and Goodrl. We received a note from Joyce James, a vice president at M&I Corp in Tucson, Arizona, stating that she worked with Mary Alice at First National Bank of Minneapolis in 1984-86, before Mary Alice retired and went into private practice - which was the timeframe in which Mary Alice founded the Elder Law Section. Joyce attests that Mary Alice's last name is properly spelled "Gooderl."

So, henceforth, we shall adopt that spelling as the official spelling of Mary Alice's name. Thank you to Joyce for her input, and for reading our newsletter all the way out in Tucson. I'm sure that many of our members will be wishing they could join Joyce when the snow begins to fly in earnest.

I'd also like to clarify that a surprise Special Appreciation Award presented at the ELI to the children of Francis A. Barg was accepted by two of Francis's children, Barbara Anderson and Michael Barg. Michael served as the Personal Representative of his father's estate and, along with brother Steven and sister Barbara, challenged the Barg decision (Estate of Francis E. Barg, 752 N.W.2d 52 (Minn 2008)) all the way to the U.S. Supreme Court. Their support, determination, and stamina are greatly appreciated.

Because recent legislative revisions to state law are designed to essentially nullify the Barg decision, further efforts may be necessary to assure that the state continues to comply with federal law. With the assistance of Julian Zweber, Tom Meinz, and others, we will keep you posted on any new developments.

Have a good week!

Vicki McIntyre
Chair, Elder Law Section Governing Council
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ELDER LAW NEWS

Minn. man suspected of encouraging suicides

<http://www.google.com/hostednews/ap/article/ALeqM5gQJO3cHmuYbUTstiXGkZE2lviZ9wD9BCDM900>

An estimated \$2.6 billion is robbed from the elderly

<http://minnesotaeesi.blogspot.com/2009/10/estimated-26-billion-is-robbed-from.html>

Risks call dialysis into question for nursing home patients

http://www.usatoday.com/news/health/2009-10-14-dialysis-elderly_N.htm

The Onus Is on You, Not the Government – Don't count on government to take care of you in your old age!

<http://www.moneyshow.com/investing/blog.asp?aid=Blog-17928>

Medicare drug changes: Paying more for less – The number of Medicare Advantage plans will drop from 48 to 29, while average premiums will rise about \$19 a month.

http://www.startribune.com/lifestyle/health/63352177.html?elr=KArks7PYDiaK7DUvckD_V_jEyD:UiD3aPc:_Yyc:aUU

State cuts partially to blame for health care tragedies

<http://www.tcdailyplanet.net/news/2009/09/23/state-cuts-partially-blame-health-care-tragedies>

Changes in Medicare, Medicaid could benefit Minnesota <http://www.finance-commerce.com/article.cfm/2009/10/15/Changes-in-Medicare-Medicaid-could-benefit-Minnesota>

Changes reflect needs of younger seniors

http://www.postbulletin.com/newsmanager/templates/localnews_story.asp?z=28&a=421130

Obama calls for \$250 payments to older Americans to make up for no increase in Social Security

<http://www.startribune.com/politics/64264887.html?elr=KArksUUUoDEy3LGDio7aiU>

Many elderly with dementia and kidney failure in nursing homes get futile care, studies show

<http://www.startribune.com/lifestyle/health/64287412.html?elr=KArksUUUoDEy3LGDio7aiU>

Judge: City may change retirees' health coverage

<http://www.duluthnewstribune.com/event/article/id/149071/>

Court Fines 2 Cos. \$6.4M for Unauthorized Law Practice, Bans Them From State

http://www.abajournal.com/news/ohio_court_fines_2_cos_6.4m_for_upl_bans_them_from_doing_business_in_state/

MINNESOTA CASES

There are no Minnesota cases to report this week.

STATUTES, REGULATIONS, BULLETINS

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

UPCOMING EVENTS AND CLE PROGRAMS

Elder Law Institute

Video Replays

October 22-23, 2009 – Minneapolis

November 12, 2009 – Moorhead

November 13, 2009 – Hibbing

November 13 & 16, 2009 – St. Cloud

November 20, 2009 - Park Rapids

November 17-18, 2009 – Minneapolis

December 4, 2009 – Mankato

January 21-22, 2010 – Duluth

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

Estate Planning in Uncertain Times (including Medical Assistance)

Video Replay

November 3, 2009 – Minneapolis

November 20, 2009 – Rochester

November 20, 2009 – St. Cloud

November 23, 2009 – Minneapolis

December 1, 2009 – Moorhead

December 10, 2009 – Mankato

December 11, 2009 – Crookston

December 11, 2009 – Park Rapids

February 12, 2010 - Duluth

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, October 20, 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.

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.

GOVERNING COUNCIL MEETING: The next meeting of the Elder Law Section Governing Council will be at 3:30 p.m. on Friday, December 18, 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.

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://www2.mnbar.org/sections/elder-law/newsletters.asp> .