

## MSBA ELDER LAW SECTION E-NEWSLETTER

### October 27, 2009

#### E-Newsletter Editorial Staff:

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### WHAT'S NEW IN THE ELDER LAW SECTION?

Although National Healthcare Decisions Day (NHDD) doesn't roll around again until April, planning is already underway, both on the national and state levels. As most of you know, our Elder Law Section is continuing to serve as state liaison for the NHDD initiative, spearheaded by the section's Pro Bono Committee.

#### Help Us Get On Oprah

On the national level, chair Nathan Kottkamp, of McGuireWoods in Richmond, Virginia, is intent on getting more national media coverage for the NHDD initiative in 2010. High on the agenda is getting coverage for NHDD on *Oprah*. Nathan has asked that as many people as possible send an email to the *Oprah* producers, requesting that they feature the NHDD initiative on her show, where Nathan would discuss the importance of completing a health care directive and provide information on the opportunities to do so provided through NHDD. We ask that you take 5-10 minutes sometime soon to email the *Oprah* show, on behalf of NHDD. Just go to the *Oprah* website at: <http://www.oprah.com/contactus>, click on "Send us your show suggestions," and type in your request for coverage of NHDD in April of 2010. The more requests sent, the higher the possibility that NHDD could receive the blessing of coverage on *Oprah*!

#### Help us Get Coverage in the New York Times

As a follow-up to Jane Brody's appearance at our Elder Law Institute, we asked Ms. Brody to feature NHDD in her column in the *New York Times*. Ms. Brody is enthusiastic about assisting with the NHDD effort, but indicated that she needed some anecdotes about people who were helped by completing a health care directive in conjunction with NHDD in order to justify another column on the topic of health care directives to her editors. We believe that we also need anecdotal material to capture the interest of Minnesota media. To that end, we are asking for stories about anyone who was helped by having a health care directive (or whose families were helped) or stories about difficulties faced by anyone without a health care directive. If you are aware of anyone who has a story to share, please contact me at the address below. We

believe that gathering “stories” will be critical to getting both state and national media coverage for the NHDD initiative going forward - so your help will be greatly appreciated.

Thanks for doing whatever you can to help us spread the word about National Healthcare Decisions Day!

Have a great week.

Vicki McIntyre

Chair, Elder Law Section Governing Council

[vmcintyre@mcintyrelegal.com](mailto:vmcintyre@mcintyrelegal.com)

## **CELEBRATE PRO BONO WEEK**

### **CONTRIBUTE RESOURCES FOR PRO BONO EFFORTS!**

*Submitted by Laura J. Zdychnec, Esq.*

The Elder Law Section’s Member Education Committee, together with the Minnesota State Bar Association and Minnesota Legal Services Coalition, still needs elder law resources for [ProJusticeMN.org](http://ProJusticeMN.org). Although the elder law library has received contributions for some of the “folders” we still need Pleadings, Letters, Forms, Practice Aids, and Links in the following categories:

- Elder Abuse
- Government Benefits Planning
- Administrative (M.A.) Appeals
- Medicare & Medicare Part D
- Probate & Probate Alternatives
- Wills, Trusts & Estate Planning

- Veterans Benefits
- Elder Care/Long-term care Rights

Help legal aid and pro bono attorneys make a difference! Send your contributions to:  
[lzdychnec@mnelderlaw.com](mailto:lzdychnec@mnelderlaw.com), [jmfreeman@mnlegalservices.org](mailto:jmfreeman@mnlegalservices.org) or [bbell@statebar.gen.mn.us](mailto:bbell@statebar.gen.mn.us).

## ELDER LAW NEWS

Organized crime's new target: Medicare

<http://www.cnn.com/2009/CRIME/10/22/medicare.organized.crime/>

Thousands of health care workers skip flu shots

<http://minnesota.publicradio.org/display/web/2009/10/22/flu vaccine-hcw/#>

MN Sues Nursing Home Owner For Overbilling

<http://www.keyc.com/node/29278>

Man Who Chained Wife With Alzheimer's Released

<http://wcco.com/local/alzheimers.wife.chained.2.1258256.html>

Which AARP was Kimball writing for?

<http://www.albertleatribune.com/news/2009/oct/17/which-aarp-was-kimball-writing/#>

## MINNESOTA CASES

*There are no Minnesota cases to report this week.*

## STATUTES, REGULATIONS, BULLETINS

**FROM DHS BULLETIN OCTOBER 2009: WEB PAGE SUMMARIZES HUMAN SERVICES STIMULUS FUNDING.** The stimulus funding page on the DHS Web site summarizes the more than \$2 billion expected to be provided for Minnesota human services programs under the American Recovery and Reinvestment Act (ARRA). The majority of the funding will provide for increased federal matching funds for Minnesota's Medicaid program. Other funding will increase support for food, economic assistance and children's programs. More information about the stimulus funding package is available at: [http://www.dhs.state.mn.us/main/idcplg?IdcService=GET\\_DYNAMIC\\_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16\\_146525#](http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_146525#)

## UPCOMING EVENTS AND CLE PROGRAMS

### **Elder Law Institute**

### **Video Replays**

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**

**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. 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.

**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](mailto:vmcintyre2@yahoo.com) or 612-722-8572.

**MA COMMITTEE MEETING:** The next MA Committee meeting will be at 3:30 p.m. on Tuesday, December 15, 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](mailto: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.

**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.

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