

MSBA ELDER LAW SECTION E-NEWSLETTER

November 17, 2009

E-Newsletter Editorial Staff:

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H.R. 3200: AMERICA'S AFFORDABLE HEALTH CHOICES ACT OF 2009

Will the Senate pass the bill? What will the impact be on Medicare and Medicaid funding for seniors and people with disabilities? Will there be a long-term care benefit? What impact will this bill have on your business? In the coming months, we will try to keep you updated with the latest news on the Health Care Bill. Check out the following resources for current information:

Reid's Health Overhaul Bill Likely to Split Senate Democrats

<http://www.bloomberg.com/apps/news?pid=20601103&sid=aONMsS3iBNjs>

McConnell: Senate Won't Rush On Health Care Bill

<http://www.npr.org/templates/story/story.php?storyId=120448248>

House health bill includes Medicaid relief for states

<http://www.washingtonpost.com/wp-dyn/content/article/2009/11/15/AR2009111502618.html?hpid=sec-politics>

The House health care bill and Minnesota

<http://minnesota.publicradio.org/display/web/2009/11/10/health-care-bill-minnesota/>

Key Provisions of the House Health Care Bill

<http://www.cbsnews.com/blogs/2009/11/07/politics/politicalhotsheet/entry5570605.shtml>

H.R. 3200: America's Affordable Health Care Choices Act of 2009 (bill text)

<http://www.govtrack.us/congress/bill.xpd?bill=h111-3200>

CMS (Medicare) Actuarial Report on HR3200 Released

<http://www.triskele.com/2009/10/24/cms-medicare-actuarial-report-on-hr3200-released>

Memo from CMS: Estimated Financial Effects of H.R. 3200

<http://www.docstoc.com/docs/13620474/CMS-OACT---Memo-on-Financial-Impact-of-H-R--3200-09-10-21>

Abortion, wellness and other healthcare bill questions

<http://www.latimes.com/features/health/la-na-healthcare-qa16-2009nov16,0,7263100.story>

PROJECT: DEADLY FALLS ARTICLE SERIES

Follow an exclusive story in the Star Tribune on the death of eight nursing home residents due to falls in nursing homes.

- Sunday, 11/15/09: *Deadly Falls*, Following the story of families whose loved ones died shortly after falls in nursing homes.
- Monday, 11/16/09: *Sanctions not Tough*, reporting on the Office of Health Facility Complaint investigation process.
- Tuesday, 11/17/09: Report from nursing home aides and other related to staffing issues

A summary of the series and related documents is available at:
<http://www.startribune.com/investigators/>.

ELDER LAW NEWS

Minnesota falls short on Medicaid for nursing homes

http://www.minnpost.com/community_voices/2009/11/13/13423/minnesota_falls_short_on_medicaid_for_nursing_homes

The House health care bill and Minnesota

<http://minnesota.publicradio.org/display/web/2009/11/10/health-care-bill-minnesota/>

Health Care Reform Takes Big Step

<http://www.myfoxtwincities.com/dpp/news/Health-Care-Reform-Takes-Big-Step-nov-08-2008>

Parsing the House Health Bill

<http://online.wsj.com/article/SB125763756556136303.html>

Museum helps discover ancestry

<http://www.universitychronicle.com/news/museum-helps-discover-ancestry-1.2059105>

Doctors' view of counseling at the end of life

<http://minnesota.publicradio.org/display/web/2009/11/12/midmorning1/>

Scrubbing In: Importance of spelling out last wishes

http://www.philly.com/inquirer/magazine/20091109_Scrubbing_In_Importance_of_spelling_out_last_wishes.html

Paying for in-home nurses

http://host.madison.com/wsj/news/local/health_med_fit/article_8d9df7b4-ae56-56da-8620-716ef797d6ea.html

National Association to Stop Guardian Abuse – Elder Abuse not Limited to Just the Rich
<http://nasga-stopguardianabuse.blogspot.com/2009/11/elder-abuse-not-limited-to-just-rich.html>

Reality Check: Ad Targets Medicare Advantage
<http://wcco.com/realitycheck/medicare.advantage.ad.2.1292378.html>

Project: Deadly Falls (series)

[http://www.startribune.com/investigators/.](http://www.startribune.com/investigators/)

Nancy Barnes: When death comes without dignity: A Star Tribune report documents a troubling pattern in nursing home (beginning of a series of articles)

<http://www.startribune.com/opinion/commentary/70009322.html?page=1&c=y>

MINNESOTA CASES

There are no Minnesota Cases to report this week.

STATUTES, REGULATIONS, BULLETINS

GAMC ENROLLEES TO RECEIVE HEALTH CARE THROUGH MINNESOTACARE:

The Minnesota Department of Human Services (DHS) announced plans to continue providing health care coverage through MinnesotaCare for people enrolled in the General Assistance Medical Care (GAMC) program when the program funding ends on March 1. Approximately 28,000 people now on GAMC are expected to be automatically enrolled in MinnesotaCare March 1. GAMC, a state-funded program, covers adults without dependent children with incomes up to 75 percent of the poverty level (\$677 a month for one person). The DHS

announcement is available at:

http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_146988.pdf

UPCOMING EVENTS AND CLE PROGRAMS

Elder Law Institute

Video Replays

November 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 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.

Estate Planning for the Final Years of Life

Lorman Teleconference

January 20, 2010, 1:00 p.m.

Contact information: <http://www.lorman.com/teleconference/teleconference.php?pid=207029> or 1-866-878-9329.

ELDER LAW SECTION ACTIVITIES

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, 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, 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.

VULNERABLE ADULT COMMITTEE MEETING: The next meeting of the Vulnerable Adult Committee will be Thursday, January 28, 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.

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>.