

# **MSBA ELDER LAW SECTION E-NEWSLETTER**

**November 24, 2009**

**E-Newsletter Editorial Staff:**

**Communications Committee Chair:** Laurie Hanson, Esq.

**Editor in Chief:** Suzy Scheller, Esq.

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**EDITOR'S NOTE:** Due to the holiday weekend, no Elder Law Section E-Newsletter will be published Tuesday, December 1. Happy Thanksgiving!

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

Elder Law Section Committees are hard at work on a number of exciting initiatives this year. Special mention this week goes to the Vulnerable Adult Committee and the Pro Bono/National Healthcare Decisions Day Committee.

### **Vulnerable Adult Committee**

The Vulnerable Adult Committee is currently working on updating a brochure previously published by the MSBA/Elder Law Section entitled "Adult Abuse, Neglect & Financial Exploitation (Maltreatment of Vulnerable Adults) in Minnesota." Only a few copies of this widely-used brochure remain. The revision was undertaken as the result of a request for additional brochures by officials from Anoka County. The committee will work with the MSBA to provide an updated version of the brochure as a community service. We'll let you know when the brochure is completed and available.

The committee is also preparing a series of educational seminars to be presented in the community on a variety of topics, including Financial Exploitation of the Elderly, Powers of Attorney, Guardianships and Conservatorships, Elder Abuse & Neglect, and Nursing Home/Facility Placement. Minutes of the most recent committee meetings are available at: <http://www.mnbar.org/sections/elder-law/minutes.asp>

### **Pro Bono/National Healthcare Decisions Day (NHDD) Committee**

The Pro Bono/NHDD Committee is in need of a new co-chair to work with co-chair Kristine Mullman. Pook Grathwol has stepped down as co-chair but will remain on the committee. Anyone interested in serving as co-chair, please contact me at the address below.

Work is already underway for NHDD, which is slated for April 16, 2010. Committee members are seeking new event sponsors for the initiative, hoping to encourage the participation of a broader cross-section of Minnesota companies in the 2010 effort. The committee is requesting input and participation from the Minnesota Leadership Council on Aging and Honoring Choices Minnesota (a group dedicated to developing a uniform health care directive for health systems across the state), among others. Anyone interested in joining the Pro Bono/NHDD Committee and working to expand state-wide participation may contact Kristine Mullman at [kmullman@estatecrafters.com](mailto:kmullman@estatecrafters.com).

Best wishes to all for a wonderful Thanksgiving holiday.

Vicki McIntyre  
Chair, MSBA Elder Law Section Governing Council  
[vmcintyre@mcintyrelegal.com](mailto:vmcintyre@mcintyrelegal.com)

### **COMMUNICATIONS COMMITTEE – UPCOMING MEETING**

*Submitted by Laurie Hanson, Chair of the Communications Committee*

The Communications Committee will meet on Monday, December 14, 2009 at 12:00 noon at the offices of Long, Reher & Hanson, 5881 Cedar Lake Road, St. Louis Park, MN 55416. Pizza will be provided. We will discuss recent changes to the website, the possible posting of the Minnesota State Medicaid Plan on our website, and a new Editor for the year 2010. We also need substantive articles (short and long) each week. If you are interested, please join us. Any questions? Email Laurie Hanson at [lhanson@mnelderlaw.com](mailto:lhanson@mnelderlaw.com).

### **UPDATE ON H.R. 3962: AFFORDABLE HEALTH CARE FOR AMERICA ACT**

Check out the latest links below for the most up to date information about the bill that is now before the Senate. Please note the new H.R. bill number and name for the revised bill.

Summary of Key Provisions in HR 3962 (new version approved in House)

<http://www.kff.org/healthreform/7948.cfm%20>

Sen. Schumer vows Democrats will push through health care with or without Republican backing

<http://www.startribune.com/projects/53147087.html>

Health bill passes first test in Senate; debate to begin after Thanksgiving recess

[http://www.twincities.com/national/ci\\_13842774?nclick\\_check=1](http://www.twincities.com/national/ci_13842774?nclick_check=1)

Senate Dems suggest they're open to altering health care bill

<http://www.cnn.com/2009/POLITICS/11/22/health.care/index.html>

Health care debate headed to Senate floor

<http://www.cnn.com/2009/POLITICS/11/21/senate.health.bill.expect/index.html>

Democrats Step Up Push for Votes on Health Care

[http://www.nytimes.com/2009/11/23/health/policy/23health.html?\\_r=1&ref=health](http://www.nytimes.com/2009/11/23/health/policy/23health.html?_r=1&ref=health)

Opposing Claims Cloud the Debate on an Overhaul

<http://prescriptions.blogs.nytimes.com/>

Affordable Health Care for America Act is fair

<http://www.albertleatribune.com/news/2009/nov/19/affordable-health-care-america-act-fair/>

## **ELDER LAW NEWS**

Barb Rode: 'Please, let me do it my way': My mother didn't want to be limited -- and the inevitable happened.

<http://www.startribune.com/opinion/commentary/70663437.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc: Yyc:aUUsZ>

Drug Makers Raise Prices in Face of Health Care Reform

<http://www.nytimes.com/2009/11/16/business/16drugprices.html? r=1>

Medicare Part D: COMPARING DRUG PLANS

[http://www.startribune.com/local/70081647.html?elr=KArks:DCiUHc3E7\\_V\\_nDaycUiD3aPc: Yyc:aULPQL7PQLanchO7DiUr](http://www.startribune.com/local/70081647.html?elr=KArks:DCiUHc3E7_V_nDaycUiD3aPc: Yyc:aULPQL7PQLanchO7DiUr)

Analysis uncovers inconsistencies in nursing home five-star rating system

<http://www.mcknights.com/analysis-uncovers-inconsistencies-in-nursing-home-five-star-rating-system/article/158173/>

Health care bill would address Medicare 'doughnut hole'

<http://minnesota.publicradio.org/display/web/2009/11/17/medicare-doughnut-hole/>

Force Feeding Charges at Maple Grove Nursing Home

<http://www.myfoxtwincities.com/dpp/news/Nursing-Home-Employee-Force-Feeds-Vulnerable-Adult-nov-19-2009>

Minnesota at forefront in care for the elderly

Providers are doing their best to cut the incidents of nursing home falls.

<http://www.startribune.com/opinion/commentary/70662492.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc: Yyc:aUUsZ>

Project: Deadly Falls (series)

<http://www.startribune.com/investigators/>

## **MINNESOTA CASES**

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

## **STATUTES, REGULATIONS, BULLETINS**

**DHS BULLETIN #90-56-02: PERSONAL CARE ASSISTANCE (PCA) 6 MONTH REASSESSMENT PROJECT.** The 2009 Minnesota Legislature made changes to the Personal Care Assistance (PCA) Program that affects the access, assessment and authorization of services. These changes are effective January 1, 2010. (See Minnesota Statutes, section 256B.0625, subdivision 19a and Minnesota Statutes, section 256B.0659, subdivisions 3a, 4 and 30). The Department of Human Services (DHS) worked with an external stakeholder workgroup to develop an implementation plan. All recipients that receive PCA services will be reassessed. Detailed information with links to multiple resources about the PCA 6-month Reassessment Project is found on the DHS Personal Care Assistance Web site at [http://www.dhs.state.mn.us/dhs16\\_145201](http://www.dhs.state.mn.us/dhs16_145201). The bulletin, dated November 13, 2009, is available at: [http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16\\_147195.pdf](http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_147195.pdf)

## **UPCOMING EVENTS AND CLE PROGRAMS**

### **Elder Law Institute**

#### **Video Replays**

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 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**

**COMMUNICATIONS COMMITTEE MEETING:** The next meeting of the Communications Committee is tentatively set for Monday, December 14, 2009, at Noon at the offices of Long, Reher & Hanson, P.A., 5881 Cedar Lake Road, St. Louis Park, MN 55416. Contact Laurie Hanson at 952.929.0622 or [lhanson@mnelderlaw.com](mailto:lhanson@mnelderlaw.com) for more information.

**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.

**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.

**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. 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.

**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>.