

MSBA ELDER LAW SECTION E-NEWSLETTER

September 29, 2009

E-Newsletter Editorial Staff:

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WHAT'S NEW IN THE ELDER LAW SECTION?

A topic of recent conversation - and frustration - among elder law attorneys has been the depiction in the media of purported misuse of powers of attorney or guardianship/conservatorship powers, without a full presentation of the facts. The Star Tribune's "Whistleblower" column, in particular, has established a pattern of depicting situations from one viewpoint only, at the expense of the attorneys and parties involved.

Certainly, vilifying attorneys is nothing new; even William Shakespeare expressed antipathy toward attorneys when he exhorted, "The first thing we do, let's kill all the lawyers." (*Henry VI, Part 2*.) Elder law attorneys, in particular seem to have been taking a lot of hits in the media lately, much to the dismay of many in our practice. Frustration has mounted further due to uncertainty about how such negative - and often misleading - press may be managed.

Amy Rotenberg to the Rescue

To address the issue of negative press and its impact on our practice and our profession, the ELI planning committee has invited Amy Rotenberg to speak at the Elder Law Institute. Amy is a veteran media lawyer and crisis communications specialist who counsels clients facing adverse publicity, media probes, and other reputational crises. Amy's presentation is scheduled immediately after lunch on Thursday, October 8th, and may be of special interest to members interested in learning more about controlling the message and flow of information to the media, as well as protecting communications and strategies from discovery.

Still Time to Register

If you have not yet registered for the Elder Law Institute, there's still time. This year's Institute is chock full of useful information, and features a number of topics, like Amy's, that have not previously been covered at the Institute. Registration is available through the brochure previously sent out to members, online at www.minncle.org/SeminarDetail.aspx?ID=104211001, or by calling Minnesota CLE at 651-227-8266 or 800-759-8840.

See you on October 8th!

Vicki McIntyre

Chair, Elder Law Section Governing Council

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ELDER LAW NEWS

Secrets to a Successful Interview – Family Histories

<http://www.ancestrymagazine.com/2005/01/features/secrets-of-a-successful-interview/>

Seniors tell Alexandria: Give us back our golf cart!

http://www.startribune.com/local/60456192.html?elr=KArksLckD8EQDUoaEyqyP4O:DW3ckUiD3aPc:_Yyc:aUgOy9cP3DieyckcUsX

DHS awards grants to help aging Minnesotans

<http://legal-ledger.com/item.cfm?recID=12297>

Elder-care planning

http://www.nj.com/business/index.ssf/2009/09/elder-care_planning.html

Recession squeezes seniors' meals, bills

<http://www.desmoinesregister.com/article/20090923/NEWS/909230360/-1/NEWS04>

Mayo says Medicare changes needed in Obama plan

<http://minnesota.publicradio.org/display/web/2009/09/22/mayo-obama-reimburse/>

Elder Law: Income Only Trust can help plan for Medicaid

<http://www.news-press.com/article/20090920/BUSINESS/909200355/1014/BUSINESS>

Plainview, Minnesota woman charged with forgery

http://www.postbulletin.com/newsmanager/templates/localnews_story.asp?z=2&a=416967

Albert Lea nursing home to participate in quality improvement study

<http://www.albertleatribune.com/news/2009/sep/19/st-johns-participate-learning-collaborative/>

Thieves dressed as nurses target Denver nursing homes

http://www.denverpost.com/headlines/ci_13370857

Going Broke Caring for Aging Parents

<http://well.blogs.nytimes.com/2009/09/18/the-financial-peril-of-an-aging-parent/>

Helping Elderly Leave Nursing Homes for a Home

http://www.nytimes.com/2009/09/19/health/policy/19aging.html?_r=1&hpw

MINNESOTA CASES

There are no Minnesota cases to report this week.

STATUTES, REGULATIONS, BULLETINS

DHS BULLETIN #09-25-10: SUBMISSION OF THE BIENNIAL QUALITY ASSURANCE PLAN FOR HOME & COMMUNITY BASED SERVICE PROGRAMS FY CYS 2010-2011. The Home and Community-Based Quality Assurance Plan (HCBS QA Plan) is submitted biannually by each county, tribe or managed care organization (MCO) administering any or all of the following programs: Long Term Care Consultation, Alternative Care, Elderly Waiver, Community Alternatives for Disabled Individuals Waiver, Developmental Disabilities Waiver, Traumatic Brain Injury Waiver, and Community Alternative Care Waiver. The purpose of the HCBS QA Plan is to ensure the communication of federal and state requirements and expectations from the state to lead agencies managing HCBS programs and to provide a mechanism for the lead agency to document and explain how it meets those requirements and expectations through practices, policies, and activities. In addition, the document provides the state with an important tool to help monitor quality assurance at the lead agency level.

The bulletin, dated September 25, 2009, is available at:

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_146274.pdf

UPCOMING EVENTS AND CLE PROGRAMS

Client Incapacity and Special Needs Trusts

HCBA Live Replay

October 8, Noon

Contact Information: <https://www.hcba.org/Intus/Event3/event.asp> or 612.752.6600

Elder Law Institute

Minnesota CLE Conference

October 8-9, 2009

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

Estate Planning in Uncertain Times (including Medical Assistance)

Minnesota CLE Live Presentation

October 19, 2009

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

ELDER LAW SECTION ACTIVITIES

GOVERNING COUNCIL MEETING: The next meeting of the Elder Law Section Governing Council will be at 12:30 p.m. on Friday, October 9, 2009, at the conclusion of the Elder Law Institute, at the Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis. All members are welcome to attend. To participate by phone, please contact Vicki McIntyre at vmcintyre2@yahoo.com or 612-722-8572.

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.

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>.