

MSBA ELDER LAW SECTION E-NEWSLETTER
January 24, 2012

Vol. 4, No. 54

E-Newsletter Editorial Staff:

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QUICK NOTE FROM THE CHAIR

Don't forget to look in the "Statutes, Regulations, and Bulletins" section below submitted by Peter Hendricks. He lists some "Requests for Proposals" and other items found in the State Register. These listings are intended to keep Elder Law attorneys more informed of public comment periods for Department of Human Services proposals and may include Medicaid State Plan Amendment proposals, which DHS informs us would be posted on the State Register.

Also, please tentatively hold February 7 at Noon for a conference call to discuss up and coming Elder Law issues, such as Transfer Penalties, SNF Level of Care Change, Reform Waivers, and Spousal Income Changes. The intent of the conference call would be for attorneys to be aware of recent changes and/or efforts to change these areas. As a Section we want experienced and new attorneys alike to have an open forum to discuss the ever-shifting landscape of Elder Law in order to better inform our practice area and perhaps determine any recommended next steps. More details on the conference call to follow.

Suzy Scheller
Elder Law Section Chair
suzy@schellerlegalsolutions.com

LINK OF THE WEEK

ABA Elder Law Blawg Directory

The ABA has compiled a list of blawgs, or blogs, discussing Elder Law and related topics. Some of these blawgs focus on specific geographic areas and local laws/rules, while others are topical. A sampling of these blawgs yields sites including "Aging in Place," "The LegalBEAT," (a Social Security Disability blog), and "Florida Elder Law and Estate Planning" (Perfect for those of you practicing with snowbirds!).

The full list from the ABA is available [here](#).

[Submitted by Courtney Allensworth](#)
courtney.allensworth@wmitchell.edu

ELDER LAW NEWS

Tougher Penalties for Vulnerable Adult Abuse | [KAAL TV](#)

Minnesota legislative session may be quick, but it won't be quiet--Issues related to aging will be addressed | [Pioneer Press](#)

Get ready to change Ma's diapers | [Crookston Times](#)

Antidepressants may raise fall risk in nursing homes | [USA Today](#)

Submitted by Joel Smith, Esq.
joel@koslawfirm.com

ELDER LAW CASES

There are no new cases to report this week.

STATUTES, REGULATIONS, BULLETINS

#12-53-02 Updated Mental Health Maintenance of Effort (MOE) for Counties. The purpose is to inform counties about the amended requirements. The bulletin, dated January 18, 2012, is available [here](#).

The following two items were published in the State Register on January 17, 2012:

Minnesota Department of Human Services (DHS)

Continuing Care Administration

Request for Proposals for Medical Assistance Long-term Care Access Study

The Minnesota Department of Human Services, Continuing Care Administration, requests proposals to conduct an evaluation and develop dashboard measures related to the impact of Medical Assistance long-term care rate reductions on recipients' access to long-term care services.

The anticipated amount of money available is up to \$200,000 for the first two years of the study (total), with an option to extend three additional one year periods, for a total (five year) contract amount of \$1,000,000.

Work is proposed to start April 16, 2012.

For more information, or to obtain a copy of the Request for Proposal, contact:

Kim Anderson
Continuing Care Administration
Department of Human Services
444 Lafayette Road North

St. Paul, MN 55155

E-mail: Kim.anderson@state.mn.us

Phone: (651) 431-4396

This is the only person designated to answer questions by potential responders regarding this request.

Responders' questions regarding this RFP must be submitted **in writing prior to 4:00 p.m. Central Time on February 15, 2012**. All questions must be addressed to:

Request for Proposal Response
Attention: Kim Anderson
Continuing Care Administration
Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155

E-mail: kim.anderson@state.mn.us

Phone: (651) 431-4396

Fax #: (651) 431-7412

Other personnel are **NOT authorized** to discuss this RFP with Responders before the proposal submission deadline. **Contact regarding this RFP with any State personnel NOT listed above could result in disqualification.** The State will NOT be held responsible for oral responses to Responders.

Questions will be addressed in writing and distributed to all identified prospective Responders. Every attempt will be made to provide answers in a timely manner.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, March 5, 2012. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP website, or clicking [here](#).

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

**Minnesota Department of Human Services (DHS)
Health Care Eligibility and Access Division
Request for Proposals from Qualified Consultants to Perform Disability
Determinations for the Medical Assistance Program**

The Minnesota Department of Human Services, Health Care Eligibility and Access Division, (DHS) is seeking Proposals from qualified Consultants to provide professional and technical services in disability determination for the Medical Assistance Program (MA). Specifically, the successful Consultants will review MA program applicants' medical records and other relevant information to determine if there is sufficient medical evidence to support the certification of disabling conditions, pursuant to the Social Security Administration's disability guidelines. In addition, the Consultants will determine the level of care for children applying for MA eligibility through the Tax Equity and Fiscal Responsibility Act (TEFRA) option.

The maximum term of the resulting Contracts is two years, with the option to extend for a maximum of one two-year period. The RFP document is available at the DHS website, www.dhs.state.mn.us, or by contacting:

Deb Wagner
Minnesota Department of Human Services
Health Care Eligibility and Access Division
P.O. Box 64984
St. Paul, MN 55164-0984
Phone: (651) 431-2672
Fax: (651) 431-7420
E-mail: deb.wagner@state.mn.us

This RFP has no application deadline. DHS has an ongoing need for these services. The level of need and the volume of work to be performed will vary over time. DHS will accept Responses from qualified health care professionals at any time while this RFP is open.

The closing date for this RFP is June 30, 2013. However, DHS reserves the right to close the RFP at any time if it is considered to be in the State's best interest.

Submitted by Peter M. Hendricks, Esq.
phendricks@gblawoffice.com

UPCOMING EVENTS AND CLE PROGRAMS

There are no upcoming events or CLE programs to report this week.

ELDER LAW SECTION ACTIVITIES

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, February 21, 2011. The Medical Assistance Committee is a study group to analyze Elder Law Section member questions and case studies and to discuss administrative policies and procedures in relation to Medical Assistance in Minnesota. Cathryn D. Reher of Long, Reher & Hanson, P.A., is Committee Chair. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A., at [952-929-0622](tel:952-929-0622) at least 24 hours in advance of the meeting. Topics for the meeting may be submitted to tfenske@mnelaw.com under the subject heading "MA Committee Topic", or faxed to [952-542-9201](tel:952-542-9201). Please be reminded that the meeting location is: Estate & Elder Law Services (formerly MAO Legal Services), Monroe Village, 1900 Central Avenue NE, Minneapolis, Minnesota 55418. The meeting takes place in the building's conference room. There are a few parking spaces behind the building and lots of street parking. People should walk to the back of the building and come to the back door which faces directly into the meeting room.

GOVERNING COUNCIL: The next meeting of the Elder Law Section Governing Council will be on Friday, February 17, 2011 at 3:30 pm at the offices of the Volunteers of America

(VOA) at 1900 Central Avenue NE, Suite 106, Minneapolis, MN 55418. For further information, please contact Suzy Scheller, Chair, at: suzy@schellerlegalsolutions.com.

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://www.mnbar.org/sections/elder-law/index.asp>

Please send E-Newsletter contributions by 10 p.m. on Sunday of each week to Allison Burke at allison@twincities-elderlaw.com.

If you do not wish to receive this E-Newsletter, send your request to be removed from the mailing list to Tamara Patton at tpatton@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/newsletter.asp>.