

MSBA ELDER LAW SECTION E-NEWSLETTER
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E-Newsletter Editorial Staff:

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ITEM OF INTEREST

CALL FOR PROPOSALS - WIN A FREE ELDER LAW INSTITUTE REGISTRATION!

The Governing Council of the Elder Law Section is pleased to announce a new competition for service or project ideas for the section. Currently, the dues paid by section members are used to provide a number of member services and to support a variety of projects consistent with the section's Mission Statement, such as: the weekly e-newsletter; the annual Elder Law Institute; the bi-monthly Medical Assistance Forum; the annual National Healthcare Decisions Day initiative; periodic legislative updates; annual law student projects; and more.

For this competition, the council asks section members to think about the following questions: What else would you like to see the Elder Law Section do for its members and/or the community served by its members? Do you have one or more ideas about the best use of the section's resources? What other projects and/or services should the section incorporate into its body of work for the coming year?

To enter: Please submit your idea(s) for a specific ongoing service or a specific one-time (or ongoing) project that should be undertaken by the Elder Law Section. Please describe how the project or service would work - how it would be implemented - and what costs would be involved in the implementation and support of the project or service.

Submission Process: Please submit ideas to: Vicki McIntyre, Chair of the Strategic Planning Committee, at: vmcintyre2@yahoo.com.

Submission deadline: Friday, November 18th.

Prizes will be awarded to those submitting the top 3 ideas. First prize is a full registration to the 2012 Elder Law Institute. Second and third prizes will be \$25 gift cards. Others may receive an Honorable Mention in the newsletter. Winners will be announced following the December Governing Council meeting.

Please put on your thinking caps and submit your ideas prior to the November 18th deadline. We look forward to hearing from you!

Vicki McIntyre
Chair, Elder Law Section Strategic Planning Committee
vmcintyre2@yahoo.com

LINK OF THE WEEK

BenefitsCheckUp - From the National Council on Aging

The National Council on Aging is a nonprofit elder advocacy organization. This web site offers search tools, fact sheets, forms and questionnaires to assist individuals in the identification of available resources. The site aggregates a wide range of federal, state and private benefit programs including health care, food assistance, prescription drug coverage, utilities and housing services.

<https://www.benefitscheckup.org>

Submitted by Annalee Heath Leach
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ELDER LAW NEWS

Don't call her 'Granny' – Today's grandparents look, think, dress and act much younger than their predecessors

<http://www.startribune.com/lifestyle/132281073.html>

2011 Market Survey of Long-Term Care Costs

<http://www.metlife.com/mmi/research/2011-market-survey-long-term-care-costs.html#findings>

AARP Warns Seniors about Possible Social Security, Medicare Cuts

<http://www.wdio.com/article/stories/S2347662.shtml?cat=10349>

State health care changes having unforeseen effects – In July, the Legislature squeezed out a budget to erase a \$5 billion deficit. A judge on Wednesday blocked one of the cuts.

<http://www.startribune.com/local/132665518.html>

Earlier deadline means earlier decisions on Medicare options

<http://www.duluthnewstribune.com/event/article/id/213067/group/homepage/>

Franken introduces senior care bill

http://www.dl-online.com/event/article/id/63853/publisher_ID/5/

Submitted by Joel Smith, Esq.
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ELDER LAW CASES

A11-561

In re the Matter of: Rodney Fimon, Appellant, vs. Commissioner of Minnesota Department of Human Services, Respondent, Mower County Human Services, Respondent.

BJORKMAN, Judge

Appellant challenges the district court's decision affirming the decision of the Commissioner of the Minnesota Department of Human Services that appellant is subject to a penalty against his medical-assistance (MA) eligibility for an improper transfer of assets. Appellant argues that (1) the commissioner's decision is not supported by substantial evidence and (2) the district court abused its discretion by refusing to consider additional evidence on appeal from the commissioner's decision. We affirm.

The decision is available [here](#).

Unpublished opinions may not be cited except as provided by Minn. Stat. Section 480A.08, Subd. 3 (2009).

Submitted by Andrea Palumbo, Esq.
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STATUTES, REGULATIONS, BULLETINS

#11-25-05 2011 Legislative Changes to Customized Living and 24 Hour Customized Living Services – Elderly Waiver The purpose is to communicate 2011 legislative changes related to CL and 24CL service for the Elderly Waiver program, and to outline changes to MMIS to support these changes. The bulletin, dated October 18, 2011, can be found [here](#).

#11-21-09 Changes to the State Medical Review Team (SMRT) Disability Determination Process The purpose of this bulletin is to clarify the SMRT process with regard to the collection and submission of documentation; scheduling and billing of exams, tests, and transportation services; expediting referrals, and the use of new forms and letters. This bulletin, dated October 28, 2011, can be found [here](#).

#11-21-07 MinnesotaCare for Volunteer Firefighters and Ambulance Attendants Begins December 1, 2011 The purpose of this bulletin provides policy and instructions for determining eligibility for MinnesotaCare for Volunteer Firefighters and Ambulance Attendants. This bulletin, dated November 1, 2011, can be found [here](#).

Submitted by Peter Hendricks, Esq.
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UPCOMING EVENTS AND CLE PROGRAMS

"What's so special about special care" -- Dealing with units that specialize in Dementia Care

Join us for a webinar on **November 8th, 2:00pm ET/11:00pm PT**

Title: *"What's so special about special care"*
-- Dealing with units that specialize in Dementia Care
Date: Tuesday, November 8, 2011
Time: 11:00 PM - 12:00 PM PDT / 2:00 PM - 3:00 PM EDT

After registering you will receive a confirmation email containing information about joining the Webinar. Space is limited. Reserve your Webinar seat now at:
<https://www3.gotomeeting.com/register/154415718>

Submitted by Kim Dayton, Esq.
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ELDER LAW SECTION ACTIVITIES

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, December 20, 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@mnelderlaw.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, Suite 106, Minneapolis, Minnesota 55418. 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, December 16, 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>.