

MSBA ELDER LAW SECTION E-NEWSLETTER

April 1, 2021

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Communications Committee Chair: Lucas Spaeth

Editor in Chief: Maggie Cook

Web Coordinator: Lucas Spaeth

Contributors: Julian Zweber

ELDER LAW NEWS AND HIGHLIGHTS

MN NAELA Looking for Witnesses to Testify at Legislature to Support Repeal of Minn. Stat. 501C.1206

The Elder Law Section is now officially in support of repeal of Minn. Stat. 501C.1206. The Minnesota Chapter of NAELA is looking for Elder Law Section clients who would fall into the following categories and would be willing to testify at the Minnesota Legislature in support of repeal of Minn. Stat. 501C.1206:

- A farmer whose main asset is a farm who would like to put the farm in an irrevocable trust to allow it to transfer to the farmer's descendants to keep the farm in the family and free of liability for long-term care expenses.
- A client whose main asset is a single asset such as a retirement account, bank account, home, or business, who would like to put the asset into an irrevocable trust to allow the asset to pass to the client's descendants free of liability for long-term care expenses.
- A client who was forced to pay for long-term care because the client placed assets into an irrevocable trust that was treated as revocable under Minn. Stat. 501C.1206 or its predecessor Minn. Stat. 501B.895.

Please contact Chris Kradle at chris@mnlaw.us or 952-405-2055 or Pook Grathwol at pgrathwol@chestnutcambronne.com or 612-336-2919 if you have a client who is willing to testify. MN NAELA and the Elder Law Section would appreciate any help you can provide.

Contributed by Julian J. Zweber

CORRECTION: 2020 SPECIAL RECOGNITION AWARDS PRESENTED JANUARY 28, 2021, FOR THE PFOSER CASE

Special Recognition Awards were presented on January 28, 2021, to Laurie Hanson, Brenna Galvin and Pook Grathwol for their efforts in representing the Estate and contributing amicus

briefs, respectively, to support the Estate in the landmark Minnesota Supreme Court decision in *Pfoser v. Harpstead*. The citation to the case was reported incorrectly. The correct title is: *Robert Pfoser as Special Administrator of the Estate of David Pfoser v. Jodi Harpstead, Commissioner Minnesota Department of Human Services*, Minnesota Supreme Court Docket No. A19-0853 (January 20, 2021). We regret the error.

Contributed by Julian J. Zweber

Please submit news articles and notes of interest to margaret.cook@wagnerlegalmn.com

APRIL CLE AND EVENTS

All MSBA programming is currently REMOTE-ONLY participation. There is NO in-person attendance.

For the MSBA statement on COVID-19 click [here](#). Thank you.

REMOTE ONLY: Emerging Issues in Long-Term Care

Thursday, April 22, 2021 from 8:30 A.M. TO 11:30 A.M.

Join us for a panel discussion with experts in the field to learn about emerging issues related to long-term, particularly in assisted living and nursing home settings. More specifically, this CLE will provide insight to the imminent and significant impact COVID-19 and assisted living licensure has on long-term care in Minnesota.

This CLE is free for Elder Law Section Members.

Presenters:

Aisha Elmquist, Deputy Ombudsman for Long-Term Care

Genevieve Gaboriault, Deputy Ombudsman for Long-Term Care

Lindsey Krueger, Health Facilities Section Chief, Director of Office of Health Facility Complaints, Interim Program Manager of Home Care and Assisted Living Program, Minnesota Department of Health

Mark Schulz, Interim Reconsideration and Policy Manager, Health Regulation Division, Minnesota Department of Health

Dustin Lee, CEO and President of Prairie Senior Cottages

Suzanne Scheller, Esq., Attorney, Scheller Legal Solutions, LLC

To register, click [here](#). The deadline to register is April 20, 2021.

Please submit upcoming CLEs to margaret.cook@wagnerlegalmn.com.

ELDER LAW SECTION ACTIVITIES

ADVOCACY SUPPORT COMMITTEE:

The Advocacy Support Committee meets at the offices of Long, Reher, Hanson & Price. Telephone participation is available. Please contact committee chair Laura Zdychnec at lzdychnec@mnelderlaw.com for call-in instructions or more information.

Upcoming meeting dates to be announced.

AWARDS COMMITTEE:

The Awards Committee Chair is appointed by the incoming Council Chair after the Council Chair takes office each year. The current Committee Chair is Julian J. Zweber. Members of the Committee are appointed each year by the Council Chair on recommendation by the Committee Chair as approved or modified by the Council Chair. The Committee usually meets from July to October of each year, at the call of the Committee Chair. The Committee solicits nominations from Section members for Section Awards and determines what Awards should be presented at the next Elder Law Institute sponsored by MN CLE, usually in October of each year. For more information, please contact Julian J. Zweber at 651-646-4354 or julianzweber@qwestoffice.net.

COMMUNICATIONS COMMITTEE:

The Communications Committee oversees the monthly Elder Law E-Newsletter and the Elder Law Section website. The committee is composed of the e-newsletter editor, web editor, associate editors, contributors, and any other interested section members. Meetings are to be held every other month to review issues related to the e-newsletter and the website, and to conduct an annual member survey. Upcoming meetings for the Communications Committee are as follows:

Wednesday, April 14, 2021 at 8:30 a.m.

Wednesday, June 9, 2021 at 8:30 a.m.

Wednesday, August 11, 2021 at 8:30 a.m.

Wednesday, October 13, 2021 at 8:30 a.m.

Wednesday, December 8, 2021 at 8:30 a.m.

The meeting will be arranged by video chat on Zoom or Microsoft Teams. The meeting link will be emailed to all committee members. Anyone interested in joining the meeting should email Lucas Spaeth at lucas.spaeth@voamn.org for a link to the meeting.

Anyone interested in serving on the committee or suggesting ideas for the newsletter or website may contact Communications Committee chair Lucas Spaeth at lucas.spaeth@voamn.org or (612) 676-6302.

DIVERSITY COMMITTEE:

Meetings will be held via teleconference on the second Tuesday of every month from 9:30-10:15 am.

Please contact Maya Missaghi at maya@mmlawservices.com if you would like to join!

EDUCATION COMMITTEE:

The Education Committee plans CLE seminars sponsored by the Elder Law Section and meets via conference call on the second Thursday of each month from 9:30 A.M. to 10:30 A.M. Subcommittees of the Education Committee include New Lawyers and Law Students.

If you would like to participate, please contact the committee chair, Laura Orr at laura.orr@smrls.org. Anyone is welcome to join the committee or simply attend a meeting.

GOVERNING COUNCIL:

The Elder Law Section Governing Council is chaired by Jack Austin and is currently meeting via Zoom. Meetings are currently scheduled for the following dates:

Friday, April 16, 2021 at 3:30 P.M.

Friday, June 18, 2021 at 3:30 P.M. *Note that this is the Annual Elder Law Section Meeting, the Governing Council meeting will take place immediately after.

Please contact Tram Nguyen at tnguyen@mnbars.org or Jack Austin at jack@hawkelawgroup.com to receive Zoom instructions to join the meeting.

LAW STUDENT COMMITTEE:

The Law Student Committee helps attract students to become the next generation of elder law attorneys. The committee meets as needed during the school year. Our goal for this bar year is to host a panel event at each local law school where students can ask questions about the practice of elder law. We are always looking for other ways to engage students, so please feel free to attend meetings and make suggestions.

If you have questions about the committee, contact John Kantke at john.kantke@voamn.org.

LEGISLATIVE COMMITTEE

The Elder Law Section's Legislative Committee monitors proposed legislation at the state and federal level affecting the Section's membership; reviews legislative proposals put forward by other Sections and Committees of the MSBA; reviews proposals from other groups, agencies and individuals; keeps Section membership informed of proposed legislation; provides comment and

other responses to legislative proposals; makes recommendations concerning support of, or opposition to, legislative proposals; develops relationships with other organizations affected by legislation of interest to the Section; acts as a coordinator for the Section's legislative activities; develops legislative proposals for inclusion in the MSBA legislative agenda; provides witnesses and testimony in support of, or opposition to, legislative proposals; and in general supports the MSBA and the Section's legislative agendas. Members interested in joining the committee or learning more about the legislative issues being reviewed by the committee may contact the Legislative Committee Chair, Suzy Scheller, at (763) 647-0042 or suzy@schellerlegalsolutions.com; or Vice-Chair, Julian J. Zweber, at (651-646-4354) or julianzweber@qwestoffice.net.

Several Elder Law Section only proposals are in effect for the current legislative session. The Elder Law Section is currently supporting proposals to pass new legislation regarding medical assistance treatment of life estates and irrevocable trusts as well as opposing proposed language related to resident trusts. Please contact Suzy Scheller at suzy@schellerlegalsolutions.com with questions or requests for further information.

Please contact Tram Nguyen at tnguyen@mnbars.org to be added to the Elder Law Section Community Forum.

MEDICAL ASSISTANCE COMMITTEE:

The Medical Assistance Committee is a study group to analyze the members' questions and case studies and to discuss administrative policies and procedures in relation to Medical Assistance in Minnesota. For directions, or to attend by phone, please contact Callyn Bedker at 507-587-8766 at least 24 hours in advance of the meeting. Topics for the meeting may be submitted to Callyn at callyn@bedkerlaw.com under the subject heading "MA Committee Topic".

The Medical Assistance (MA) Committee meeting will be held **April 20, 2021 at 3:30 p.m.**

Please note, due to COVID-19, all meetings will be held remotely by telephone at this time.

To attend by telephone, call 1-800-226-9607 at the designated meeting time. When prompted, enter Conference Identification Number [or Participant Code] 8157976029# to be connected to the conference.

MA Committee members are invited to join the Medical Assistance Community forum at my.mnbar.org. Please contact Tram Nguyen at tnguyen@mnbars.org to be added to the community.

PRO BONO COMMITTEE:

The Pro Bono Committee, due to lack of attendance, is suspending committee meetings until further notice. The Pro Bono Committee currently does not have a Chair. If you have an interest in working with the Pro Bono Committee, please contact Elder Law Section President, Jack Austin, at jack@hawkelawgroup.com.

STRATEGIC PLANNING COMMITTEE:

The next Strategic Planning Committee meeting date is to be announced. Questions may be directed to Committee Chair, Jack Austin, at jack@hawkelawgroup.com.

VULNERABLE ADULT COMMITTEE:

Contact Marit Peterson at marit.peterson@elderjusticemn.org or 651-440-9303, if you are interested in participating in this committee.

The MSBA Elder Law Section's Website contains information about section committees and leadership. It also contains useful practice resources.

You may email Lucas Spaeth at lucas.spaeth@voamn.org to suggest changes to website content.

Please send E-Newsletter contributions by 10 p.m. on the last day of each month to Maggie Cook at margaret.cook@wagnerlegalmn.com. The E-Newsletter is distributed on the first Monday of each month. If the first Monday occurs on a holiday, the E-Newsletter will be distributed on the following Monday.

If you do not wish to receive this E-Newsletter, send your request to be removed from the mailing list to Tram Nguyen at tnguyen@mnbars.org.

Current and prior E-Newsletters are posted on the website for the MSBA Elder Law Section and are available [HERE](#).