

MSBA ELDER LAW SECTION eNEWSLETTER

October 16, 2007

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Welcome to the fifth issue of the Elder Law section's eNewsletter. If you have news to share, don't be shy. Please let us know about your accomplishments, or anything of interest to the section. And don't forget to register for the 17th Annual Elder Law Institute coming up next week!! See registration information below under "Elder Law Section Activities."

ELDER LAW NEWS

Minnesota's oldest inmate, age 93, will be leaving prison this month
http://wcco.com/local/local_story_284221006.html

Do flu shots really benefit the elderly?

<http://www.cidrap.umn.edu/cidrap/content/influenza/general/news/oct0907elderly.html>

A new report says Minnesota under-funds seniors' nursing home care by \$167 million/year
http://www.earthtimes.org/articles/show/news_press_release,192549.shtml

Medicare Part D comparisons can begin; average premium increase for existing plans is 12%
<http://www.startribune.com/587/story/1470087.html>

Minnesota Dep't of Public Safety launches campaign against e-mail and telephone scams aimed at seniors

<http://tinyurl.com/2pj9py>

Pet trusts provide for animals if their owners should die

http://www.twincities.com/life/ci_7118218?nclink_check=1

ELDER LAW SECTION ACTIVITIES

17th Annual Elder Law Institute: Register now for this energizing event, to be held Thursday and Friday, October 25 and 26, 2007, at the Minnesota CLE Conference Center, 3rd Floor, City Center, Minneapolis. To register, call 651-227-8266 or 800-759-8840, or go online at www.MinnCLE.org.

- Don't miss the Familial Responsibility presentation at 10:15 a.m. on October 26th. In Minnesota, where state law does not require children to take care of elderly parents, what are the general rules of responsibility for family members? How do these rules apply in the nursing home context? What are the responsibilities of those who sign admission agreements?
- And what about the Good Samaritan, who only wants to help? What kind of legal responsibility or liability might the Good Samaritan encounter? This informative

panel discussion will be presented directly following the Familial Responsibility presentation on October 26th.

- Don't forget the Elder Law Section Governing Council Meeting at 7:30 am on October 26th. All Section members are invited to attend. Breakfast will be served!

Medical Assistance Committee Meeting: The next meeting of the Medical Assistance Committee is Tuesday, October 16, 2007, at 3:30 p.m., at the MAO Offices, 2021 E. Hennepin, Suite 200, Minneapolis. Out-state members may participate by phone. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A. at 952-929-0622.

Elder Law Section Legislative Committee: If you are interested in joining the Section's Legislative Committee, or would like to be put on the distribution list, please contact Julian Zweber at julianzweber@qwest.net.

MINNESOTA CASES

In re the Estate of Francis E. Barg: The Minnesota Supreme Court is scheduled to hear oral arguments in the **Barg** case on Tuesday, November 6, 2007. This is a Medical Assistance recovery case in which the county has filed a claim against the estate of the surviving spouse, who did not receive any Medical Assistance benefits. The published Minnesota Court of Appeals opinion dated October 17, 2006, is available at: <http://www.lawlibrary.state.mn.us/archive/ctappub/0610/opa052346-1017.htm>

STATUTES, REGULATIONS, BULLETINS

Minnesota Department of Human Services Community Partnerships Division: Notice of Request for Proposals for Supplemental Security Income (SSI) Advocacy Contracts

www.comm.media.state.mn.us/bookstore/stateregister

(Click "current issue" at top of page and scroll to Minnesota Department of Human Services)

Darlene Luther Revised Anatomical Gifts Act, Laws 2007, Ch. 120: The Elder Law Section Governing Council will vote on proposed technical amendments to this Act at its meeting on October 26th. The revised Uniform Act was adopted by the 2007 session of the Minnesota State legislature with an effective date delayed to April 1, 2008, to allow the Bar Association to study the terms of the Act. The corrected bill and a summary of proposed corrections are posted on the Section Website at:

<http://www2.mnbar.org/sections/elder-law/WhatsNew.asp>

MEMBERS IN THE NEWS

Elder Law Section member Vicki McIntyre is quoted in an article on pet trusts which appeared in the *Pioneer Press* on Tuesday, October 9, 2007. In 2006, the Elder Law Section voted to support passage of pet trust legislation in Minnesota due to the importance of the issue to senior citizens who wish to provide for their companion animals after death or during incapacity. The *Pioneer Press* article on pet trusts can be read at:

http://www.twincities.com/life/ci_7118218

Don't forget that the Elder Law Website is a great resource. Here's what you can find on the Website: Links under "What's New" to the DHS Health Care Programs Manual,

the updated Income and Asset Eligibility Figures for Minnesota Health Care Programs, the DHS Bulletin on treatment of uncompensated transfers, the Minnesota Bankers Association Compliance Bulletin on Powers of Attorney, and a legislative summary; Practice Links to organizations such as NAELA, ABA Commission on Law and Aging, Minnesota Senior Federation; 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 eNewsletter contributions by noon on Saturday of each week to

Vicki McIntyre at vmcintyre2@yahoo.com

If you do not wish to receive this eNewsletter, send your request to be removed from the mailing list to Meaghan Harper at mharper@mnbar.org