

MSBA ELDER LAW SECTION E-NEWSLETTER

July 15, 2008

E-Newsletter Editorial Staff:

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ELDER LAW NEWS

The Cook Nursing Home will seek approval from the Minnesota Department of health to cut nearly a third of its beds. The decision to reduce beds is driven by economics and a decline in demand for nursing home beds as alternative long-term care options have emerged. <http://www.timberjay.com/current.php?article=4501>

The SNP Alliance, a Washington, DC-based leadership health policy group for Medicare Special Needs Plans (SNPs), scored a major and long-fought victory when the Senate passed a Medicare bill that would advance the ongoing development of SNPs, if the bill becomes law. <http://www.marketwatch.com/news/story/snp-alliance-applauds-senates-historic/story.aspx?guid=%7B505DE64B-3903-4A72-91D4-CDEC11FCC325%7D&dist=hppr>

Medicare scammers use deceased doctors' identities to bilk Medicare. Sellers of wheelchairs, drugs, and other medical supplies collected as much as \$93 million in fraudulent Medicare claims based on prescriptions from doctors who actually were dead, some for ten years or more, as congressional investigation found. http://www.startribune.com/opinion/editorials/24277134.html?location_refer=Opinion

<http://www.usnews.com/blogs/the-collar/2008/07/09/scammers-use-dead-doctors-to-bilk-medicare.html>

Seniors across Minnesota are speaking out against proposed cuts to the Medicare Advantage program that are being considered by the U.S. Senate. <http://www.reuters.com/article/pressRelease/idUS169666+09-Jul-2008+PRN20080709>

Development of a new Rice Care Center and senior campus has been delayed at least two months after preliminary cost figures came in considerably higher than the original twenty-three million estimate. <http://www.wctrib.com/articles/index.cfm?id=39323§ion=News>

Wills can spare families from squabbling over the loved ones' property, according to an article by William Brown, an elder law attorney for WL Brown Law Office.

<http://www.spokesman-recorder.com/news/article/article.asp?NewsID=89748&sID=13&ItemSource=L>

UPCOMING EVENTS AND CLE PROGRAMS

Age and Disabilities Odyssey

Co-presented by Minnesota DHS's Continuing Care Division and the Minnesota Board on Aging

Monday, Tuesday, Wednesday, August 18 - 20, 2008, Duluth, Minnesota

A comprehensive education and networking event for those working in the fields of aging and disabilities throughout Minnesota.

More information available at:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_140408

Home and Community-based Medical Assistance in Minnesota

Presented by Jeffrey W. Schmidt in conjunction with Medical Education Services, Inc. Professional Development Network

Thursday, September 25, 2008

Radisson Suites, 404 West St. Germain, St. Cloud

5.25 CLE credits have been approved by the Minnesota Board of Continuing Education Information and online registration is available at: www.meds-pdn.com

Elder Law Institute 2008

Co-presented by the Elder Law Section of the MSBA and Minnesota CLE

Thursday and Friday, October 2-3, 2008

Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis

MARK YOUR CALENDARS and watch this site for more information.

ELDER LAW SECTION ACTIVITIES

GOVERNING COUNCIL MEETING: The next Elder Law Section Governing Council meeting will be at 3:30 p.m. on Friday, August 8, 2008, at the MAO offices, 2021 E. Hennepin, Suite 200, Minneapolis. All members are welcome to attend.

MEDICAL ASSISTANCE COMMITTEE MEETING: The next Medical Assistance Committee meeting will be at 3:30 p.m. on Tuesday, August 19, 2008, at the MAO offices, 2021 E. Hennepin, Suite 200, Minneapolis. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A. at 952-929-0622.

MINNESOTA CASES

Minnesota Court of Appeals opinion filed May 6, 2008.

A07-0798

Paul Fish, Respondent, vs. Commissioner of the Minnesota Department of Human Services, Appellant, Roseau County Social Services, Appellant

Shumaker, Judge

The Medical Assistance deduction from monthly spenddown for home maintenance is allowed for three months from the date of M.A. eligibility, not three months from the date of admission to the nursing home.

The case is available at:

<http://www.lawlibrary.state.mn.us/archive/ctappub/0805/opa070798-0506.pdf>

STATUTES, REGULATIONS, BULLETINS

DHS BULLETIN: ALTERNATIVE CARE PROGRAM ALLOCATES FUNDS FOR FY 2009. The purpose of this bulletin is to notify lead agencies of state fiscal year 2009 changes to program appropriation for Alternative Care (AC) programs, to describe methodology for allocation of funds to support local AC access and service delivery, and to provide information about requirements related to local AC program administration.

The July 2, 2008, Bulletin is available at:

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_141674.pdf

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 Kim Basting at kbasting@statebar.gen.mn.us