

MSBA ELDER LAW SECTION E-NEWSLETTER

AUGUST 26, 2008

E-Newsletter Editorial Staff:

Newsletter Committee Chair: Laurie Hanson, Esq.

Editor in Chief: Vicki McIntyre, Esq.

Contributors: Jeffrey Schmidt, Esq., Irena Purves, Esq., Peter Hendricks, Esq., Amanda Christman, Esq.

COMMITTEE SPOTLIGHT: MEMBER EDUCATION COMMITTEE

The Member Education Committee was established in the fall of 2007 in response to concerns expressed by section members regarding educational opportunities. The mission of the Member Education Committee is to evaluate current CLE offerings to see if they are meeting members' needs, to explore alternative ways to reach out to members with presentations and information, and to look at creative ways to deliver information and education. The Committee also plans to reach out to other sections to determine the viability of a push for CLE certification for webinars and other alternative delivery methods.

The Member Education Committee would welcome your involvement and ideas!! Anyone interested in serving on the Committee may contact Chair Laura Zdychnec at lzdychnec@mnelderlaw.com.

EDITOR'S NOTE: Submissions for the next issue of the newsletter will be due on **Thursday, August 28th, at 6:00 p.m.** The due date is changed for this issue only. Due to the vacation of the Editor in Chief, there will be no newsletter on September 9, 2008. Publication will resume as normal for the issue of September 16, 2008.

ELDER LAW NEWS

Medica announced the launch of Medica Encore, a new product aimed at Minnesota residents aged fifty to sixty-four years old who don't have health coverage through employers or other group sponsors.

http://www.startribune.com/business/27205894.html?elr=KArks:DCiU1OiP:DiiUiD3aPc:_Yyc:aUU

<http://www.marketwatch.com/news/story/medica-introduces-health-plan-targeting/story.aspx?guid=%7B4E320728-B40E-4F32-88C5-0E95677F2C44%7D&dist=hppr>

Rice Memorial Hospital in Willmar, Minnesota announced that it is discontinuing two outpatient programs and laying off thirteen people in order to head off financial losses. <http://www.wctrib.com/articles/index.cfm?id=40649§ion=news>

Per Klobuchar's request, state and federal office-holders from Minnesota gathered at the University of Minnesota Rochester to explore ways to fix Medicare, the government benefit program that reimburses health providers for medical care offered to elderly Americans.

http://www.postbulletin.com/newsmanager/templates/localnews_story.asp?z=2&a=357005

A burst of rising prices has increased difficulties and anxiety for middle-class retirees living on incomes that are falling further and further behind inflation.

http://www.startribune.com/business/27029919.html?elr=KArks:DCiU1Oip:DiiUiD3aPc:_Yyc:aUU

UPCOMING EVENTS AND CLE PROGRAMS

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

The New Transfer on Death Deed (TODD) Legislation

Presented by Julian Zweber and Minnesota CLE Faculty

Tuesday, October 14, 2008

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

More information and online registration available at:

<http://www.minncle.org/AABuy1.asp?ITEMTYPE=S&ITEMNMBR=101850901&ArticleID=> or call 800-759-8840.

ELDER LAW SECTION ACTIVITIES

The 2008 Elder Law Institute, "Protecting Vulnerable Clients in Tough Economic Times," will be held on Thursday and Friday, October 2-3, 2008, at the Minnesota CLE Conference Center, 3rd floor City Center, Minneapolis.

On Day 1 of the Institute, featured speaker Joseph Rubenstein, Human Services Judge, will share his observations and provide practice pointers to help practitioners more effectively represent their clients in fair hearings. Attendees will have the opportunity to ask questions and receive feedback from Judge Rubenstein. Don't miss this special presentation at 9:30 a.m. on October 2, 2008!

CLE CREDITS: Application has been made for 10.25 CLE credits, including 1.0 Ethics credit.

REGISTER TODAY! More information is and registration is available by phone at 651-227-8266 or 800-759-8840, or online at:
<http://www.minncle.org/AABuy1.asp?ITEMTYPE=S&ITEMNMBR=100540901&lArticleID=>

MINNESOTA CASES

Minnesota Supreme Court case released on August 21, 2008:

In Minnesota Supreme Court
A08-55

Troels Botler, Relator, vs. Wagner Greenhouses and One Beacon Insurance Group, Respondents.

Workers' Compensation Court of Appeals.

1. The workers' compensation courts have jurisdiction to award costs and fees for the court appointment of a successor guardian or conservator in a proceeding on an employee's claim petition when the appointment of a guardian or conservator is required under the Workers' Compensation Act and the amount and reasonableness of the costs and fees are not in dispute.
2. The Workers' Compensation Act does not authorize an award compensating a guardian or conservator for services rendered nor the costs of an annual accounting to the Probate Court.

Reversed and reinstated. Justice G. Barry Anderson.
Took no part, Chief Justice Eric J. Magnuson.

The full opinion is available at:
<http://www.mncourts.gov/opinions/sc/current/OPA080055-0821.pdf>

STATUTES, REGULATIONS, BULLETINS

DHS NEWS: \$6.2 MILLION IN GRANTS TO HELP MINNESOTAN CAREGIVERS. Minnesota DHS has awarded 42 Community Service/Community Services Development and Caregiver Respite grants totaling \$6.2 million to help aging Minnesotans live independently and to help caregivers. More information and a full list of organizations selected to receive grants is available at:
http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_142126.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