

MSBA ELDER LAW SECTION E-NEWSLETTER
April 19, 2011

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LINK OF THE WEEK

Long-term Care Ombudsman

Ever wonder what an Ombudsman for Long-term Care does? This link is to the MNDHS Office of the Ombudsman for Long-term Care. It provides information on the creation of the Office of the Ombudsman and answers to the questions of what an ombudsman does and who the Ombudsman for Long-term Care serves.

The link is available at: [Office of the Ombudsman for Long-term Care.](#)

Submitted by Sarah J. Leonard
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ELDER NEWS

Lawmakers aim to close elder abuse loophole

<http://www.kare11.com/news/article/918882/14/Lawmakers-aim-to-close-elder-abuse-loophole>

Bill adds elder abuse to offender registry

http://www.twincities.com/news/ci_17825481?source=rss&nclink_check=1

The Good Life: Minnesota's guide for active adults -- Keep those fingers crossed: long-term care insurance

<http://www.startribune.com/lifestyle/119710149.html>

This Receipt Tells You Where Your Tax Dollars Go

<http://www.npr.org/blogs/money/2011/04/15/135438878/this-receipt-tells-you-where-your-tax-dollars-go>

U leading evolution of end-of-life care

<http://www.startribune.com/local/119878869.html>

Study: Medicare patients less likely to die in Minnesota hospitals

<http://www.grandforksherald.com/event/article/id/199916/group/homepage/>

Obama challenges hospitals to dramatically cut mistakes, readmissions

<http://minnesota.publicradio.org/display/web/2011/04/12/reducing-medical-errors/>

Fixing Medicare: Obama Vs. Ryan

<http://minnesota.publicradio.org/features/npr.php?id=135380949>

Brooklyn Park couple charged with Medicaid fraud face 60 years in prison

<http://minnesota.publicradio.org/display/web/2011/04/11/medicaid-fraud/>

Redwood Falls nursing home slow to help resident who died

<http://www.startribune.com/local/119860399.html>

New safe efforts designed to detect, prevent Medicaid fraud

http://www.minnpost.com/politicalagenda/2011/04/12/27408/new_state_efforts_designed_to_detect_prevent_medicaid_fraud/?utm_source=MinnPost+e-mail+newsletters&utm_campaign=6dcddc0b03-

MINNESOTA CASES

The following is a decision released by the Minnesota Court of Appeals on April 12, 2011:

A10-1303

Harold Young, Appellant, vs. Lucinda Jesson, Commissioner of Human Services, Respondent; Steele County Human Services, Respondent.

HUDSON, Judge

A healthcare provider that meets applicable state licensing and certification standards is a qualified provider for purposes of rendering customized-living services under Minnesota's elderly-waiver medical-assistance program established under section 1915(c) of the Social Security Act, 42 U.S.C. § 1396n (2006). A county agency responsible for contracting for those services may not restrict a medical-assistance recipient's free choice of qualified providers by refusing to contract with a qualified provider.

Reversed and remanded.

From the opinion:

Appellant, a recipient of home- and community-based services under Minnesota's elderly-waiver medical-assistance program pursuant to section 1915(c) of the Social Security Act, challenges the decision of respondent Minnesota Commissioner of Human Services affirming a decision by respondent Steele County Board of Commissioners to refuse to contract with appellant's chosen provider for those services.

Because we conclude that the commissioner erred by determining that the county had authority to restrict appellant's free choice of providers by declining to contract with a provider otherwise qualified to render services to appellant, we reverse and remand for further proceedings.

The opinion is available at:

<http://www.lawlibrary.state.mn.us/archive/ctappub/1104/opa101303-0412.pdf>.

STATUTES, REGULATIONS, BULLETINS

There are no Statutes, Regulations, or Bulletins to report this week.

UPCOMING EVENTS AND CLE PROGRAMS

Hennepin County Bar Association

Probate & Trust Law Section

A Review of Changes in the Guardianship and Conservatorship Laws

April 25, 2011

<https://www.hcba.org/Calendar/Signup.aspx?EventNo=3546>

Minnesota State Bar Association

Probate & Trust Law Section Conference

June 6 & 7, 2011

Contact Information: <http://www.minncle.org/seminardetail.aspx?ID=100641101>

ELDER LAW SECTION ACTIVITIES

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, April 19, 2011. Topics for the meeting may be submitted to MA Committee Chair, Cathryn Reher, at creher@mnelderlaw.com, or faxed to 952-542-9201. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A. at 952-929-0622. 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: Please note the change of meeting time. The next meeting of the Elder Law Section Governing Council will be 3:30 p.m. on Friday, April 29, 2011, at 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. For further information, please contact Jennifer Wright, Chair, at jlwright1@stthomas.edu.

ELDER LAW SECTION ANNUAL MEETING: The 2011 Annual Meeting of the Elder Law Section will be held at 3:30 p.m. on Friday, June 17, 2011, at the offices of Estate & Elder Law Services (formerly MAO Legal Services), located at Monroe Village, 1900 Central Avenue NE, Suite 106, Minneapolis. Please note the meeting date and location changes. 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. For further information, please contact Vicki McIntyre, Esq. at vmcintrye2@yahoo.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 Marjorie Austin at mj@mjaustinlaw.com.

If you do not wish to receive this E-Newsletter, send your request to be removed from the mailing list to Elyse Farnsworth at efarnsworth@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>.

The opinions expressed in this list serve are entirely those of the contributors. Sponsorship of this E-Newsletter by the Elder Law Section of the Minnesota State Bar Association does not indicate any support, approval, acceptance or responsibility by the Minnesota State Bar Association or any of its sections or committees for the opinions expressed or information posted by the contributors.