

MSBA ELDER LAW SECTION E-NEWSLETTER
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E-Newsletter Editorial Staff:

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ITEM OF INTEREST

CALL FOR PROPOSALS - WIN A FREE ELDER LAW INSTITUTE REGISTRATION!

The Governing Council of the Elder Law Section is pleased to announce a new competition for service or project ideas for the section. Currently, the dues paid by section members are used to provide a number of member services and to support a variety of projects consistent with the section's Mission Statement, such as: the weekly e-newsletter; the annual Elder Law Institute; the bi-monthly Medical Assistance Forum; the annual National Healthcare Decisions Day initiative; periodic legislative updates; annual law student projects; and more.

For this competition, the council asks section members to think about the following questions: What else would you like to see the Elder Law Section do for its members and/or the community served by its members? Do you have one or more ideas about the best use of the section's resources? What other projects and/or services should the section incorporate into its body of work for the coming year?

To enter: Please submit your idea(s) for a specific ongoing service or a specific one-time (or ongoing) project that should be undertaken by the Elder Law Section. Please describe how the project or service would work - how it would be implemented - and what costs would be involved in the implementation and support of the project or service.

Submission Process: Please submit ideas to: Vicki McIntyre, Chair of the Strategic Planning Committee, at: vmcintyre2@yahoo.com.

Submission deadline: Friday, November 18th.

Prizes will be awarded to those submitting the top 3 ideas. First prize is a full registration to the 2012 Elder Law Institute. Second and third prizes will be \$25 gift cards. Others may receive an Honorable Mention in the newsletter. Winners will be announced following the December Governing Council meeting.

Please put on your thinking caps and submit your ideas prior to the November 18th deadline. We look forward to hearing from you!

Vicki McIntyre
Chair, Elder Law Section Strategic Planning Committee
vmcintyre2@yahoo.com

LINK OF THE WEEK

Fiscal and Legal Impediments to The Class Act

Last Friday, the Obama Administration discontinued plans to establish a long-term health insurance program under the Community Living Assistance Services and Supports ("Class") Act. The administration stated the program would not be implemented primarily for financial reasons, but also because of the threat of legal challenge. The analysis that led to the Administration's decision is available [here](#).

Submitted by Annalee Heath Leach

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ELDER LAW NEWS

Rules released on how federal health care law will work

<http://minnesota.publicradio.org/display/web/2011/10/20/rules-federal-health-care-law/>

Hubert H. Humphrey III appointed head of the Consumer Financial Protection Bureau's new "older Americans" unit

<http://dealbook.nytimes.com/2011/10/19/consumer-unit-for-seniors-draws-a-famous-name/>

Eau Claire woman accused of swindling \$50K from grandma

http://www.twincities.com/ci_19172156?IADID=Search-www.twincities.com-www.twincities.com

Farmington woman accused of stealing \$16K from senior

http://www.twincities.com/ci_19148211?IADID=Search-www.twincities.com-www.twincities.com

AGING AMERICA: Long-term care can bankrupt an average family, yet few carry insurance

<http://www.startribune.com/politics/132430213.html>

Submitted by Joel Smith, Esq.

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ELDER LAW CASES

There are no new Minnesota cases to report this week.

STATUTES, REGULATIONS, BULLETINS

COMMUNITY SPOUSE UTILITY ALLOWANCES INCREASE; COMMUNITY SPOUSE ASSET ALLOWANCE EXPECTED TO INCREASE IN 2012

For the first time since March 1, 2006, the standard utility allowance used in calculating the monthly Community Spouse Income Allowance when the spouse pays for heating or cooling has increased from \$305 per month to \$402 per month, effective October 1, 2011. The Basic Shelter Allowance for the period from July 1, 2011, to June 30, 2012, is \$552 per month. Since October 1, 2009, the standard utility allowance when the spouse does not pay for heating or cooling, has been \$80 for electricity, and \$28 when the spouse only has telephone expense. Effective October 1, 2011, these allowances increased to \$120 per month for electricity and \$37 per month for telephone. See HCPM § 23.15.10.05. The recent announcement that Social Security payments will increase in 2012 by 3.5% on average leads to the expectation that the minimum and maximum Community Spouse Asset Allowance numbers will increase by a comparable amount for medical assistance applications submitted in calendar year 2012. The new numbers should be available in October or November of this year.

Submitted by Julian J. Zweber, Esq.
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UPCOMING EVENTS AND CLE PROGRAMS

There are no upcoming events/CLE programs to report this week.

ELDER LAW SECTION ACTIVITIES

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, December 20, 2011. The Medical Assistance Committee is a study group to analyze Elder Law Section member questions and case studies and to discuss administrative policies and procedures in relation to Medical Assistance in Minnesota. Cathryn D. Reher of Long, Reher & Hanson, P.A., is Committee Chair. For directions, or to attend by phone, please contact Tracie Fenske with Long, Reher & Hanson, P.A., at [952-929-0622](tel:952-929-0622) at least 24 hours in advance of the meeting. Topics for the meeting may be submitted to tfenske@mnelaw.com under the subject heading "MA Committee Topic", or faxed to [952-542-9201](tel:952-542-9201). 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: The next meeting of the Elder Law Section Governing Council will be on Friday, December 16, 2011 at 3:30 pm at the offices of the Volunteers of America

(VOA) at 1900 Central Avenue NE, Suite 106, Minneapolis, MN 55418. For further information, please contact Suzy Scheller, Chair, at: suzy@schellerlegalsolutions.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 Allison Burke at allison@twincities-elderlaw.com.

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