

**MSBA ELDER LAW SECTION E-NEWSLETTER**  
**November 22, 2011**

**Vol. 4, No. 46**

**E-Newsletter Editorial Staff:**

**Communications Committee Chair:** Laurie Hanson, Esq.

**Editor in Chief:** Allison Burke, Esq.

**Contributors:** Joel Smith, Esq., Peter Hendricks, Esq., Andrea M. Palumbo, Esq., Kim Dayton, Esq., Suzy Scheller, Esq., Brenna Galvin

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**ITEM OF INTEREST**

The National Guardianship Network has released the 2011 National Guardianship Summit Guardians Standards and Recommendations. These recommendations result from the deliberations of delegates and other attendees at the Third National Guardianship Summit at the University of Utah S.J. Quinney College of Law in Salt Lake City in October. With 92 delegates, observers, authors, funders and facilitators participating, the Summit was a consensus conference on post-appointment guardian performance and decision-making for adults. The Summit delegates adopted a far-reaching set of recommendations for Guardian Standards, as well as additional Recommendations for action by courts, legislatures and other entities. These documents from the Summit offer the groundwork for nationally recognized standards for guardians of adults.

In preparation for the Summit, NGN commissioned nine papers by 17 experts, including a paper by William Mitchell's Center for Elder Justice & Policy Director [Kim Dayton](#), which will appear in the Summer 2012 issue of the Utah Law Review. In addition, the existing National Guardianship Association Standards of Practice, and 12 Summit Issue Briefs helped to inform the attendees and spur thorough consideration of issues. The Issue Briefs included Recommendations from a Family Guardian Focus Group convened by NGN planners to promote family guardian input; and a summary by the National Organization to End Elder Abuse and Guardianship Abuse.

Visit [www.guardianshipsummit.org](http://www.guardianshipsummit.org) to read the standards, which include: (1) basic Definitions used in the Standards and Recommendations; (2) the Summit's "Guardian Standards;" and (3) the Summit's "Recommendations for Action."

The Standards and Recommendations were adopted by vote of the plenary session based on recommendations of the Summit's seven interdisciplinary working groups.

Submitted by Kim Dayton, Esq.  
[kim.dayton@wmitchell.edu](mailto:kim.dayton@wmitchell.edu)

**LINK OF THE WEEK**

Center for Medicare & Medicaid Services provides a free "Written Materials Toolkit" for practitioners and organizations working with individuals who are eligible for or enrolled in Medicare and Medicaid, as well as their caregivers. This toolkit will assist you in making "all written material as simple as you can, without sacrificing content or compromising the meaning." Part 9 is especially pertinent because it focuses on written materials for the aging population. To view the toolkit, click [here](#).

Submitted by Brenna Galvin  
[brenna.galvin@wmitchell.edu](mailto:brenna.galvin@wmitchell.edu)

### **ELDER LAW NEWS**

No insurance against price increases  
<http://www.startribune.com/business/134148318.html>

State Board on Aging publishes book on Medicare health choices  
[http://www.shakopeenews.com/view/full\\_story/16485781/article-State-Board-on-Aging-publishes-book-on-Medicare-health-choices?instance=home\\_business\\_news](http://www.shakopeenews.com/view/full_story/16485781/article-State-Board-on-Aging-publishes-book-on-Medicare-health-choices?instance=home_business_news)

Paying for Home Care and Nursing Home Services  
<http://mn.gov/health-reform/topics/long-term-care/index.jsp>

Sick-time payouts spike as Minnesota state employee retirements rise  
[http://www.twincities.com/ci\\_19368992](http://www.twincities.com/ci_19368992)

A New Way to Look at Alzheimer's  
<http://www.theatlantic.com/life/archive/2011/11/a-new-way-to-look-at-alzheimers/248650/>

America's Oldest Old: 90-Year-Old Population Is Booming  
<http://healthland.time.com/2011/11/18/americas-oldest-old-90-year-old-population-is-booming/>

Submitted by Joel Smith, Esq.  
[joel@koslawfirm.com](mailto:joel@koslawfirm.com)

### **ELDER LAW CASES**

*There are no new Minnesota cases to report this week.*

### **STATUTES, REGULATIONS, BULLETINS**

**New NSCLC Issue Brief:  
QMB Program Needs Fixes to Operate Effectively**

According to advocates for low-income older adults across the country, people who qualify for the Qualified Medicare Beneficiary (QMB) program, a Medicaid program designed to make Medicare accessible to people with low incomes, often go without needed care because they can't find physician specialists, mental health professionals or other providers who are willing to serve them. QMB, which is the most comprehensive of the Medicare Savings Programs, is supposed to cover Medicare premiums, deductibles and co-payments, however, QMB beneficiaries may end up facing demands from providers for co-payments that they should not have to pay.

A new issue brief from the National Senior Citizens Law Center [Improving the Qualified Medicare Beneficiary Program for Dual Eligibles](#) examines what the QMB benefit should offer, where it currently fails and why. It also offers recommendations to the federal Medicare and Medicaid Coordination Office, state policymakers and other stakeholders on how to address them. The brief is part of a series of papers supported by The SCAN Foundation that can be found at [www.NSCLC.org](http://www.NSCLC.org) under the Health Care/Dual Eligibles tabs.

The brief suggests that a fundamental overhaul of provider reimbursement is needed. To solve the kinds of problems noted above, it offers three alternative provider payment structures, administrative and procedural improvements to the benefit as well as three possible models for redesigning delivery of the QMB benefit.

*The brief series is supported by a grant from The SCAN Foundation, dedicated to creating a society in which seniors receive medical treatment and human services that are integrated in the setting most appropriate to their needs. For more information, please visit [www.TheSCANFoundation.org](http://www.TheSCANFoundation.org).*

Submitted by Suzy Scheller, Esq.  
Chair, Elder Law Section  
[suzy@schellerlegalsolutions.com](mailto:suzy@schellerlegalsolutions.com)

## **UPCOMING EVENTS AND CLE PROGRAMS**

*There are no upcoming events or 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@mnelderlaw.com](mailto:tfenske@mnelderlaw.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](mailto:suzy@schellerlegalsolutions.com).

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**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>

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Please send E-Newsletter contributions by 10 p.m. on Sunday of each week to Allison Burke at [allison@twincities-elderlaw.com](mailto: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](mailto: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>.