

MSBA ELDER LAW SECTION E-NEWSLETTER
July 12, 2011

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E-Newsletter Editorial Staff:

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THOUGHTS FROM THE CHAIR

When I woke up on Friday, July 1, I thought I heard MnDOT workers continuing replacement of the road outside of my house. A glimmer of hope arose that a budget deal was struck at 11:59 pm, despite clear evidence of an impasse the day before. Hurriedly I opened my computer to find out, but my glimmer quickly faded. The impact of the shutdown on Elder Law clients and the Elder Law practice area may not be known for some time, but as a Section we need to stay engaged in the discussion.

The shutdown continues into its second week with no end in sight. Even plans by former Vice President Walter Mondale and former Governor Arne Carlson have been rejected. I urge our members to start conversations all over the state to understand the impact of the shutdown on our clients... Conversations with providers; conversations with clients; conversations with state and county workers. Please share that information with your colleagues. Drop me an e-mail. Continue to read the weekly E-Newsletter.

There is so much that we do not know, but here a few items being reported that affect our clients:

- Some services for the disabled are not currently funded, such as housing locator services.
- Senior Linkage line, Disability Linkage line, and the MinnesotaHelp.info website are not operational. A temporary service through the Metropolitan Area Agency on Aging, Inc. (MAAA), similar to Senior Linkage line, can be reached at: Aging Services Information Line (651-251-5762).
- Criminal background checks for those working with vulnerable adults are now back on after the court determined that they were “critical services.” This was a major issue for providers who routinely hire direct care staff, such as Personal Care Assistants, but could not do so without performing a criminal background check.

- Many state workers are laid off during the shutdown, which is bound to touch Elder Law clients.
- Fair hearings on appeals from clients of DHS programs will not be heard.
- Many services for the blind and deaf are not considered “critical” while some organizations continue those services as volunteers.

For more detailed information, consult the following links:

- Minnesota Department of Human Services information:
http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_162264#
- List of Open and Closed Services through the Minnesota Department of Human Services:
http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_162604#
- List of Open, but Limited, Services through the Minnesota Department of Health:
<http://www.health.state.mn.us/topics/shutdown/critical.html>
- Be Ready Minnesota (Contingency Planning): <http://www.bereadymn.com/>

I am hopeful that one good outcome of the Shutdown is that those in the state, including our membership, reach out to help each other, with or without government assistance.

Sincerely,
Suzy Scheller, Chair of the Elder Law Section
suzy@schellerlegalsolutions.com

P.S. – Road construction continues outside our house. It must be a county project rather than MnDOT. It is difficult to know the funding streams for certain efforts, which is yet another reason to share the impact of the Shutdown with your colleagues.

ITEM OF INTEREST

Announcement from Metropolitan Area Agency on Aging, Inc.

Information Line Available for Seniors and Family Caregivers

The Metropolitan Area Agency on Aging, Inc. (MAAA) has established an Aging Services Information Line (651-251-5762) to help older adults and caregivers get information about in-home services, meals and other food support, transportation, chore help, respite, caregiver consultation, housing options, Medicare and related issues.

The Information Line is a temporary service, supported with federal funds, to partially fill the gap created by the State's shutdown of the Senior LinkAge Line, a service of the Minnesota Board on Aging and Minnesota's Area Agencies on Aging.

MAAA's Information Line is available Monday through Friday from 8:00 a.m. to 4:30 p.m. at 651-251-5762.

The Information Line is answered by professional Information and Assistance Specialists with expertise in senior and caregiver support services, housing options, Medicare and other public benefits.

MAAA is the designated Area Agency on Aging for Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington counties. Funding for the Information Line is through the Federal Older Americans Act.

Submitted by Suzy Scheller, Esq.
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LINK OF THE WEEK

DHS launches dashboard on public website

DHS has launched a [dashboard](#) where the public can go for information on the agency's performance in key areas. It is designed to be a visitor-friendly tool where Minnesotans can see the department's goals in different areas, where it is on track to meet those goals and where more work is needed. More information is in a [news release about the dashboard](#).

This page has interesting statistics about DHS. For example, DHS recovered over \$57 million in 2010 from investigations of improper payments or ineligible payments and recoveries from [torts](#), [liens](#), [estates](#), and [post payments](#). Also, the number of low-income Minnesotans without health insurance has increased from 7.2% in 2007 to 9% in 2009.

More information is available at the two links above.

Submitted by Peter M. Hendricks, Esq.
phendricks@gblawoffice.com

ELDER LAW NEWS

Parenting a second time around--Number of children living with grandparents on rise
<http://www.argusleader.com/article/20110706/NEWS/107060308/Parenting-second-time-around>

Human Services: A complex, costly agency at the heart of budget impasse
<http://minnesota.publicradio.org/display/web/2011/07/07/hhs-at-the-heart-of-budget-impasse/>

Care for elderly, disabled starting to show strain
<http://www.startribune.com/politics/125117569.html>

Temporary information line set up to assist seniors during state shutdown
http://www.shakopeenews.com/view/full_story/14593766/article-Temporary-information-line-set-up-to-assist-seniors-during-state-shutdown

ELDER LAW CASES

There are no Minnesota Cases to report this week.

STATUTES, REGULATIONS, BULLETINS

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

UPCOMING EVENTS AND CLE PROGRAMS

**Minnesota State Bar Association
2011 Probate & Trust Law Section Conference
August 30, 2011**

**Minnesota State Bar Association
2011 Elder Law Institute
SAVE THE DATE: October 6 and 7, 2011**

The Elder Law Institute (ELI), a collaboration between the MSBA's Elder Law Section and Minnesota Continuing Legal Education, is an annual conference designed to provide educational and networking opportunities for attorneys and others interested in the practice of Elder Law. The ELI offers a wide range of educational programming, ranging from discussions of nursing home and Medical Assistance issues to legislative updates and policy analysis. ELI Attendees receive from nine to eleven Continuing Legal Education credits, depending upon the length of the conference.

Stay tuned for more information and online registration.

ELDER LAW SECTION ACTIVITIES

COMMUNICATIONS COMMITTEE MEETING: The next Communications Committee meeting will be at 12:00 p.m. on Tuesday, July 12, 2011, at the offices of Long, Reher and Hanson, P.A. Topics for the meeting include discussion of a new Editor-in-Chief for the E-Newsletter after Marjorie Austin steps down on approximately July 15, 2011. Contact Laurie Hanson, Committee Chair, at lhanson@mnellderlaw.com, or 952-929-0622 for more information.

MA COMMITTEE MEETING: The next MA Committee meeting will be at 3:30 p.m. on Tuesday, August 16, 2011. Topics for the meeting may be submitted to MA Committee Chair, Cathryn Reher, at creher@mnellderlaw.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: The next meeting of the Elder Law Section Governing Council will be 3:30 p.m. on Friday, August 19, 2011. The meeting will be held 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 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 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>.