

**MSBA ELDER LAW SECTION E-NEWSLETTER**  
**August 30, 2011**

**Vol. 4, No. 34**

**E-Newsletter Editorial Staff:**

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**ITEM OF INTEREST**

**What does Elder Law have to do with Human Rights?**

The answer to that question is: everything. A few months ago, I returned to the United States and to Minnesota and to the practice of elder law, after having left it all to study human rights law in South Africa in 2008. Only after I was immersed in the world of international human rights law did I discover the critical intersection between elder law attorneys and the new kid on the block in the human rights community: the human rights of older persons.

The local, national and international news is filled with stories of the global aging population. In virtually every region of the world, life expectancies are increasing and birth rates are decreasing. Not only are there more older people, but they are commanding greater proportions of populations; and the situation of older persons is commanding attention at the United Nations where strengthened protection of the human rights of older persons is currently being discussed.

International human rights are meaningless without national and local laws to give teeth to these rights. And for the average person, laws are often ineffective, if not meaningless, without the advocacy of lawyers. This is where elder law attorneys come into play. Whether we see ourselves as 'human rights' lawyers or not, the fact is that we play key roles in protecting and realizing the rights of our clients.

What are the human rights that we advance for our clients? How about the right to social security (which includes a range of public assistance benefits), the right to legal capacity, the right to adequate housing and health care, the right to be free from abuse (financial, physical, etc), or the right to be free from unfair discrimination? Assisting our clients in upholding their right to dignity is at the very core of what we do.

I encourage every elder law attorney to be proud of his or her service to older persons and to realize that the work of elder law attorneys is part of an intricate web of human rights protection around a population group that we all hope to someday join. For those interested in additional reading related to the relationship between human rights and national/local laws, follow this pdf link to a journal issue which is devoted to this topic in the context of the human rights of older

persons: [http://www.communitylawcentre.org.za/clc-projects/socio-economic-rights/esr-review-1/previous-editions/ESR12\\_1.PDF](http://www.communitylawcentre.org.za/clc-projects/socio-economic-rights/esr-review-1/previous-editions/ESR12_1.PDF).

Submitted by Jill Adkins, Esq.  
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Jill practiced law in St. Cloud for twenty years with her primary focus being on elder law, estate planning and planning for incapacity. In 2008 she moved to South Africa and obtained an LLM in international human rights law at the University of Cape Town, and subsequently did legal consulting work for the United Nations and other organizations on the human rights of older persons. Jill is re-establishing her elder law and estate planning practice while continuing her international human rights advocacy. For more information on the international movement towards a UN treaty on the rights of older persons, contact Jill at [jill@jilladkinslaw.com](mailto:jill@jilladkinslaw.com).

### **LINK OF THE WEEK**

#### **National Council on Aging**

The National Council on Aging (NCOA) is a nonprofit service and advocacy organization committed to helping seniors find jobs and benefits, improve their health, live independently, and remain active in their communities. Their website features resources on a broad variety of issues including, but not limited to, falls prevention, reverse mortgages, best practices for senior centers, and public benefits. The National Council on Aging's website is located at <http://www.ncoa.org/>.

Submitted by Laura Orr, Esq.  
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### **ELDER LAW NEWS**

Editorial: State needs tougher laws on elder abuse  
<http://m.startribune.com/opinion/?id=128489903&c=y>

Minneapolis: Can violence be stopped? Local groups aim to try – elder abuse targeted  
[http://www.twincities.com/localnews/ci\\_18743661](http://www.twincities.com/localnews/ci_18743661)

'Statewide Plan to End Violence' unveiled by advocacy groups, government agencies – elder abuse targeted  
<http://minnesota.publicradio.org/display/web/2011/08/23/statewide-plan-to-end-violence/>

### **ELDER LAW CASES**

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

## **STATUTES, REGULATIONS, BULLETINS**

**DHS BULLETIN #11-62-01: Nursing Facility Policy Changes in 2011 Legislation.** The purpose of this bulletin is to inform interested parties of changes made to policy and rates that apply to nursing facilities. The bulletin, dated August 25, 2011, is available at:  
[http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16\\_163389.pdf](http://www.dhs.state.mn.us/main/groups/publications/documents/pub/dhs16_163389.pdf).

## **UPCOMING EVENTS AND CLE PROGRAMS**

### **Minnesota CLE**

**Highlights of the 2011 Probate & Trust Law Section Conference  
August 30, 2011**

<http://www.minncle.org/seminardetail.aspx?ID=103611201>

### **Ramsey County Bar Association**

**Medical Assistance – Dealing with the Five-Year Look-Back Period and the Problems It  
Can Cause**

**September 23, 2011**

[https://netforum.avectra.com/eweb/DynamicPage.aspx?Site=RCBA&WebCode=EventDetail&vt\\_key=0c13d08e-2371-468e-9b90-ca1da1e3a849](https://netforum.avectra.com/eweb/DynamicPage.aspx?Site=RCBA&WebCode=EventDetail&evt_key=0c13d08e-2371-468e-9b90-ca1da1e3a849)

### **Minnesota CLE**

**2011 Elder Law Institute**

**October 6 and 7, 2011**

<http://www.minncle.org/seminardetail.aspx?ID=103441201>

## **ELDER LAW SECTION ACTIVITIES**

**MA COMMITTEE MEETING:** The next MA Committee meeting will be at 3:30 p.m. on Tuesday, October 18, 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 *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. 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 4:00 p.m. on Friday, October 7, 2011. The meeting will be held following the Elder Law Institute at Minnesota CLE in Minneapolis. 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 Marjorie Austin at [mj@mjaustinlaw.com](mailto:mj@mjaustinlaw.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>.