

MSBA ELDER LAW SECTION E-NEWSLETTER

August 5, 2019

Vol. 10, No. 53

E-Newsletter Editorial Staff:

Communications Committee Chair: Mardell Presler

Editor in Chief: Mardell Presler

Web Editor: Bridget-Michaele Reischl

Contributors: Aisha Elmquist, Genevieve Gaboriault, Maya Missaghi, Julian J. Zweber, and Stuart C. Bear.

E-NEWSLETTER HIGHLIGHTS

2019 Minnesota Elder Law Institute

October 10 - October 11, 8:55 AM - 4:30 PM, Minnesota CLE Conference Center, Minneapolis.

The Institute features new law and developments as well as helpful and practical sessions on a variety of topics and processes you need to know to practice elder law in Minnesota.

Register here: [2019 Minnesota Elder Law Institute](#).

Scholarships

Elder Law Institute Scholarships are being offered again this year! Click here for more information and the application itself: [Elder Law Scholarship](#).

Submitted by Maya Missaghi.

Nominations Sought for Elder Law Section Awards

The Awards Committee of the Elder Law Section is seeking nominations for Section awards to be presented at the Minnesota CLE Elder Law Institute on October 10, 2019. Nominations are being sought for the following Awards:

The Mary Alice Gooderl Memorial Award

The Mary Alice Gooderl Memorial Award is presented by the Elder Law Section to acknowledge outstanding contributions to the field of Elder Law by a member of the Elder Law Section, as exemplified by Mary Alice Gooderl, one of the founders of the Elder Law Section.

The Lifetime Service Award

The Lifetime Service Award is presented to a member of the section who has made outstanding contributions to the Elder Law Section over an entire career or many years of service.

The Elder Law Section Hall of Fame

The Elder Law Section Hall of Fame was started in 2015. The criteria for admission to the Hall of Fame include:

1. Membership in the Elder Law Section.
2. Success in litigation or other public or private advocacy having a substantial positive impact on the elderly or on the way Elder Law attorneys practice Elder Law.
3. Success in persuading CMS, DHS or another government agency to adopt substantial positive changes in medical assistance or other government programs or policies affecting the Elderly.
4. Publication of important works in the literature or other media to educate consumers or Elder Law attorneys regarding any important subject affecting the Elderly.
5. Success in obtaining legislation to protect or improve the rights or condition of the Elderly.
6. Efforts to accomplish the criteria in sections 1 to 4 that fall short of success but still deserve recognition for substantial efforts toward an important goal.
7. Other important activities by Section members that the committee members believe deserve recognition in our Hall of Fame.

Special Recognition Awards

These awards are for special efforts or accomplishments of a more isolated nature that deserve special recognition since the last Awards ceremony.

Nominations will close at 5 pm on Friday, September 13, 2019. Please submit nominations to Julian J. Zweber at 1360 Energy Park Drive, Suite 310, St. Paul, MN 55108-5252, telephone 651-646-4354 or 651-646-4539 (FAX) or julianzweber@qwestoffice.net.

Submitted by Julian J. Zweber, Chair, and Stuart C. Bear, Vice-Chair, Awards Committee.

ELDER LAW NEWS

On May 22, 2019, Governor Tim Walz signed the Elder Care and Vulnerable Adult Protection Act into law. This legislation, which was authored by Representative Jennifer Schultz and Senator Karin Housley, passed with near-unanimous support in the Minnesota House of Representatives and the Minnesota Senate.

Thanks to this important law, beginning in August 2021, assisted living facilities will be licensed in Minnesota. Residents of assisted living facilities will sign one contract that covers both housing and services agreements. There will be limits on when a facility can ask a resident to vacate and requirements that residents are relocated to safe and appropriate locations. Residents

will also have access to an appeals process for housing or service terminations. An additional change is that assisted living administrators will be licensed by the state. Some details of the assisted living license will be defined in a rulemaking process, with the Department of Health publishing proposed rules by December 31, 2019 and final rules by December 31, 2020.

The Act provides other increased protections for older and vulnerable adults, such as protections related to retaliation that begin on August 1, 2019. New electronic monitoring protections are effective January 1, 2020; these protections codify the right of long-term care residents to have cameras in their rooms and define a process to notify facilities of a camera with some time-limited exceptions.

The Act also increases the staff for the Office of Ombudsman for Long-Term Care, a program of the Minnesota Board on Aging that provides advocacy services to adults receiving long-term care services.

The full text of the Act can be found here: [Minnesota Session Laws - 2019, Regular Session](#).

Submitted by:

- Aisha Elmquist is the Ombudsman Specialist for the Office of Ombudsman for Long-Term Care, focusing on policy issues for the Office. She was previously an attorney at the Legal Aid Society of Minneapolis and Fox Rothschild LLP and clerked for Judge John R. Tunheim.
- Genevieve Gaboriault is the Deputy Ombudsman for the Office of Ombudsman for Long-Term Care supervising the currently 14 regional ombudsman serving residents throughout Minnesota. She just finished a term as secretary of the ELGC. She was previously an attorney for Mid-Minnesota Legal Aid and taught Poverty Law at the University of St. Thomas School of Law.

Please submit news articles of interest to mardell@mardellpreslerlaw.com.

AUGUST CLE

2019 Update: Elder Law

August 20, 2019 from 9:00 – 10:00 a.m. Webinar.

The 2019 legislative session saw the rise of legislation intended to protect seniors from abuse and neglect. Join Suzanne Scheller for a look at licensing requirements for assisted-living facilities, as well as the new safeguards for Minnesotans who live in senior care facilities—including the ability to use surveillance cameras to monitor care, report abuse or poor quality care without fear of retaliation, and be protected against arbitrary discharges.— Suzanne Scheller; Scheller Legal Solutions LLC.

Click here to register: [2019 Update: Elder Law](#).

ELDER LAW SECTION ACTIVITIES

ADVOCACY SUPPORT COMMITTEE:

The Advocacy Support Committee meets at the offices of Long, Reher, Hanson & Price. Telephone participation is available. Please contact committee chair Laura Zdychnec at lzdychnec@mnelderlaw.com for call-in instructions or more information.

Upcoming meeting dates to be announced.

COMMUNICATIONS COMMITTEE:

The Communications Committee oversees the monthly Elder Law E-Newsletter and the Elder Law Section website. The committee is composed of the e-newsletter editor, web editor, associate editors, contributors, and any other interested section members. Meetings are to be held every other month to review issues related to the e-newsletter and the website, and to conduct an annual member survey. Upcoming meetings for the Communications Committee are as follows:

August 14, 2019 at 8:30 a.m.

The meeting location is Schromen Law, 600 Marshall Avenue, Saint Paul, MN 55102.

Anyone interested in serving on the committee or suggesting ideas for the newsletter or website may contact Communications Committee chair Mardell Presler to mardell@mardellpreslerlaw.com or 763-360-7833.

DIVERSITY COMMITTEE:

Meetings will be held via teleconference on the second Tuesday of every month from 9:30-10:15 am.

Please contact Maya Missaghi at maya@mmlawservices.com if you would like to join!

EDUCATION COMMITTEE:

The Education Committee plans CLE seminars sponsored by the Elder Law Section and meets by telephone on the second Thursday of each month from 9:30 A.M. to 10:30 A.M.

If you would like to participate, please contact the committee chair, Laura Orr at laura.orr@smrls.org.

LAW STUDENT COMMITTEE:

The Law Student Committee helps attract students to become the next generation of elder law attorneys. The committee meets as needed during the school year. Our goal for this bar year is to

host a panel event at each local law school where students can ask questions about the practice of elder law. We are always looking for other ways to engage students, so please feel free to attend meetings and make suggestions.

If you have questions about the committee, contact Jack Austin at jack@hawkelawgroup.com.

LEGISLATIVE COMMITTEE

The Elder Law Section's Legislative Committee monitors proposed legislation at the state and federal level affecting the Section's membership; reviews legislative proposals put forward by other Sections and Committees of the MSBA; reviews proposals from other groups, agencies and individuals; keeps Section membership informed of proposed legislation; provides comment and other responses to legislative proposals; makes recommendations concerning support of, or opposition to, legislative proposals; develops relationships with other organizations affected by legislation of interest to the Section; acts as a coordinator for the Section's legislative activities; develops legislative proposals for inclusion in the MSBA legislative agenda; provides witnesses and testimony in support of, or opposition to, legislative proposals; and in general supports the MSBA and the Section's legislative agendas. Members interested in joining the committee or learning more about the legislative issues being reviewed by the committee may contact the Legislative Committee Chair, Suzy Scheller, at (763) 647-0042 or suzy@schellerlegalsolutions.com; or Vice-Chair, Julian J. Zweber, at (651) 646-4354 or julianzweber@qwestoffice.net.

Please contact Tram Nguyen at tnguyen@mnbars.org to be added to the Elder Law Section Community Forum.

MEDICAL ASSISTANCE COMMITTEE:

The Medical Assistance (MA) Committee meetings will be at 3:30 p.m. on the third Tuesday of even-numbered months. The next meetings will be:

August 20th at 3:30 p.m.

October 15th at 3:30 p.m.

December 17th at 3:30 p.m.

February 18th at 3:30 p.m.

April 21st at 3:30 p.m.

To attend by telephone, call 1-800-226-9607 at the designated meeting time. When prompted, enter Conference Identification Number [or Participant Code] 8157976029# to be connected to the conference.

The Medical Assistance Committee is a study group to analyze the members' questions and case studies and to discuss administrative policies and procedures in relation to Medical Assistance in Minnesota. For directions, or to attend by phone, please contact Traci Sherman with Pluto Boes

Legal, PLLC, at tsherman@plutoboeslegal.com or 507-247-5900 at least 24 hours in advance of the meeting. Topics for the meeting may be submitted to tsherman@plutoboeslegal.com under the subject heading “MA Committee Topic,” or faxed to 507-247-5868.

The Committee is hosted by Estate & Elder Law Service at Monroe Village, 1900 Central Avenue NE, Minneapolis, MN 55418. Parking is available behind the building and along adjacent streets. In-person attendees should enter through the door facing the parking lot behind the building. This door leads directly into the community room.

MA Committee members are invited to join the Medical Assistance Community forum at my.mnbar.org. Please contact Tram Nguyen at tnguyen@mnbars.org to be added to the community.

NEW LAWYERS COMMITTEE:

Meetings will be held the second Thursday of even-numbered months at noon. Each meeting has a different topic based upon input from the new lawyers committee. Minutes of past meetings are available. The meetings are formatted so that a seasoned elder law attorney will speak for the first half hour, and the second half hour will be questions and answers.

Meetings will be held at Chestnut Cambronne PA, 17 Washington Ave N #300, Minneapolis, MN, 55401. Please contact Pook Grathwol at pgrathwol@chestnutcambronne.com or (612) 336-2919.

PRO BONO COMMITTEE:

The Pro Bono Committee, due to lack of attendance, is suspending committee meetings until further notice. Please contact Jennifer Wright, Chair, at jlinderwright@gmail.com, if you have an interest in working with the Pro Bono Committee.

STRATEGIC PLANNING COMMITTEE:

The next Strategic Planning Committee meeting date is to be announced. Meetings are held at the law office of Maser, Amundson, Boggio & Hendricks, P.A., located at 6601 Lyndale Avenue South, Suite 320, Richfield, MN 55423. Questions may be directed to Brenna Galvin at bgalvin@maserlaw.com.

VULNERABLE ADULT COMMITTEE:

Contact Marit Peterson at marit.peterson@elderjusticemn.org or 651-440-9303, if you are interested in participating in this committee.

The MSBA Elder Law Section’s Website contains information about section committees and leadership. It also contains useful practice resources.

You may email Bridget-Michaele Reischl at bridget@decorolaw.com to suggest changes to website content.

Please send E-Newsletter contributions by 10 p.m. on the last day of each month to Mardell Presler at mardell@mardellpreslerlaw.com. The E-Newsletter is distributed on the first Monday of each month. If the first Monday occurs on a holiday, the E-Newsletter will be distributed on the following Monday.

If you do not wish to receive this E-Newsletter, send your request to be removed from the mailing list to Tram Nguyen at tnguyen@mnbars.org.

Current and prior E-Newsletters are posted on the website for the MSBA Elder Law Section and are available [HERE](#).