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DATED MATERIAL – PLEASE EXPEDITE!

# Medical Assistance & Long Term Care Benefits

MAKING DO WITH LESS

Tuesday, March 8, 2011

Video replay dates available.

Minnesota State Bar Association  
Continuing Legal Education  
Your State Bar at Work for You



# Medical Assistance & Long Term Care Benefits

MAKING DO WITH LESS

## TOPICS INCLUDE:

- The latest on federal and state policies regarding long term care
- The screening process/forms (PAS) for entering nursing homes/placement
- Challenging/appealing an unsatisfactory assessment
- Obtaining elderly waivers and how they can be overcome
- Challenges to access
- Overview of community-based services – independent at home
- Laws/policies returning clients to community from nursing homes
- Transfer rules and anticipated changes
- Avoiding and resolving MA claims and liens against real property
- What does the future of MA look like and what should we be telling our clients?
- And much, much more!

Tuesday, March 8, 2011  
Minnesota CLE Conference Center  
Seventh Street & Nicollet Mall | Third Floor City Center | Minneapolis

Video replay details inside.

## Course Information

### LIVE PRESENTATION

Tuesday, March 8, 2011  
Minnesota CLE Conference Center  
Seventh Street & Nicollet Mall  
Third Floor City Center, Minneapolis

### VIDEO REPLAYS

Schedule times may differ from the live program. Start times are as indicated below. Please register at least one week in advance to secure your copy of the course materials on the day of the seminar.

Minneapolis – 3/29/11 & 4/11/11  
(Reg. 8:30; Replay 9:00)  
Minnesota CLE Conference Center  
Seventh Street & Nicollet Mall  
Third Floor City Center

Mankato – 4/15/11  
(Reg. 8:30; Replay 8:45)  
SMRLS Office  
12 Civic Center Plaza, Suite 3000

Albert Lea – 4/15/11  
(Reg. 8:30; Replay 9:00)  
Christian & Peterson  
314 South Broadway

Moorhead – 6/22/11  
(Reg. 9:00; Replay 9:15)  
Moorhead Public Library  
118 Fifth Street South

Duluth – 5/20/11  
(Reg. 8:30; Replay 9:00)  
Radisson Hotel Duluth—Harborview  
505 West Superior Street

St. Cloud Area – 6/10/11  
(Reg. 8:30; Replay 9:00)  
Minnesota School of Business  
1201 Second Street South  
Waite Park

### CREDITS

Minnesota CLE is applying to the Minnesota State Board of Continuing Legal Education for **6.0 standard CLE credits**.

### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 72 hours before the program will receive a full credit on their account; if fewer than 72 hours, a \$25 administrative fee will be deducted. Paid registrants who do not cancel, yet fail to attend, will receive the written materials. Passholders may purchase the materials for 50% of the full retail price.

### ACCOMMODATION

If you have a disability and need an accommodation in order to attend this seminar, please contact Minnesota CLE as soon as possible at 2550 University Avenue West, #160-S, Saint Paul, MN 55114 or call 651-227-8266 or 800-759-8840.

### QUESTIONS?

For further information, please call Minnesota CLE at **651-227-8266** or **800-759-8840**. Or, visit us on the web at [www.minncle.org](http://www.minncle.org).

### TO REGISTER:

MAIL TO: Minnesota CLE  
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OR FAX TO: Minnesota CLE at 651-227-6262

OR GO ONLINE: [www.minncle.org](http://www.minncle.org)

OR CALL: Minnesota CLE at 651-227-8266 or 800-759-8840

# Schedule

Registration/Order Form

# Medical Assistance & Long Term Care Benefits

Tuesday, March 8, 2011

Minnesota CLE Conference Center

179-11 | vjo

PLEASE "✓" APPROPRIATE BOX BELOW:

**LIVE (3/8/11):**

\$225 MSBA member     \$225 paralegal     \$275 standard rate

**VIDEO REPLAY:**

\$195 MSBA member     \$195 paralegal     \$245 standard rate

Location: \_\_\_\_\_ Date: \_\_\_\_\_

**NEW LAWYER DISCOUNT!**

I was first admitted to the bar after March 8, 2008, and have deducted \$60 from the registration fee marked above.

I have a MN CLE Season Pass<sup>SM</sup>. Pass # \_\_\_\_\_

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## Program Materials

I cannot attend. Please send me:

\_\_\_\_ copy(ies) of the written materials at \$75 each. (available 3/15/11)

Cost of book(s) \$ \_\_\_\_\_

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8:00 – 8:55 AM  
CHECK-IN & CONTINENTAL BREAKFAST

11:45 AM – 12:30 PM  
LUNCH (ON YOUR OWN)

2:45 – 3:00 PM  
QUESTIONS & ANSWERS

8:55 – 9:00 AM  
WELCOME & INTRODUCTION

12:30 – 1:15 PM  
**Federal and State Policies To Return Nursing Home Residents to the Community?**

Various federal and state laws are already in the implementation stage to encourage and promote community-based care and limit nursing home stays. This presentation sets forth an overview of the laws promoting and supporting community-based benefits including the better-known Alternative Care and Elderly Waiver programs, the new Return to Community program, and lesser known benefits including enhanced conversion/diversion benefits, transitional supports, and other home- and community-based services and benefits.

– *Cathryn D. Reher*  
*Long, Reher & Hanson; Saint Louis Park*

3:00 – 3:15 PM                      BREAK

3:15 – 3:35 PM  
**Status of the Medical Assistance Asset Transfer Rules and Anticipated Changes**

This presentation will discuss the impact of federal maintenance of effort requirements on asset transfer changes originally scheduled to become effective in Minnesota on January 1, 2011. How long is the freeze expected to last? A review of asset transfer rules that will remain in effect as long as the freeze lasts.

– *Jeffrey W. Schmidt*  
*Schmitz & Schmidt, P.A.; Saint Paul*

3:35 – 3:55 PM  
**Avoiding and Resolving Medical Assistance Claims and Liens Against Real Property**

With passage of the 2009 amendments to Minn. Stat. 256B.15, the medical assistance program has expanded the reach of estate recovery and its powers to make claims against real and personal property. This session will focus on the current estate recovery statutes, the status of court challenges to Minnesota's estate recovery practices, suggestions for avoiding medical assistance claims and liens, or resolving them if they cannot be avoided.

– *Julian J. Zweber*  
*Julian J. Zweber Law Office; Saint Paul*  
– *Peter M. Hendricks*  
*Garvey & Boggio, P.A.; Bloomington*

9:00 – 9:30 AM  
**Setting the Stage – Federal and State Policies Regarding Delivery of Long Term Care Services**

This introduction will provide an overview of state and federal law impacting the Medical Assistance program in Minnesota. Learn what provisions of the federal Health Care Reform act, commonly known as ACA, the Affordable Care Act of 2010, may change how elderly Minnesotans receive and pay for long term care services in future years.

– *Mary Frances Price*  
*Maser & Amundson P.A.; Richfield*

9:30 – 10:15 AM  
**Using Screening Forms to Determine Eligibility for Benefits**

Under federal law everyone who enters a nursing home first must undergo a Pre-Admission Screening (PAS) to determine suitability to enter the nursing home. To qualify for the home- or community-based programs covered by medical assistance, the applicant must be considered at risk for nursing home placement. Determining care needs is therefore the first step in determining whether an individual will qualify for medical assistance benefits. This presentation will discuss the forms that are now being used by screeners to determine an individual's need for care, and the threshold criteria that must be met to participate in home- or community-based programs.

– *Jolene Kohn*  
*MN Department of Human Services; Saint Paul*

1:15 – 1:45 PM  
**Do You Know What to Tell Your Privately Paying Nursing Home Clients About the Return to Community Program?**

A Community Living Specialist will walk you through the process used to identify, contact, and inform private pay nursing home residents about home- and community-based care options through the Return to Community program.

– *Lisa Graham*  
*Metropolitan Area Agency on Aging; North Saint Paul*

3:55 – 4:15 PM  
**What Does the Future of MA Look Like and What Should We Be Telling Our Clients?**

– *Robert H. Chesley*  
*Peter M. Hendricks*  
– *Mary Frances Price*  
– *Cathryn D. Reher*  
– *Jeffrey W. Schmidt*  
– *Julian J. Zweber*

10:15 – 10:30 AM                      BREAK

1:45 – 2:15 PM  
**What Are Some Common Obstacles in Obtaining Elderly Waiver Benefits for Home- and Community-Based Services and How Can They Be Overcome?**

Six common Elderly Waiver scenarios.  
– *Robert H. Chesley*  
*Chesley Kroon Harvey & Carpenter; Mankato*

10:30 – 11:15 AM  
**Challenging the Assessment Process**

The logistics of mounting an appeal to challenge a disputed care needs assessment.

– *Gregory J. Marita*  
*Mid-Minnesota Legal Assistance; Minneapolis*

2:15 – 2:45 PM  
**For Waivered Programs, What are Future Challenges to Access?**

Government programs are expected to encourage home- and community-based delivery of services for the elderly rather than nursing home care.

This presentation will focus on the experiences of advocates for persons with disabilities who try to access home- and community-based benefits and services for the disabled. Will the elderly face similar issues?

– *Barnett (Bud) I. Rosenfield*  
*Minnesota Disability Law Center; Minneapolis*

11:15 – 11:45 AM  
**Community Supports**

An overview of in-home services in 2011.  
– *Kate Houston*  
*Metropolitan Area Agency on Aging; North Saint Paul*

## Special Thanks to the Course Planners:

Randy F. Boggio  
*Garvey & Boggio, P.A.; Bloomington*  
Robert H. Chesley  
Peter M. Hendricks  
Kris L. Maser  
*Maser & Amundson P.A.; Richfield*  
Mary Frances Price  
Cathryn D. Reher  
Jeffrey W. Schmidt  
Stuart E. Schmitz  
*Schmitz & Schmidt, P.A.; Saint Paul*  
Julian J. Zweber