



# Care of the Aging Conference

For Directors, Owners, Operators, Advisors, Nursing Directors, and Legal Counsel – Professionals Providing Care and Residential Options

A professional educational seminar covering the laws and issues involving long-term care and residential options for the aging and an opportunity to collaborate with colleagues from around Minnesota.

## HIGHLIGHTS INCLUDE:

- Special Address by Robert L. Kane, MD – “The Conflict Between Advocacy and Responsible Social Policy”
- All the Important New Laws and Regulations
- Cory J. Ingram, MD on the Latest in Palliative Care
- John Brose, MD on Challenging Customer / Family Interaction
- Handling Data: Families vs. Privacy
- The Future of Memory Care
- How Facility Complaints Are Handled
- How to Manage Crisis
- The Evolving World of Continuing Care Communities
- Transparency and the Power of Apology
- An Overview of Third-Party Powers and Duties
- Analysis of the Standard of Care in Assisted Living
- Admission and Discharge Disputes Involving Nursing Homes
- Understanding and Working with Medicaid RACs
- And much, much more!

# Schedule

8:30 – 8:55 a.m.

CHECK-IN & CONTINENTAL BREAKFAST

8:55 – 9:00 a.m.

## Welcome & Introduction

– April J. Boxeth, Michelle R. Klegon & Eileen P. Weber

9:00 – 9:50 a.m.

## Legislative and Regulatory Update

Legislative and Regulatory policy changes coming from the Legislature; analysis of implications policy and legislative changes bring to Care of the Aging; and where to find resources for answers to ongoing changes.

– Thomas (Toby) J. Pearson

9:50 – 10:00 a.m.

BREAK

10:00 – 11:00 a.m.

## BREAKOUT SESSION A

### 1. Families vs. Privacy: To Tell or Not to Tell – We Have the Answers!

Federal and state regulations and what these laws dictate about sharing patient information with family members and friends. US Department of Health and Human Services Guide to the HIPAA Privacy Rule. Stat. 144,293, which sets forth Minnesota's rules relating to the sharing of patient information. Practical solutions to sticky situations, such as numerous family members wanting frequent communications/updates; demanding family members; and how to handle situations when patient information in requested NOT to be shared.

– Shelly M. Davis & James S. McAlpine

### 2. Memory Care – What Is It and What Should It Be?

What memory care is and what's available in the continuum of care; what makes a memory care setting different from other types of care settings; overview of the laws and regulations governing memory care; and the future of memory care look like and should that vision change?

– Janelle M. Johnson & Michelle R. Klegon

### 3. Challenging Customer (Family) Interaction

Five realities that cause customers (families) to be challenging; skills to diffuse customer (family) concerns; and how to use proactive strategies to increase customer (family) satisfaction.

– John Brose, MD

11:00 – 11:10 a.m.

BREAK

11:10 a.m. – 12:10 p.m.

## BREAKOUT SESSION B

### 4. Inside the Office of Health Facility Complaints: Why Won't They Just Go Away and Leave Us Alone?

History and developments of the Office of Health Facility Complaints; state and federal reporting requirements; how complaints are received and processed; investigation protocols and oversight; and appeal process.

– Stella L. French

### 5. Crisis Management – What to Do When the Phone Rings in the Middle of the Night

Different types of crises that can occur in the health care setting; best practices for addressing various types of crises; how to prepare your staff for government and media investigations and how to manage risks associated with crisis.

– Michelle R. Klegon

### 6. The Many Faces of Continuing Care Communities

Jeff Thorne, administrator at Cerenity-Marian of St. Paul will describe an idea brought to life starting with their campus and adding a continuum of care with no walls. Jeff will describe the proposals and collaboration needed to implement the continuum and review how the process works, who to speak with, how to successfully contract with other providers of services, and how to market the continuum. Mr. Rodé will review the regulatory and legal challenges in financing the continuum, contracting with unrelated service providers, and how to present the concept to regulators.

– Jeffrey Thorne & Robert F. Rodé

12:10 – 12:45 p.m.

LUNCH (PROVIDED BY MINNESOTA CLE)



12:45 – 1:30 p.m.

### The Conflict Between Advocacy and Responsible Social Policy

Many older people need advocates desperately. These advocates serve different roles. Some inform and defend older people about their rights against systems not working in their best interest. Others help the older person (and their family) manipulate the situation to gain maximal benefits. They are misinformed (often deliberately) by institutions. The challenge is how to balance advocacy with responsible social policy. Efforts to divest resources in an effort to establish eligibility for public programs may not serve the interests of society well. The challenge we face is how and where to draw the line.

– Robert L. Kane, MD

**Robert L. Kane, MD**, holds an endowed chair in Long-term Care and Aging at the University of Minnesota School of Public Health, where he was formerly the Dean. He directs the University of Minnesota's Center on Aging, the Minnesota Area Geriatric Education Center, the Clinical Outcomes Research Center, and an AHRQ-funded Evidence-based Practice Center.

Dr. Kane and his sister, Joan West, wrote an account of their struggles to get adequate long-term care for their mother, *It Shouldn't Be This Way: The Failure of Long-Term Care*. That experience led to his founding a national organization dedicated to improving long-term care, Professionals with Personal Experience with Chronic Care (PPECC), which has over 800 members. These experiences in turn served as the eventual inspiration for *The Good Caregiver*.

Dr. Kane's extensive research on health care for older persons, especially those needing long-term care, continues to improve knowledge and practice in this field. He has analyzed long-term systems both in this country and abroad, and has consulted to a number of national and international agencies, including the World Health Organization's Expert Committee on Aging.

He is the author or editor of 31 books and more than 470 journal articles and book chapters on geriatrics and health services research. Recent books include *The Heart of Long-term Care*, *Assessing Older Persons*, the 6th edition of *Essentials of Clinical Geriatrics*, the 2nd edition of *Conducting Health Care Outcomes Research*, and *Meeting the Challenge of Chronic Illness*.

Dr. Kane is a graduate of Harvard Medical School.

“Terrific conference – great presentations and materials. Helpful!”

– Nursing Home Administrator from Mankato

# Faculty & Planners

- Planning Committee member

1:35 – 2:35 p.m.

## BREAKOUT SESSION C

### 7. The Power of Apology

What motivates a patient to seek legal counsel after medical error; the historical approach: “deny and extend.” A new approach: transparency. How to apologize.

– *Mark M. Kosieradzki & Stephen O. Plunkett*

### 8. Overview of Powers and Duties of Third-Party Decision-Makers: “Who You Gonna Call?”

Legal power and duties of guardians, conservators, attorneys-in-fact, health care agents, “responsible parties” or “representatives”, and family members.

– *Laura L. Orr, Jill M. Sauber & Jennifer L. Wright*

### 9. What is the Standard of Care in Assisted Living? Is There One? Critical Concepts of Care in Housing with Services / Assisted Living Settings

Assisted Living services and services provided by Class A or Class F home care providers; a review of the most cited deficiencies for home care providers issued by MPH and how to prepare providers to address issues during surveys; understanding reporting requirements of Vulnerable Adults Act for Housing with Services Establishments and Home Care Providers; and strategies to provide quality care in HWS/AL settings.

– *April J. Boxeth & Deb Manthey*

2:40 – 3:40 p.m.

## BREAKOUT SESSION D

### 10. Nursing Home Admission and Discharge Disputes: Law and Litigation

Nursing homes have specific laws and regulations that they must follow for admitting and discharging residents. For example, they must not admit residents for whom they cannot provide care. Before discharging a resident, a nursing home must comply with a notice requirement and specify a discharge location that will meet the resident’s medical needs. Learn the law and avenues of entering—or avoiding—litigation related to the admission or discharge of a resident.

– *Laura L. Orr & Suzanne M. Scheller*

### 11. Medicaid Recovery Audit Contract

Understanding what Medicaid RACs do; the difference between Medicaid RACs and Medicare RACs; how Medicaid RAC audits compare to DHS post-payment reviews; how to contest Medicaid RAC findings; and where to go for information.

– *Bridgid E. Dowdal & Samuel D. Orbovich*

3:45 – 4:30 p.m.

### The Latest Practices and Strategies for Management of Extreme Symptoms Near End of Life: Palliative Sedation and Alternatives

– *Cory J. Ingram, MD*

#### Michelle R. Klegon

*Course Co-Chair*  
Klegon Law Office, Ltd.; Minneapolis

#### Susan M. Voigt

*Course Co-Chair*  
Voigt, Rodé & Boxeth LLC; Saint Paul

#### Eileen P. Weber, RN, PHN, JD

*Course Co-Chair*  
University of MN School of Nursing  
Health Innovation and Leadership; Minneapolis

#### April J. Boxeth

Voigt, Rodé & Boxeth LLC; Saint Paul

#### John Brose, MD

ACP Minneapolis; Minneapolis

#### Shelly M. Davis

Quinlivan & Hughes, P.A.; Saint Cloud

#### Bridgid E. Dowdal

MN Department of Human Services  
Office of the Inspector General; Saint Paul

#### Stella L. French

Office of Health Facilities Complaints; Saint Paul

- **Rebecca A. Hanson**

MILS Home Health Care Agency Inc; Minneapolis

- **John J. Hoefs**

Quinlivan & Hughes, P.A.; Saint Cloud

#### Cory J. Ingram, MD

Mayo Clinic Health System; Mankato

#### Janelle M. Johnson

Prelude Cares; Woodbury

#### Robert L. Kane, MD

Minnesota Chair in Long-Term Care and Aging  
School of Public Health  
University of Minnesota; Minneapolis

#### Mark R. Kosieradzki

Kosieradzki Smith Law Firm LLC; Plymouth

- **Brenda Liker**

Augustana Mercy Health Care Center; Moose Lake

#### Deb Manthey

Mission Healthcare; Edina

#### James S. McAlpine

Quinlivan & Hughes P.A.; Saint Cloud

- **Kathleen A. Meyerle**

Mayo Clinic Legal Department; Rochester

#### Samuel D. Orbovich

Fredrikson & Byron PA; Minneapolis

#### Laura L. Orr

Interprofessional Center for Counseling & Legal Services  
University of St Thomas; Minneapolis

#### Thomas (Toby) J. Pearson

Care Providers of Minnesota; Bloomington

#### Stephen O. Plunkett

Bassford Remele PA; Minneapolis

#### Robert F. Rodé

Voigt, Rodé & Boxeth LLC; Saint Paul

#### Jill M. Sauber

Juris Doctor Candidate 2013  
University of St. Thomas; Minneapolis

#### Suzanne M. Scheller

Scheller Legal Solutions; Champlin

#### Jeffrey Thorne

Cerenity Senior Care/Marian of Saint Paul; Saint Paul

#### Jennifer L. Wright

University of St. Thomas Legal Services Clinic; Minneapolis

# Care of the Aging Conference

Monday, February 25, 2013  
Minnesota CLE Conference Center

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## PROGRAM MATERIALS

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## Course Information

### LIVE PRESENTATION

Monday, February 25, 2013  
Minnesota CLE Conference Center  
600 Nicollet Mall, Suite 370

### CREDITS

Minnesota CLE has applied to the State Board of CLE for **6.25 standard CLE credits** and to the MN Board of Examiners for **6.25 NHA credits**.

### NEW LAWYER SCHOLARSHIP PROGRAM

In recognition of the challenges facing lawyers entering the profession, Minnesota Continuing Legal Education has established a scholarship program for unemployed and underemployed lawyers admitted fewer than three years. Those wishing to apply for such assistance should contact Grant at **651-254-2111** or **gdavies@minncle.org** for details.

### CANCELLATION / NO-SHOW POLICY

Paid registrants who cancel their registration at least 3 business days before the program will receive a full credit on their account; if fewer than 3 business days, a \$25 administrative fee will be deducted. Paid registrants who fail to attend will receive the written materials. Passholders may purchase the materials at 50% of the full retail price.

### ACCOMMODATION

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

### QUESTIONS?

Call Minnesota CLE at **651-227-8266** or **800-759-8840**. Or, visit us on the internet at [www.minncle.org](http://www.minncle.org).