



Co-presented by Minnesota Continuing Legal Education
and the Elder Law Section of the MSBA

2012 Elder Law Institute

**If you represent seniors (and who doesn't?)
this is the one conference you can't miss.**

**But, Grab a Sweater, 'Cause Baby It's Cold Outside
(or at least the political climate is!)**



NEW Basics, Advocacy and "Potpourri" Tracks,
plus all your old favorites. Outstanding plenary
sessions, "Short Shots" to address pesky practice
problems, and the annual Elder Law Awards,
Institute Luncheon and Institute Reception.

Thursday & Friday, October 11 & 12, 2012

Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370 | Minneapolis

Minneapolis video replay details inside.

Schedule

Day 1 – Thursday, October 11, 2012

8:15 – 8:45 a.m.
CHECK-IN & CONTINENTAL BREAKFAST

8:45 – 9:00 a.m.
Welcome, Introductions and Section Announcements
Laura J. Zdychnec, MSBA Elder Law Section Chair

9:00 – 9:45 a.m.
Health Care Reform After the Supreme Court

Now that the Supreme Court has ruled on the constitutionality of the Affordable Care Act, what is next for health care reform in America? And how does all that relate to Minnesota? How will health reform play out for health plans and providers? Learn about what is currently happening with health reform, and what is likely to happen next.

Keith J. Halleland

9:45 – 10:30 a.m.
A View from the Disability Community
Elder law practitioners represent people of all ages and abilities. This session will discuss how aspects of the Affordable Care Act and Minnesota's push for the Medical Assistance Reform Waiver are fundamentally changing how health care is purchased and delivered for people with disabilities.
John Tschida

10:30 – 10:45 a.m.
BREAK

10:45 – 11:30 a.m.
Legislative Update, Case Law Review, and Waiver Status Report
This session will review state legislation passed in 2012 affecting Elder Law Practice, important cases decided in the past year by Minnesota courts, and the status of Medical Assistance Waiver Requests and State Plan Amendments submitted for approval by CMS.

Julian J. Zweber

11:30 – 11:45 a.m.
Awards Ceremony
Julian J. Zweber

11:45 a.m. – 1:00 p.m.
INSTITUTE LUNCHEON
Minneapolis Marriott City Center

1:00 – 2:00 p.m.
BREAKOUT SESSION A

1 **The Alphabet Soup of Public Benefits**
You know what MA is – but what about MCHA, SMRT, QMB, POMS and SNAP? Elder Law practitioners function in a world of acronyms. This presentation will provide an overview of government programs and benefits you need to know (including HCBS programs like CADI and BI) and give you a leg up in understanding the various acronyms you will encounter in your elder law practice.
Laurie Hanson

2 **Administrative Appeals**
Where angels fear to tread...
Randy F. Boggio

3 **Trust Update**
Funny how one of the oldest tools in the estate planning toolbox gets repurposed (and then re-evaluated) so often. This session will look at the latest issues in Elder Law and Medical Assistance for Supplemental Needs, Special Needs, Pooled Special Needs, Revocable, Irrevocable, Discretionary and Support Trusts, including up-to-the-minute news on Pooled Trusts for beneficiaries over 65, new Social Security regulation concerning sole benefit and caregiver licensure, as well as other recent re-inventions for this trusty old instrument.
Jeffrey W. Schmidt

2:00 – 2:15 p.m.
BREAK

2:15 – 3:15 p.m.
BREAKOUT SESSION B

4 **Medical Assistance 101: The Good, The Bad and The Ugly**
This session is for Beginners and those who want to review the basics. We will cover basic rules and eligibility guidelines for Medical Assistance. We will also cover many tips, tricks and traps that practitioners should be aware of. This will be a full participation call, so bring your questions!
Lisa K. Pluto

5 **Senior Housing in Minnesota**
This session looks at senior housing in Minnesota. It examines the various types of housing available for seniors and their legal framework. We will explore current issues and legal strategies around fair housing laws and Minnesota landlord tenant law for tenants of senior housing, assisted living, memory care residences, and corporate adult foster programs.
Barbara J. Blumer & JaPaul J. Harris

6 **End of Life Planning – Where Culture and Ethnicity Meet the Medicine and the Law of Death**
1.0 elimination of bias credits applied for
End of life issues – these are important matters that, in any given case, may be heavily influenced by a person's culture or ethnicity. This elimination of bias session is designed to provide attorneys with a more complete foundation as they advise their individual or institutional clients on matters related to end-of-life planning and patient's rights. This fascinating inter-disciplinary discussion will look at research on cultural influences in end-of-life decisions while exploring the following topics: right of privacy and the termination of treatment, futile treatment, advance care planning and more.
John E. Diehl, Kent Wilson, M.D. and Honoring Choices "Ambassadors"

3:15 – 3:30 p.m.
BREAK

3:30 – 4:30 p.m.
BREAKOUT SESSION C

7 **Veteran's Benefits**
This session will provide an overview of state and federal veteran's benefits including Non-Service Connected Pension, Minnesota Veterans Home, Burial benefits, Medical benefits, and home and community based services. The discussion will include an overview of service record requirements, asset and income limitations, as well as access points for clients seeking benefits in the system.
Allison J. Frasier

8 **Assisting the Elder Client with Long Term Care Insurance Policies**
Many Elder clients have invested in long term care insurance policies believing they would be completely covered if they need assisted or skilled care. Some clients have even paid premiums for 10-20 years only to find out when they need to make a claim there are serious limitations on what is covered. This session will explore practical advocacy for the client seeking assistance in understanding a long term care policy, initiating a claim, advocating for the client with the insurance company to ensure proper coverage and handling an appeal.
Mary Frances M. Price

9 **Unique Legal Issues Facing Unmarried Seniors**
Resolving legal issues facing unmarried seniors takes resourcefulness and creativity. Whether single or in a committed relationship, unmarried seniors find themselves without many of the statutory and other protections afforded to married couples. Legal techniques need to be adjusted and affirmative steps taken to ensure that clients are protected and their wishes followed. This workshop will provide an overview of key areas of concern for unmarried seniors including: incapacity; long-term care; medical assistance; real estate; estate planning; and, domestic partnership agreements.
John A. Kantke & Andrea M. Palumbo

4:30 p.m.
INSTITUTE RECEPTION
Join us for food, drinks and great PRIZES including an Apple iPad. We will be collecting your business cards at the reception for a drawing at 5:00 p.m. You must be present to win.

Day 2 – Friday, October 12, 2012

7:30 – 8:30 a.m.
Meeting of the Governing Council of the Elder Law Section
MSBA Offices

8:30 – 9:00 a.m.
CHECK-IN & CONTINENTAL BREAKFAST

9:00 – 10:00 a.m.
Financial Exploitation of Seniors: What Every Elder Law Attorney Should Know
Seniors too often fall victim to consumer scams and financial exploitation by family members and other trusted persons. As elder law attorneys, we are uniquely situated to help our clients avoid financial abuse or deal with the exploitation after it has happened. This presentation will explore an array of planning strategies to protect seniors, as well as the civil, criminal and administrative options for addressing financial exploitation.
Jill A. Adkins & Sean B. Burke

10:00 – 11:00 a.m.
Retirement Accounts: Strategies, Traps and Opportunities
A discussion of the rules relating to distributions of retirement accounts focusing primarily on planning for disabilities and on post-death distributions.
Bryan Jamison

11:00 – 11:15 a.m.
BREAK

11:15 a.m. – 12:15 p.m.

BREAKOUT SESSION D

10 Social Security in a Nutshell

Learn the basics about the Social Security program, including retirement and disability programs. Retirement benefit topics will include early retirement rules and the effect of divorce on retirement benefits. Disability topics will include the differences between Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI), two major programs for assisting people with disabilities.

David A. Rephan

11 Medical Assistance Update: The Only Constant Is Change

Medical Assistance has seen more than its share of change this past year. From the way gifts are treated and penalties imposed to new technical requirements for undoing asset transfers. From the unprecedented new Community Spouse Support Obligation to the continuing evolution of estate recovery case law, the only thing that hasn't changed is the fact that everything keeps changing. This presentation will examine key changes affecting our elderly clients, their families, and our practices.

Mark L. Anderson

12 From Caviar to Fish Sticks – Transitioning to MA from Conservatorship

When care costs consume a protected person's funds, preparation for closing a conservatorship may be more than just a final accounting – the protected person (and perhaps their family) may have a lifestyle adjustment as well.

Lori D. Skibbie

12:15 – 1:15 p.m.
LUNCH (on your own)

1:15 – 2:15 p.m.

BREAKOUT SESSION E

13 Care and Community Resources for Your Clients: What Every Elder Law Attorney Should Know

The care and safety needs of clients can be a vexing problem for elder law attorneys. It's no longer as simple as the choice between living at home alone or moving to a nursing home. Nor are payment mechanisms easily understood. This session, presented by an experienced geriatric care manager social worker, will help participants understand services available to assist and meet the needs of an elder law attorney's clients: from home to nursing home and everything in between, and how these are paid for. Participants will also receive useful information to connect clients to needed services.

Anita Raymond

14 Nursing Home Admission & 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. Helping clients who encounter problems during admission or discharge requires understanding their rights, nursing homes' obligations, and the remedies available. Learn the law and the options for entering – or avoiding – litigation to protect your clients' rights.

Laura Orr & Suzanne M. Scheller

15 Have I Got a Deal for You: Flat Fees vs. Hourly Retainers

1.0 ethics credit applied for

Bloggers, pundits, and trend-watchers all herald flat fees as the future of selling legal services. But what's so bad about hourly fees? This session will compare the two types of fee agreements and discuss the ethics and best practices for collecting both types of fees.

Eric T. Cooperstein

2:15 – 2:30 p.m.
BREAK

Short Shots

These practice "snap shot" sessions offer a rapid-fire survey of some of those "niggling" issues that arise in the practice of Elder Law.

2:30 – 2:50 p.m.

Understanding Attorneys' Liens

This short session will provide an overview of attorneys' liens: what they are, when they attach to a client's assets, and some of the limits to their application.

Allison A. Burke

2:50 – 3:10 p.m.

What Do You Need to Know If You Have Been Called as a Witness?

As family situations become more contentious, there is greater potential for you to be called as a witness in a case involving a client or former client. What rules apply to your potential testimony? Should you seek legal counsel to guide you in this scenario? Where can you find help to guide you through this minefield?

Terrie M. Lewis

3:10 – 3:30 p.m.

MAEPD Expanded to Persons Over 65

Medical Assistance for Employed Persons with Disabilities (MAEPD) was extended this legislative session in certain persons with disabilities over 65. Previously, this program automatically terminated when a person reached age 65, as did its liberal eligibility rules. This session will provide an overview of the remarkable program and address some planning opportunities and pitfalls.

Cathryn D. Reher

New Tracks this Year!

Basics

Advocacy

Potpourri

Faculty & Planners

* **Laura J. Zdychne**
Institute Chairperson
Long Reher & Hanson PA; Minneapolis

* **Jill A. Adkins**
Henningson & Snoxell Ltd.; Maple Grove

Mark L. Anderson
Schmitz & Schmidt PA; Saint Paul

Barbara J. Blumer
Barb Blumer Law PA; Eagan

* **Randy F. Boggio**
Garvey, Boggio & Hendricks, P.A.; Bloomington

Allison A. Burke
Buchholz & Burke PLLC; Minneapolis

Sean B. Burke
Mid Minnesota Legal Assistance; Minneapolis

Eric T. Cooperstein
Law Office of Eric T. Cooperstein PLLC; Minneapolis

John E. Diehl
Larkin Hoffman Daly & Lindgren Ltd.; Bloomington

Allison J. Frasier
Maser, Amundson & Price, P.A.; Richfield

Keith J. Halleland
Halleland Habicht PA; Minneapolis

Laurie Hanson
Long Reher & Hanson PA; Minneapolis

* **JaPaul J. Harris**
Legal Aid Society of Minneapolis; Minneapolis

Bryan Jamison
Jamison & Jamison PA; Shoreview

* **John A. Kantke**
Houk Kantke Toftness Kelly PLLC; Roseville

* **Terrie M. Lewis**
Terrie Lewis Law Office PA; Edina

Laura Orr
University of St. Thomas School of Law; Minneapolis

* **Andrea M. Palumbo**
Palumbo Law Office; Saint Paul

Lisa K. Pluto
Pluto Legal PLLC; Tyler, Minnesota

* **Mary Frances M. Price**
Maser Amundson & Price PA; Minneapolis

Anita Raymond
Senior Services of Volunteers of America of Minnesota; Minneapolis

Cathryn D. Reher
Long Reher & Hanson PA; Minneapolis

* **David A. Rephan**
Chestnut Cambronne PA; Minneapolis

Suzanne M. Scheller
Scheller Legal Solutions LLC; Champlin

Jeffrey W. Schmidt
Schmitz & Schmidt PA; Saint Paul

* **Lori D. Skibbie**
Estate and Elder Law Services; Minneapolis

John Tschida
Vice President, Public Affairs and Research
Courage Center; Minneapolis

Kent Wilson, M.D.
Honoring Choices Minnesota; Minneapolis

* **Julian J. Zweber**
Attorney at Law; Saint Paul

* **Planning Committee Member**



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Association

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REGISTRATION / ORDER FORM

772-13 / ldo

2012 Elder Law Institute

PLEASE "✓" APPROPRIATE BOX BELOW:

LIVE: 10/11-12/2012

\$395 MSBA member \$395 paralegal \$445 standard rate

MINNEAPOLIS VIDEO REPLAY: 10/31 – 11/1

\$365 MSBA member \$365 paralegal \$395 standard rate

PLEASE "✓" INSTITUTE BREAKOUT CHOICES (1 PER SESSION):

SESSION A: #1 #2 #3
 SESSION B: #4 #5 #6
 SESSION C: #7 #8 #9
 SESSION D: #10 #11 #12
 SESSION E: #13 #14 #15

I have a Minnesota CLE Season PassSM. Pass # _____

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NEW LAWYER DISCOUNT!

I was first admitted to the bar after October 11, 2009, and have deducted \$60 from the registration fee marked at left.



PROGRAM MATERIALS:

(Available 10/19/12)

I cannot attend. Please send me the following:

_____ copy(ies) of the Institute manual in **hard copy** at \$105 each.

_____ copy(ies) of the Institute manual on **CD-ROM** at \$105 each.

_____ copy(ies) of the Institute manual in **hard copy & CD-ROM** at \$155 per set.

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COURSE INFORMATION

LIVE PRESENTATION

Thursday & Friday, October 11 & 12, 2012
Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370; Minneapolis

VIDEO REPLAYS

This video replay will show video of all live plenary sessions, plus one breakout session from each time slot to be determined at a later date. Schedule times are subject to change due to abbreviated lunch and break periods. No lunch will be provided for attendees at the video replay.

Minneapolis – 10/31/12 – 11/1/12 (Reg. 8:30; Replay 9:00)

Minnesota CLE Conference Center
600 Nicollet Mall, Suite 370; Minneapolis

CREDITS

Minnesota CLE will apply to the State Board of Continuing Legal Education for **10.25 CLE credits**. We will apply for **1.0 elimination of bias credit for breakout session #6** and for **1.0 ethics credit for breakout session #15**. If you claim ethics or elimination of bias credit for this course, you must deduct those special credits from the 10.25 hours of standard credit. (For example, if you attend breakout session #15, you may claim a maximum of 9.25 hours of standard credit and 1.0 hours of ethics credit for a total of 10.25 credits.) In no case may you claim more than **10.25 credits** total for this seminar.

NEW LAWYER SCHOLARSHIP PROGRAMS

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 less than three years. Those wishing to apply for such assistance should contact Grant at **651-254-2111** or **gdavies@minncle.org** for details.

The MSBA Elder Law Section has also allocated funds for scholarships for new attorneys. Please contact Laura Orr at **orr63475@stthomas.edu** to inquire.

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 course materials at 50% of the full retail price.

ACCOMMODATION

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

QUESTIONS?

Please call Minnesota CLE at **651-227-8266** or **800-759-8840** or visit us online at **www.minncle.org**.

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GO ONLINE: www.minncle.org

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