



ELDER LAW SECTION E-NEWSLETTER

April 3, 2023

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ELDER LAW NEWS AND HIGHLIGHTS

COURT DISALLOWS MA ESTATE RECOVERY FOR PAYMENTS TO MANAGED CARE ORGANIZATIONS THAT DO NOT RESULT IN DIRECT SERVICES BEING RENDERED TO MA RECIPIENT

On December 12, 2022, the Hennepin County District Court, Probate Division, disallowed recovery of more than \$66,000 in medical assistance capitated payments made to Medica to assume the risk of paying medical expenses that MA would otherwise have been required to pay. *Estate of Ecklund*, Dist. Ct. File No. 27-PA-Pr-21-1424. Medica could only show that \$8,806.84 of the capitated payments received by Medica resulted in actual expenditures made by Medica for services actually rendered to the MA recipient, for which the Court allowed recovery. The case has been appealed to the Court of Appeals and is still within the briefing schedule.

In the meantime, to assemble a list of similar cases and gain an idea of how many similar cases across Minnesota might be affected by this case, the Elder Law Section Advocacy Committee is requesting information about other cases where the County MA Collection Unit is seeking recovery, or has already obtained recovery, for capitated payments made to a managed care organization. Please respond to Martha Amdahl at Northwoods Law Group, (952) 295-1059, marthaa@Northwoodslawgroup.com, or Julian J. Zweber, 651-646-4354, julianzweber@qwestoffice.net.

Please submit upcoming news and highlights to mcook@vgllaw.com.

APRIL CLE AND EVENTS

Please submit upcoming CLEs to mcook@vgllaw.com.

ELDER LAW SECTION ACTIVITIES

ADVOCACY SUPPORT COMMITTEE:

The Advocacy Support Committee is currently recruiting members. Interested individuals can email Martha Amdahl at marthaa@northwoodlawgroup.com or call her at (952) 259-9647.

The Advocacy Support Committee meets remotely at the call of the chair.

Upcoming meeting dates to be announced.

AWARDS COMMITTEE:

The Awards Committee Chair is appointed by the incoming Council Chair after the Council Chair takes office each year. The current Committee Chair is Julian J. Zweber. Members of the Committee are appointed each year by the Council Chair on recommendation by the Committee Chair as approved or modified by the Council Chair. The Committee usually meets from July to October of each year, at the call of the Committee Chair. Nominations will be accepted year-round by the Committee from Section members for Section Awards to be presented at the next Elder Law Institute sponsored by MN CLE, usually in October of each year. For more information, please contact Julian J. Zweber at 651-646-4354 or julianzweber@qwestoffice.net.

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 will be held remotely every other month to review issues related to the e-newsletter and the website, and to conduct an annual member survey.

The Communications Committee will meet on **April 12, 2023, at 8:30 A.M.**

The meeting will be arranged by video chat on Zoom or Microsoft Teams. The meeting link will be emailed to all committee members. Anyone interested in joining the meeting should email Lucas Spaeth at lucas.spaeth@voamn.org for a link to the meeting.

Anyone interested in serving on the committee or suggesting ideas for the newsletter or website may contact Communications Committee chair Lucas Spaeth at lucas.spaeth@voamn.org or (612) 676-6302.

DIVERSITY COMMITTEE:

Are you interested in advancing equity in elder law practice? Please consider participating in the Diversity Committee meeting via [Zoom](#) on 9 A.M. on Friday, March 10, 2023. Please contact the current chair, Laura Orr (laura.orr@elderjusticemn.org), with any questions.

EDUCATION COMMITTEE:

The Education Committee plans CLE seminars sponsored by the Elder Law Section and meets via Zoom on the second Thursday of each month from 9:00 A.M. to 10:00 A.M. Subcommittees of the Education Committee include New Lawyers and Law Students.

The Education Committee will meet next on **April 13, 2023, at 9:00 A.M.**

If you would like to participate, please contact the committee chair, Lauren Fink at lfink@maserlaw.com. Anyone is welcome to join the committee or simply attend a meeting.

GOVERNING COUNCIL:

The Elder Law Section Governing Council is chaired by Callyn Bedker and is currently meeting via Zoom.

The Governing Council will meet next on **April 21, 2023, at 12:00 P.M.**

Please contact Tram Nguyen at tnguyen@mnbars.org or Callyn Bedker at callyn@bedkerlaw.com to receive Zoom instructions to join the meeting.

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 (7630 647-0042) or

suzy@schellerlegalsolutions.com; or Vice-Chair, Julian J. Zweber, at (651-646-4354) or julianzweber@qwestoffice.net.

Several Elder Law Section only proposals are in effect for the current legislative session. The Elder Law Section is currently supporting proposals to pass new legislation regarding medical assistance treatment of life estates and irrevocable trusts as well as opposing proposed language related to resident trusts. Please contact Suzy Scheller at suzy@schellerlegalsolutions.com with questions or requests for further information.

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

MEDICAL ASSISTANCE COMMITTEE:

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 Callyn Bedker at 507-587-8766 at least 24 hours in advance of the meeting. Topics for the meeting may be submitted to Callyn at callyn@bedkerlaw.com under the subject heading "MA Committee Topic."

Please note, due to COVID-19, all meetings will be held remotely by telephone at this time.

To attend by telephone, call 1-888-354-0094 at the designated meeting time. When prompted, enter Conference Identification Number [or Participant Code] 8157976029# to be connected to the conference.

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.

PRO BONO COMMITTEE:

Please contact Emily Weichsel at 612-524-7356 or emilyweichsel@gmail.com if you are interested in participating in this committee.

STRATEGIC PLANNING COMMITTEE:

The Strategic Planning Committee meets at the call of the Section Chair. Questions may be directed to Callyn Bedker at 507-587-8766 or callyn@bedkerlaw.com.

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

You may email Lucas Spaeth at lucas.spaeth@voamn.org to suggest changes to website content.

Please send E-Newsletter contributions by 10 p.m. on the last day of each month to Maggie Cook at mcook@vglaw.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 Elder Law Section and are available [HERE](#).