

MSBA ELDER LAW SECTION E-NEWSLETTER

April 6, 2020

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E-Newsletter Editorial Staff:

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E-NEWSLETTER HIGHLIGHTS

COVID-19 Resources Specific to Elder Law:

- [Guidance for Infection Control and Prevention of Coronavirus Disease 2019 \(COVID-19\) in nursing homes](#)
- [Capacity-Building Toolkit for including Aging & Disability Networks in Emergency Planning](#)
- [Centers for Disease Control and Prevention Resources for Healthcare Facilities](#)

Contributed by Laura Orr

Guidance on Stay at Home Order

On March 25, 2020, Governor Walz issued [Executive Order 20-20](#), directing Minnesotans to limit movements outside of their homes from March 27 at 11:59 p.m. to April 10 at 5:00 p.m. to help slow the spread of COVID-19. We understand that you may have questions about how this will impact your employment, your employees, and your personal life. The resources below are meant to help you determine eligibility for Critical Sector worker exemptions and to answer other questions you may have.

Go to the bottom of page 9 to review the exemption that applies to us attorneys, [Executive Order 20-20](#).

During this outbreak, let's be mindful of our neighbors who already have a fragile health. Consider offering to do their errands like grocery shopping so that they can stay home. These are the people who are most at risk, and a little assistance on your part could make a difference.

Providing Immediate Relief to Small Businesses

Governor Walz signed Executive Order 20-15 to authorize the Minnesota Department of Employment and Economic Development (DEED) to establish a Small Business Emergency

Loan program for small businesses affected by the COVID-19 pandemic. Minnesota's small businesses and independent contractors are amongst the worst hit by the pandemic. DEED's emergency loan program will help Minnesota small business owners who need immediate assistance during COVID-19 closures.

Here's the PDF of the Order: https://mn.gov/governor/assets/EO%2020-15%20Filed_tcm1055-424509.pdf.

A Guide for Minnesota Small Businesses Who Need Help <https://mn.gov/deed/newscenter/press-releases/#/detail/appId/1/id/425890>.

COVID-19 Resources

Gov. Walz's Update <https://mn.gov/covid19/>.

MN Bar Resources <https://www.mnbar.org/resources/covid-19-resources>.

MN Courts <http://mncourts.gov/emergency?cid=19>.

Contributed by Mardell Presler

Message for our Clients:

I received an email from a friend and colleague that I want to share with you. It's pretty straight forward, and a positive message:

As far as I can see, we will be business as usual over the coming weeks. I looked at the MN Governor's list and determined that my office qualifies for an exemption to the stay-at-home rule.

However, we will postpone any non-essential in-person visits to my office. Since most of you work with me via phone and email anyway, I don't expect this to make a significant impact on my ability to serve you.

We are just a call or click away. I look forward to serving you!

Let me know if you want more details.

Thank you!

Call or Click today

Contributed by Mardell Presler

2020 Minnesota WEAAD Conference Registration is Open!

The [Minnesota World Elder Abuse Awareness Day Conference](#) will be held on August 24, 2020 at Earle Brown Heritage Center in Brooklyn Park, MN. This full day conference will provide CEU, CLE, POST credits and self-reporting certificates as well as breakfast, lunch and snacks. The conference is geared towards professionals to elevate issues of elder abuse, neglect and financial exploitation and provide education on best practices for prevention and response. Early-bird Exhibitor Rates are available until March 27th, 2020. [Reserve your exhibitor table now before the rates increase!](#)

This year, we welcome gerontologist and best-selling author [Dr. Louise Aronson](#) as the keynote speaker as well as numerous breakout sessions. This year's breakout sessions will include a criminal justice systems -specific track as well as beginner, intermediate and advanced sessions.

[Sponsorship Opportunities are still available!](#) Conference sponsorship enables us to fund this vital education annually while allowing you to showcase your organization or agency to 400 professionals working in related fields.

[Please visit our website for the most up to date conference information.](#) Conference questions can be directed to katie.behrens@elderjusticemn.org.

Register here. <https://www.eventbrite.com/e/2020-minnesota-world-elder-abuse-awareness-day-conference-tickets-96684059625>

Contributed by Laura Orr.



Park goers walk by The Minnehaha Bunny sculpture that someone had jokingly added a protective mask in a park in Minneapolis, Minnesota USA, 21 March 2020. Minnesota recorded it's first death from the Covid-19 disease caused by coronavirus SARS-CoV-2.

Stock Image by CRAIG LASSIG for editorial use, Mar 21, 2020.

Contributed by Mardell Presler.

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

APRIL CLE

All bar association programming is currently REMOTE-ONLY participation. There is NO in-person attendance.

For the bar association statement on COVID-19 click [here](#). Thank you.

Disaster and Succession Planning for Law Firms: How to Prepare for Unpredictable Events

April 7, 2020 from 1:00 PM to 2:00 PM. WEBINAR: REMOTE PARTICIPATION ONLY

The unexpected can strike your law firm and your clients in many forms. If it's a natural disaster, can your firm recover quickly enough to meet your clients' increased legal needs? If there's a threat to your firm's security or data, can you protect critical client and case information? And what if something happens to you, or you retire—is your firm ready for that kind of transition?

These questions may be uncomfortable to think about, but they're even worse to ignore. Considering how your law firm will react to the unexpected—and developing strategic plans of action for these events—can protect your clients and prevent your practice from coming to a screeching halt.

In this session, we will review:

- The ethical obligations that shape how you should prepare for disasters and succession at your law firm
- The policies and procedures necessary for ensuring that your firm can react effectively to the unexpected
- How legal technology can help provide peace of mind in the face of uncertainty

Presenter:

Emma Raimi-Zlatic was head of Product Education and Partnerships for Lexicata before Lexicata was acquired by Clio. Now Emma is Strategic Partnership Manager for Clio. Emma speaks regularly on legal topics including cloud computing, data privacy & security, law firm marketing, client intake, law firm automation and entrepreneurship.

To register, click here: <https://www.mnbar.org/members/cle-events/event?EventID=3709>

REMOTE ONLY: Emerging Issues in Long-Term Care

Thursday, April 23, 2020 from 8:30 AM to 11:30 AM, Remote Only.

This annual CLE focuses on various current and emerging issues related to long-term care, particularly in the assisted living and nursing home settings, that are of interest to Elder Law attorneys and related professionals. Issues related to long term care are increasingly viewed as a public health concern. This has never been truer than today, amid the CoVid-19 pandemic where those of advanced age, with compromised immune systems, and living in a congregate setting, are at greatest risk for infection and death. This year's panel is viewed as especially timely and the content able to accommodate primary and secondary issues related to the CoVid-19 virus as they continue to emerge. This year's panel topics include the pandemic's effect on persons receiving long term care services and health care professionals as well as the technology being used; update on rulemaking for the new assisted living license; a physician's perspective on capacity, and proposed guardianship/conservatorship legislation in Minnesota.

The Minnesota Department of Health will provide an update on current rulemaking efforts to attach content to the assisted living license legislation passed last session, including a public comment period this spring. Attenders will learn about the delivery of long-term care to older adults during the CoVid-19 pandemic, including emerging best practices in the provision of care, infection control, utilizing technology to conduct medical visits and meet service needs, and the experience of loved ones trying to connect with and support persons receiving services. Panelists will also address capacity, particularly as it relates to guardianships and conservatorships as well as the ability to consent to various actions or items. The history and background of currently proposed legislation in Minnesota on guardianships and conservatorships will be discussed, including proposed changes in requirements for courts to make findings on less restrictive items and to require notice to interested persons of significant events.

This CLE sponsored by the MSBA Elder Law Section will address these topics to help elder law attorneys and professionals navigate legal concerns on behalf of older and vulnerable adults. Suzanne Scheller, Esq. will moderate a panel of five professionals who will each present on emerging issues in their area of knowledge.

Moderator:

Suzanne Scheller, Esq. (Attorney, Scheller Legal Solutions, LLC)

Presenters:

Patti Cullen, CAE (President/CEO, Care Providers of Minnesota)

Robert McCleod, Esq. (Best & Flanagan LLP)

Roberta Meyers, MD, MPH (Hennepin HealthCare Geriatrics/Senior Care)

Jean Peters, CNP (Vice President, Elder Voice Family Advocates)

Anne Peterson, J.D. (Legal and Policy Advisor, Health Regulation Division, Minnesota Department of Health)

To register, click here: <https://www.mnbar.org/members/cle-events/event?EventID=3805>.

UPCOMING CLE

Medical Assistance for Home and Community - Based Services

June 18, 2020 from 12:00 PM to 1:00 PM at Minnesota State Bar Association Minneapolis.

When applying for Medical Assistance benefits, clients requiring long-term care are often directed toward Medical Assistance for Long-Term Care or the Elderly Waiver program. However, there are a number of lesser-known programs (with many acronyms) available to clients to provide services for a multitude of health care needs. The focus of this presentation is an examination of the “alphabet soup” of Medical Assistance programs available for clients in Minnesota, including the eligibility requirements, benefits available, and different examples of clients who could benefit from these programs.

Speaker: Lauren L. Fink | Attorney, Maser, Amundson & Boggio, P.A.

To register, click here: <https://www.mnbar.org/members/cle-events/event?EventID=3714>

Please submit upcoming CLEs to mardell@mardellpreslerlaw.com.

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.

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. The Committee solicits nominations from Section members for Section Awards and determines what Awards should 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 coordinator, 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:

CANCELLED: April 8th, 2020 at 9:00 a.m.

June 10th, 2020 at 9:00 a.m.

August 12th, 2020 at 9:00 a.m.

The meeting location is Julian's Office at 1360 Energy Park Drive, Saint Paul, MN 55108 in the First Floor Conference Room. If you're not able to attend in person, please contact Mardell Presler or Tram Nguyen to request a conference call in number, mardell@mardellpreslerlaw.com or tnghuyen@mnbars.org.

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 via conference call on the second Thursday of each month from 9:30 A.M. to 10:30 A.M. Our next meeting will be:

Thursday, April 9, 2020 at 9:30 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 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 Medical Assistance (MA) Committee meetings will be at 3:30 p.m. on the third Tuesday of even-numbered months. 2020 are tentatively scheduled for the following dates:

April 21, 2020 at 3:30

June 23, 2020 at 3:30

August 18, 2020 at 3:30

October 20, 2020 at 3:30

December 15, 2020 at 3:30

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 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 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 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](#).