

MSBA ELDER LAW SECTION E-NEWSLETTER

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ELDER LAW NEWS AND HIGHLIGHTS

**POST-HEARING COMMENT PERIOD OPEN UNTIL FEBRUARY 22, 2022, FOR
COMMENTS ON PROPOSED AMENDMENTS TO THE RULES FOR THE
MINNESOTA VETERANS HOMES**

The hearing on proposed amendments to the rules for the Minnesota Veterans Homes was held on January 31, 2022. A number of witnesses presented strong objections to some of the proposed amendments, including a lengthy presentation by the Office of Ombudsman for Health Care Facilities objecting to numerous proposed rule amendments that failed to conform to federal standards for due process, residency and other treatment of applicants or residents of nursing home facilities that would apply to the Minnesota Veterans Homes. Objections to failure to fully consult with various stakeholder groups prior to release of the proposed amendments were also presented by members of the Elder Law Section. Objections to treatment of life estates and joint tenancies, the effective date of deeds, and the requirement to make ongoing efforts to sell life estates and joint tenancies were presented by members of the Elder Law Section and Real Property Section. Here is a link to the Office of Administrative Hearings eComments website to obtain copies of documents submitted to the hearing, including the Exhibits submitted by the Minnesota Department of Veterans Affairs (MDVA). You have until 4:30 pm on February 22, 2022, to submit additional comments for consideration by the Administrative Law Judge. Comments may be submitted by mail, fax or the eComment web site. If you have clients who are veterans who might be interested in residing at the existing Veterans Homes in Minneapolis, Hastings, Silver Bay and Fergus Falls, or the three new Veterans Homes opening in 2023 in Bemidji, Preston and Montevideo, you should take this opportunity to familiarize yourself with the proposed amendments and let the Administrative Law Judge know your reaction. Here is the e-Comments link:

<https://minnesotaoah.granicusideas.com/discussions/37629-minnesota-department-of-veterans-affairs-post-hearing-comment-period>.

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

FEBRUARY CLE AND EVENTS

Elder Law 101 – Medical Assistance Basics

Thursday, February 17, 2022 from 12:00 P.M. TO 1:00 P.M.

The purpose of the seminar is to review basic Medical Assistance rules under current laws including assets, income and transfers.

This CLE is free to Elder Sections Members.

Presenter, David Rephan, Partner, Chesnut Camrbone

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

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

Please submit upcoming CLEs to mcook@vgllaw.com.

ELDER LAW SECTION ACTIVITIES

ADVOCACY SUPPORT COMMITTEE:

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. Upcoming meetings for the Communications Committee are as follows:

Wednesday, February 9, 2022, 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:

The Diversity Committee meets with the Education Committee via Zoom at this time. Please see the Education Committee meeting information for meeting times/dates. If you have any questions or would like to join us, please contact the current chair, Maya Missaghi, at maya@mmlawservices.com.

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 **February 10, 2022 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 Amber Hildebrandt and is currently meeting via Zoom. The next meeting will be on **February 18, 2022 at 3:30 P.M.**

Please contact Tram Nguyen at tnguyen@mnbars.org or Amber Hildebrandt at ahildebrandt@bwmlawpllp.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 (763) 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".

The Medical Assistance (MA) Committee will meet next on **February 15, 2022, at 3:30 P.M.**

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 emilyweivhsel@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 Amber Hildebrandt at 218-759-1673 or ahildebrandt@bwmlawpllp.com.

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 Maggie Cook at mcook@vgllaw.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](#).