



Volume 20
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Public guardian program is operational, but has limited resources

By Chris Rosin, Oregon Public Guardian and Conservator

The Oregon Public Guardian and Conservator (OPGC), a program established by the 2014 legislature, is the guardian of last resort for vulnerable adults in Oregon. Given the relatively recent start to the program, the resources currently dedicated to it are limited while the foundation of the program is being built. Although a large majority of Oregonians who may need public guardianship services cannot yet be served, this state-level program is now established and serving some of the most vulnerable adults. The program is administered with the highest standards and follows the *National Guardianship Association Code of Ethics and Model Standards of Practice*.

While Oregon has lacked public guardianship programs outside of two county-designated programs, the need for such services is significant. It is estimated that there are between 1,500 and 3,000 adults in Oregon in need of public guardian services. However, the program is currently only funded for two deputy public guardians and one administrative support position. Some limited additional funding was given for contracted services. OPGC will definitely need to grow to serve fully the target population. For now, the program has to be efficient and restrictive with resources. Access to the program is not only limited to those clients at highest risk,

but also to certain geographic areas

OPGC has several requirements designed to limit new intakes to only those situations where the need is highest.

First, we look to see if there are any less restrictive alternatives (LRA) and how those might be used instead. We will not take cases where there is an LRA to address the risk.

Second, we will not take cases where there is another appropriate party willing and able to serve as guardian. If there is an appropriate friend or family member willing to serve, the OPGC program will generally support that option. Likewise, if the person has adequate financial resources, we support the appointment of a professional fiduciary.

Third, the person must be at imminent risk of serious harm without a guardian. Simply put, we take cases only to address an urgent need. We won't accept cases for guardianship to address future hypothetical concerns, or where someone would be considered at minimal risk without a guardian.

Finally, the OPGC will only take on cases where there is an actual viable plan to address the imminent risk of serious harm. For example, someone may be homeless and at risk, but due to severe behaviors when in a care setting he cannot be maintained there, or no care facility will accept him no matter how much money the state provides. In that case we would be unable to arrange for an alternate plan to keep him safe.

These restrictions tend to lead to taking on primarily very difficult cases that involve severe medical problems, uncontrolled behaviors, exceptional care needs, and ongoing instability.

The initial roll-out plan for the program included identifying specific communities in Oregon where we could begin to provide public guardianship services. A balance of five counties across the east and west sides of the

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Public guardian

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Chris Rosin was appointed as the Oregon Public Guardian and Conservator in September 2017. Prior to his appointment, he served as a Deputy Public Guardian with the program for two years and was an Adult Protective Services specialist in Lane County for six years.

state were selected: Lane, Marion, Clackamas, Deschutes, and Umatilla counties.

When selecting communities, we also looked at alternate guardianship services available in each area and the ability of our program to be an ongoing presence.

In order to serve even these limited counties, we had to find a way to funnel referrals efficiently as well as develop access to the resources we need to provide help for our clients. To facilitate this, we worked with local partners to establish high-risk teams (HRTs) in each community where we planned to provide services. These teams are made up of almost every social service program, hospital, and other service available. These programs have the most direct contact with vulnerable adults and can identify those at high risk, what previous interventions have failed, and when to bring the cases to the meetings. The focus at each meeting is to identify and discuss less restrictive alternatives to address the risks people face before turning to guardianship as an answer. The HRTs also evaluate whether someone else could serve as fiduciary. Only after all

other options are exhausted will a referral be made to the OPGC.

The exception to using the HRT process for referring cases to OPGC is when there is a true emergency that cannot wait until the next meeting. In those situations the referring party can contact the OPGC program directly. The OPGC also reviews referrals from counties without an HRT that involve emergencies and risk of death or serious harm and will take on the cases where we have the resources to help. The OPGC has pursued guardianship in a number of these cases.

The combination of limited resources, high practice and ethical standards, and exceptionally difficult cases has led to an overall limit on the number of cases the program can manage. With current resources, the program can manage approximately 40-45 cases through direct staff, and an additional 10-13 through a contract with a nonprofit fiduciary program. The goal is to grow the program to a level where it can meet all of the unmet need for public guardianship services in Oregon. ■

Important elder law numbers

as of October 1, 2017

Supplemental Security Income (SSI) Benefit Standards	Eligible individual.....\$735/month Eligible couple\$1,103/month
Medicaid (Oregon)	Asset limit for Medicaid recipient.....\$2,000/month Long term care income cap.....\$2,205/month Community spouse minimum resource standard \$24,180 Community spouse maximum resource standard\$120,900 Community spouse minimum and maximum monthly allowance standards\$2,030/month; \$3,022.50/month Excess shelter allowance Amount above \$609/month SNAP (food stamp) utility allowance used to figure excess shelter allowance\$454/month Personal needs allowance in nursing home.....\$60/month Personal needs allowance in community-based care\$164/month Room & board rate for community-based care facilities..... \$571/month OSIP maintenance standard for person receiving in-home services.....\$1,235 Average private pay rate for calculating ineligibility for applications made on or after October 1, 2016\$8,425/month
Medicare	Part B premium \$109.00/month* Part B premium for those new to Medicare in 2016 \$134.00/month* Part D premiumVaries according to plan chosen Part B deductible..... \$183/year Part A hospital deductible per spell of illness\$1,316 Skilled nursing facility co-insurance for days 21–100.....\$164.50/day * Premiums are higher if annual income is more than \$85,000 (single filer) or \$170,000 (married couple filing jointly).

Reconciliation means never having to say you're sorry

By Wyatt Christensen



Wyatt Christensen recently retired from a 25-year career in corporate finance and accounting. He has worked with attorneys over the years to prepare and review accountings. He is currently in the process of establishing a professional fiduciary firm in Portland.

Call it a symptom of our modern age or simply human nature, but from this accountant's perspective, taking money from vulnerable folks appears as acceptable to many as it is easy to do. With the proper mindset and a good set of directions, it is neither. As a fiduciary appointed by the court to protect the assets of another, an Oregon conservator fights a battle on two fronts: how to rise above the accepted and where to find relevant and helpful instruction.

ORS 125.470 and ORS 125.475 provide instructions in regard to the state's requirements for filing of the initial inventory, supplemental inventory if required, and the annual accounting. Multnomah County SLR 9.161 provides further direction by incorporating UTCR 9.160, which provides detailed instructions for the form of the accounting. Conservators should check their county's supplemental local rules 9.161 to verify that UTCR 9.160 has been referenced. These instructions include requirements for the preliminary information, asset schedule, receipts and disbursements, and narrative. Additional narrative disclosure requirements are detailed in UTCR 9.170. Requirements for vouchers and depository statements are detailed in UTCR 9.180. Form UTCR 9.160 in the UTCR appendix of forms provides a template for the accounting that is required in all counties that reference UTCR 9.160.

Preliminary information (UTCR 9.160.1)

This section should specify the first and last dates of the accounting. For the first accounting, the first date should be the date the conservator was appointed. The last date should be within 30 days of the anniversary of appointment. If a bond is required, the accounting should state the current amount of the bond. A bond calculation, as specified in UTCR 9.160.1 i to vii, should also be provided. If the conservator is asking for a bond amount which is less than the calculated bond amount, an explanation should be provided.

Asset schedule (UTCR 9.160.2)

This section details the minimum requirements for the asset schedule. Five columns are required: description of asset, beginning value, value of later acquired asset, value at disposition, and current value. The asset schedule is a "snapshot" of the estate as of a specific date. For an initial accounting, this date is the date the conservator was appointed. For example, imagine that all of the protected person's assets could be gathered into one area and a picture taken of all the items. You may have a pile of cash, an automobile, a house and furnishings, and five steers. The asset schedule should reflect the value of those assets on the day the picture was taken. Liquid assets such as cash are easy: just count it. When listing the cash and cash equivalents, provide the institution name and the account numbers where they are held. For the automobile, you might look online and see what similar vehicles are selling for. For the house, you could have a realtor look at comparable sales in the area and provide an estimated value. For the cattle, you could estimate their weight and look up the current per-pound price of beef to come up with a value. For non-liquid assets, the value used is the conservator's best estimate of what those assets are worth. Be sure to keep any notes or reference data in your files to back up the values that are used.

Receipts & disbursements (UTCR 9.160.3)

The receipts and disbursements section of the accounting should clearly tell the story of what changed during the accounting period. Separate schedules should be prepared for each liquid asset (checking, savings, investment accounts, etc.) that was listed on the asset schedule. Each transaction should be listed in chronological order and be separated by receipts and disbursements, with subtotals of each at the end. Each disbursement should include the date, voucher number, brief description of what the disbursement was for, and the

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Reconciliation

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amount. Each receipt should include the date, the payor, brief description of what the receipt was for, and the amount. Each transaction should be backed up by a source document. It is imperative to have a good audit trail. Anyone who inspects your accounting should be able to follow the transaction in the schedule back to the source document. For example, a transaction for payment of a utility bill should have a corresponding document in your files such as the actual billing from the utility provider. A receipt of cash from the sale of real estate shall be evidenced by a copy of the closing statement. Transfers between accounts should include the institution and account number of the account from which the funds were removed and into which they were deposited. Again, provide an excellent audit trail and do not leave anything to interpretation.

Narrative (UTCR 9.1.160.4)

The narrative should be used to explain any transactions that are not clearly described by the brief description in the receipts and disbursements schedule. For example, if the personal residence was sold for a value substantially less than the conservators best estimate in the initial inventory, explain why. E.g., the house may have had foundation problems which weren't known at the time of the inventory.

Fiduciary disclosure in accountings (UTCR 9.170)

This section details the items that require disclosure in narrative form. It includes items such as gifts, related party transactions, and providers of goods or services by individuals that are not in the line of business of providing those goods or services. Refer to this UTCR for the exact requirements.

Vouchers and depository statements (UTCR 9.180)

It is a required business practice that the conservator maintain source documents for all transactions detailed in the accounting. Unless waived by the court, copies of vouchers evidencing each disbursement that include payee, date, and amount should be included with the

submission of the accounting. Unless waived by the court, depository statements evidencing the beginning balances as stated on the inventory or prior year's accounting, and the ending balances as stated on the current year's accounting, should be provided.

Other items

The court has broad authority to request any documentation that it feels is necessary to have a comfort level with the accounting. The conservator should keep excellent records of all activity that occurs. Notes should also be kept by the conservator to explain the thought process behind the decisions that were made. The conservator is open to the scrutiny of the court as well as any other interested parties and should be prepared to answer questions and provide any other information that is requested.

Conclusion

Simplicity, clarity, and conciseness are key. Make your accountings informative, easy to read, and void of any possibility of misinterpretation. In fact, make them require no interpretation whatsoever. If this is not your cup of tea—if you struggle to balance your own personal finances—seek the assistance of a professional to help you keep it simple.

While very few people really love doing accountings, it is crucial to put enough effort into them to avoid having to tell a judge you are sorry for goofing one up. ■

For more articles on guardianship and conservatorship, see the April 2017 issue of the *Elder Law Newsletter*, available on the Section's website:

<https://elderlaw.osbar.org/newsletters/>

Recent legislation that affects elder law

By Anastasia Yu Meisner, Attorney at Law



Anastasia (Stacie) Yu Meisner is Of Counsel at Samuels Yoelin Kantor LLP. Her practice focuses on estate planning, probate, trust and estate administration, guardian and conservatorships, as well as business transactions and formation. She chairs the Section's legislative subcommittee.

HB 2393 Amends ORS 127.635 (withdrawal of life-sustaining procedures)

Effective Date January 1, 2018

In situations in which a person who is incapable, does not have an appointed health care representative or applicable valid advance directive, and may have life-sustaining procedures withheld or withdrawn, ORS 127.635(4) (b) has been added to require the Department of Human Services to provide any information related to the values, beliefs, and preferences of the person who is incapable with respect to the withholding or withdrawing of life-sustaining procedures.

HB 2630 Amends ORS 125.055, ORS 125.060, ORS 125.075, ORS 125.225, ORS 125.320, and ORS 125.325

Effective Date January 1, 2018

This bill is intended to increase the notification, awareness, and protection of a protected person's interest.

ORS 125.055 (petitions in protective proceedings)

When petitioning for an appointment of a fiduciary in a protective proceeding, in addition to pleading the factual information to support the petition, the petitioner is required to plead the less restrictive alternatives to the appointment of a fiduciary that were considered, and why the alternatives were determined to be inadequate. ORS 125.055(2)(g).

The bill also adds a new subsection (k) to ORS 125.055(2). The petitioner must now plead whether he or she is seeking plenary authority or only specific limited authority for the fiduciary. However, the amendment does not define "plenary authority."

ORS 125.060 (who must be given notice)

Also as part of the notice requirements for the appointment of a guardian, entry of other protective orders in a guardian matter, motion to terminate a guardianship, motion for removal of a guardian, motion for modification

of a guardian's power or authority, motion for approval of a guardian's actions, or motion for protective orders, ORS 125.060(8) now requires the person seeking the order to provide to persons identified in ORS 125.060(8)(a), (b), and (c), the protected person's address, telephone number, and other contact information. The amendment does not provide a disclosure exception when it is in the best interest of the protected person. However, case law provides this exception. *State v. Symon (in re Symons)*, 264 Or.App. 769, 333 P.3d 1170 (Or. App. 2014).

ORS 125.075 (presentation of objections)

Prior to HB 2630, ORS 125.075(2) objections to a motion in a protective proceeding had to be in writing. Now, a protected person may object in writing, orally in person, or by other means that are intended to convey the protected person's objection. Any person other than the protected person who objects to a motion in a protective proceeding must still do so in writing. Further, amended ORS 125.075(2) requires the court to designate the manner in which an oral objection may be made that "ensures that a protected person will have the protected person's objection presented in the court."

ORS 125.225 (removal of fiduciary)

Currently a court may remove a guardian if the guardian places the protected person in a mental health treatment facility, nursing home, or residential facility. Now, in addition, the court may remove the guardian if the guardian changes the adult protected person's abode.

ORS 125.320 (limitation on guardian)

In addition to an intention to change the adult protected person's placement at a mental health treatment facility, a nursing home, or other residential facility, the guardian must file and serve a statement if the guardian intends to change the protected person's abode.

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The statement must be filed and served pursuant ORS 125.065 to those persons specified in ORS 125.060 (3) and (8) at least 15 days prior to each change of abode or placement. However, if the guardian determines that the change of abode or placement must occur in less than 15 days to protect the immediate health, welfare, or safety of the protected person, the statement to the court shall declare that the change of abode or placement must occur in less than 15 days for the reasons stated above. The statement must be filed and served with as much advance notice as possible. However, the statement must be filed no later than two judicial days after the change of abode or placement. And the guardian may make the change of abode or placement prior to the objection hearing.

ORS 125.325 (guardian report)

The guardian's report has been amended to require facts that support the conclusion that the protected person is incapacitated.

SB 57

Amends ORS 125.678 (appointment), ORS 125.683 (needs assessment)

Effective Date January 1, 2018

In 2014 the statewide Office of Public Guardian and Conservator (OPGC) was created.

ORS 125.678 (4) has been revised to eliminate the Long Term Care Ombudsman's supervision of the OPGC.

This bill clarifies that the court must appoint the OPGC as a fiduciary, rather than an individual deputy with the OPGC. ORS 125.678 (5)(b).

The OPGC is now required to consult with the Oregon Department of Administrative Services to determine the bond amount for filing.

Gifts, grants, and donations to the OPGC are no longer to be deposited into the Long Term Care Ombudsman Account. They are now to be deposited into the newly established OPGC Fund. ORS 125.678 (6). In addition to the OPGC Fund, OPGC Protected Person Trust Account ("Account") has also been created. This Account consists of money received on behalf of a protected person; administered by the OPGC; and for the benefit of the protected person and in accordance with the statute or court order.

ORS 125.683 (2) has been revised to require nursing homes, residential facilities, and public agencies to provide, as reasonably necessary to

prevent or lessen a serious and imminent threat to the health or safety of a person, a minimum amount of information about the person for whom the needs assessment for OPGC services is being conducted. This includes protected health information and financial information.

The bill also authorizes the OPGC to require criminal background checks of OPGC employees, applicants, volunteers, and contractors.

And finally the OPGC is exempt from provisions related to professional fiduciaries and conflicts of interest.

SB 59

Amends ORS 125.085 (Motions for appointment of fiduciary)

Effective Date August 2, 1017

This bill allows the Office of Long Term Care Ombudsman to appear in existing protective proceedings and to move to remove a fiduciary, to modify the powers or authority of a fiduciary, and to terminate a protective proceeding.

Any protected information disclosed to the court by the Office of Long Term Care Ombudsman must remain confidential, subject only to inspection by the parties to the proceeding, and not subject to inspection by members of the public except by court order after a showing of good cause.

SB 95

Adds sections to ORS 59.005 to ORS 59.451 (Fraudulent Transfers and Conveyances)

Effective Date January 1, 2018

Certain securities professionals are now required to be mandatory elder financial abuse reporters. This new act speaks in terms of financial exploitation and qualified individuals as mandatory reporters.

A qualified individual is: a salesperson, an investment adviser representative; or a person who serves in a supervisory, compliance or legal capacity for a broker-dealer or state investment adviser, or who is otherwise identified in the written supervisory procedures of a broker-dealer or state investment adviser

And financial exploitation means: wrongfully taking assets, funds or property belonging to or intended for the use of another person; alarming another person by conveying a threat to wrongfully take or appropriate money or property of the person if the person would reasonably believe that the threat conveyed would be carried out; misappropriating, misusing or transferring without authorization any money from any account held jointly or singly by another person; or using the income or assets of another person for purposes other than the support and maintenance of the person without the person's consent.

Excluded from the definition of financial exploitation is the transfer of money or property that is made for the purpose of qualifying a person for Medicaid benefits or for any other state or federal assistance program, or the holding and exercise of control over money or property after such a transfer.

A qualified individual who has reasonable cause to believe that financial exploitation has occurred, has been attempted, or is being attempted against a vulnerable person with whom the qualified individual

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Legislation

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comes into contact must notify the Department of Consumer Services as soon as practicable. The new act lists the type of information that must be provided in the notice.

Notice may also be provided to a third party who has previously been designated by the vulnerable person to receive information, which otherwise would be private.

A broker-dealer or a state investment adviser may also delay a disbursement if the adviser has a reasonable belief that the disbursement might result in financial exploitation. Within two business days of the request for disbursement, the adviser must provide written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except any party suspected to have engaged in actual or attempted financial exploitation of the vulnerable person. Within two business days of the request for disbursement, the adviser must also notify the Department of Consumer and Business Services and the Department of Human Services of the delay and the reason for the delay. The advisor must also conduct an internal review of the suspected financial exploitation and report the results of the review to the Department of Consumer and Business Services and the Department of Human Services.

A delay of a disbursement under this section may not extend beyond the earlier of: fifteen business days after the date on which the broker-dealer or state investment adviser first delayed disbursement of the funds; or the date on which a determination is made by the broker-dealer or state investment adviser that the disbursement will not result in financial exploitation of the vulnerable person.

Upon a request by Department of Consumer and Business Services, a delay of a disbursement under this section may extend beyond 15 business days after the date on which the broker-dealer or state investment adviser first delayed disbursement of the funds, but not beyond the earliest of: twenty-five business days after the date on which the broker-dealer or state investment adviser first delayed disbursement of the funds; the date on which an order terminating the delay is entered by a court of competent jurisdiction; or the date on which the department issues an order terminating the delay.

The Department of Consumer and Business Services or a broker-dealer or state investment adviser that initiated a delay of a disbursement under this section may petition a court of competent jurisdiction for an order delaying or enjoining a disbursement of funds or for other protective relief on the grounds that financial exploitation of a vulnerable person is otherwise likely to occur.

Any person who violates these reporting requirements or who procures, aids or abets in the violation may be subject to a penalty of not more than \$1,000 for every violation.

A qualified individual, a broker-dealer, and state investment advisers are not liable for errors in complying with these requirements if they acted in good faith with reasonable cause and with the exercise of reasonable care.

SB 760

Amends ORS 430.765 (Consumer participation on task forces, commissions, advisory groups and committees), 441.640 (Investigation of abuse complaints)

Effective Date January 1, 2018

ORS 441.640 and ORS 430.765 (1) have been amended. Now any public or private official having reasonable cause to believe that any resident in a long term care facility with whom the official comes in contact has been abused must report the abuse, regardless of whether the official was acting in his or her official capacity when he or she came into contact with the resident and learned of the abuse.

SB 834

Effective Date June 14, 2017

The bill requires the Department of Human Services (DHS) to develop a proposal for establishing an independent commission to safeguard the dignity and human rights of individuals with intellectual or developmental disabilities, including but not limited to the right of individuals to choose their friends and visitors, select their own entertainment, tend to their own personal hygiene, choose their intimate partners, and have access to food when they choose to eat.

In the development of the proposal, DHS is directed to consult with the state protection and advocacy system described in ORS 192.517, the Oregon Council on Developmental Disabilities, and the Oregon Self Advocacy Coalition.

The proposal must include any legislative changes needed to create and empower the commission, the cost of administering the commission, a recommendation for whether the commission should be an independent entity or housed within another state agency, how to guarantee the independence of the commission from influence by service providers and the department, a comparison of similar commissions operating in other states, and an enumeration of the basic human rights to be safeguarded by the commission.

DHS is to report its findings and proposal to the Legislative Assembly by December 1, 2017. ■

Medicaid service priority level changes effective October 1, 2017

DHS Policy Transmittal APD-PT-17-032; Issued 8/25/2017

Through an extended Rule Advisory Committee (RAC) process, and with a large amount of input from internal and external stakeholders and national experts, changes have been made to the definitions for all the Activities of Daily Living (ADLs). Changes have been made to the components that make up each ADL, as well as the task of each component and the associated assistance levels.

These changes were made in order to more clearly define the activities of daily living (ADL) that comprise the nursing facility level of care (NF LOC), address concerns raised by the legislature, improve the accuracy of assessments by APD/AAA & OPI case managers and improve the state's Quality Assurance reviews.

Oregon Administrative Rule Changes (411-015-0000 through 0100) by ADL

Bathing and Personal Hygiene

Increased the minimum threshold for eligibility from needing assistance one (1) time per month to one (1) day per week, totaling four (4) days per month. Clarified acceptable tasks and assistance types.

Cognition

- Removed the following components of cognition: Adaptation, Awareness, Judgement, Orientation, Memory, Danger to Self or Others, Demands on Others, and Wandering
- Defined cognitive impairments based on clearly noticeable actions and limitations
- Developed four (4) new components: Self-Preservation; Decision Making; Ability to Make Self Understood; and Challenging Behaviors
- Lowered the criteria to meet SPL 3 based on Cognition alone from three (3) Full Assists to one (1) Full Assist or two (2) Substantial Assists

Dressing and Grooming

- Increased the minimum threshold for eligibility from needing assistance one (1) time per month to one (1) day per week totaling four (4) days per month
- Clarified acceptable tasks and assistance types

Eating

- Increased the minimum threshold for eligibility from needing assistance one (1) time per month to one (1) day per week totaling four (4) days per month

- Clarified that coughing when chewing or swallowing does not meet eligibility criteria. Individuals must need assistance with clearing their airway on a regular basis
- Ensured that individuals who need assistance with tube feeding or nutritional IV are eligible for "Eating" assistance

Elimination

- Increased the minimum threshold for eligibility from needing assistance one time per month to one day per week totaling four (4) days per month
- Moved "cleaning the toileting area" to "Housekeeping"
- Moved "on and off the toilet" from "Elimination" to "Mobility"
- Moved most tasks to "Toileting" rather than separating into "Bladder" and "Bowel" such as changing incontinence supplies
- Added "changing soiled clothing" in addition to "changing soiled incontinence supplies" because many consumers do not use incontinence supplies
- Clarified most tasks must require hands-on assistance from another person for the individual to be eligible
- Added in "cuing the individual to prevent incontinence" and eliminated "monitoring for infection"

Mobility

- Increased the minimum threshold for eligibility from needing assistance one (1) time per month to one (1) day per week, totaling four (4) days per month
- Defined that the individuals must need hands-on assistance from another person inside their home or care setting to be eligible. This means individuals who only need assistance in the community no longer meet eligibility requirements for Mobility
- Moved "getting to and from the bathroom" from "Elimination" to "Mobility." This does not change eligibility, just better aligns the assessment
- Clarified in rule that individuals confined to their bed are a Full Assist in "Mobility"

Implementation

The new criteria for Medicaid and OPI eligibility will be implemented when an assessment is completed with a create date on or after October 1st, 2017.

- This means that consumers who participate in an annual assessment in September 2017 may not be impacted by the changes to service priority eligibility criteria until September 2018.
- This includes new assessments, re-assessments, and/or annual assessments.

Tools currently available on the Case Management Tools website have been updated to reflect the changes. ■

This transmittal is also available on the DHS website at:

<http://www.dhs.state.or.us/policy/spd/transmit/pt/2017/pt17032.pdf>

Elder Law Section annual CLE program

The Elder Law Section held its annual CLE program on October 6, 2017, at the Portland Convention Center. More than 100 people attended to learn about guardianships and conservatorships.

Topics included

- Guardianships for adults and the alternatives
- Conservatorships
- Advising lay fiduciaries
- Protective proceedings
- Ethics issues in contested cases
- Oregon elder abuse reporting requirements

Many thanks to the planning committee:

Kay Hyde Patton, Penny Davis, Denise Gorrell, Rebecca Kueny, Jennifer Kwon, S. Jane Patterson, Julie Meyer Rowett, and Mark M. Williams. ■



Elder Law Section annual meeting



Monica Pacheco, 2017
Elder Law Section Chair

The annual meeting of the Elder Law Section was held on October 6, 2017, at the Portland Convention Center. Monica Pacheco presided.

The following members of the 2018 Executive Committee were elected:

Officers

Chair: Jan Elana Friedman
Chair-elect: Darin Dooley
Past Chair: Monica D. Pacheco
Secretary: Kathryn M. Belcher
Treasurer: Theressa Hollis

Members at large

Denise N. Gorrell
Jennifer H. Kwon
Matthew McKean
Michael Mayerle
Anastasia Yu Meisner
Julie Meyer Rowett
J. Thomas Pixton

Ms. Pacheco provided a recap of the year's activities:

The Elder Law Section held two CLE events in 2017:

- The traditional unCLE in May, held in Eugene, Oregon, with maximum-capacity attendance

- The annual CLE in October, wherein the committee agreed to provide the guardian/conservator CLE program that was previously done by OLI, which puts the Elder Law Section on a three-year rotation: Beginner, Advanced, Guardian/Conservator

The Section published quarterly newsletters and revised its website.

This was a busy legislative season, with many bills introduced that would affect our section, and several passed that will affect our practice. The legislative subcommittee worked tirelessly to manage, oppose, support, and review proposed legislation.

The Executive Committee allocated funds to provide five scholarships to CLE programs this year.

Donations were made to several groups: Oregon Minority Lawyers Association, Guardian Partners, and the New Lawyers Division for their CLE program on aging and elderly veterans.

There will be no dues increase for 2018. Reserves are available to absorb any fiscal shortfall, if necessary. ■

Resources for elder law attorneys

Events

Drafting Trust Powers and Distribution Standards

Audio seminar via telephone

November 8, 2017/10 a.m.–11 a.m. PST

<https://or.webcredenza.com/catalog.aspx?browse=ViewProg&catid=22993>

How To Evaluate a Case of Undue Influence

NAELA Webinar

November 8, 2017/9:00 a.m.–10:00 a.m. PST

<https://www.naela.org/store/events/registration.aspx?Event=LL11082017&WebsiteKey=ef1bf77-8f85-4dfa-8c27-01f22ae4f5c8>

Aiding and Abetting: The Legal Realities of Animals in the Service of People

OSB CLE seminar/webcast

November 9, 2017/Noon–1 p.m.

Oregon State Bar Center, 16037 SW Upper Boones Ferry Road, Tigard

<http://www.osbar.org/cle/2017/AL17.pdf>

Identifying and Working with Impaired Clients

November 15, 2017/Noon to 1:00 p.m.

Naegeli Deposition and Trial; 111 SW 5th Ave #2020, Portland

Sponsored by the OSB Solo & Small Firm Section

RSVP: mlcooper@lawyer.com

NAELA Summit

November 15–17, 2017

Newport Beach, California

[NAELA](#)

2017 Ethics, Confidentiality, and Attorney-Client Privilege Update

Audio seminar via telephone

November 17, 2017/10 a.m.–11 a.m.

<https://or.webcredenza.com/catalog.aspx?browse=ViewProg&catid=23000>

30th Annual Elder Law Institute

Practising Law Institute

March 21, 2018

Atlanta, Georgia

https://www.pli.edu/Content/Seminar/30th_Annual_Elder_Law_Institute/_/N-4kZ1z10162?fromsearch=false&Ns=sort_date%7co&ID=325970

Aging in America

American Society of Aging Conference

March 26–29, 2018

San Francisco, California

[American Society on Aging](#) ■

Publication

The American Bar Association's *PRACTICAL Tool for Lawyers*

Helps lawyers identify and implement decision-making options for persons with disabilities that are less restrictive than guardianship. A 22-page Resource Guide expands on the steps and includes links to key resources. PDF and Word versions of both publications are available at no cost. Download at http://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice/practical_tool.html ■

Elder Abuse Hotline: 855.503.7233

This toll-free number allows you to report abuse or neglect of any child or adult to the Oregon Department of Human Services.

Websites

Elder Law Section website

[OSB Elder Law Section](#)

The website provides useful links for elder law practitioners, past issues of *Elder Law Newsletter*, and current elder law numbers.

National Academy of Elder Law Attorneys (NAELA)

www.naela.org

A professional association of attorneys dedicated to improving the quality of legal services provided to elders and people with special needs

National Center on Law and Elder Rights

One-stop support center for the legal services and aging and disability community to access trainings and technical assistance on a broad range of legal issues that affect older adults.

<https://ncler.acl.gov>

OregonLawHelp

www.oregonlawhelp.org

Helpful information for low-income Oregonians and their lawyers

Aging and Disability Resource Connection of Oregon

www.ADRCoforegon.org

Includes downloadable *Family Caregiver Handbook*, available in English and Spanish versions ■

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**Elder Law
Section**

Newsletter Committee

The Elder Law Newsletter is published quarterly by the Oregon State Bar’s Elder Law Section: Monica Pacheco, Chair. Statements of fact are the responsibility of the authors, and the opinions expressed do not imply endorsement by the Section.

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