

Missouri Chapter NAEELA



A quarterly newsletter provided by the Missouri Chapter National Academy of Elder Law Attorneys, Inc.

Spring Edition 2010

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Message From The President

Greetings. If you feel like I do about winter weather, spring cannot come soon enough!!

I just turned 50 this month, so I am now “officially” a member of the constituency that we so proudly serve. One of my presents was a bottle of those pills that are supposed to help your memory, but I’ve forgotten the name of the supplement.

I want to extend a welcome to our newly-elected officers: President - Tim Murphy (Kansas City); President-Elect - Dan Reuter (St. Louis); Secretary Mike Weeks; and Treasurer - Stephen Stark (Jefferson City). Yours truly will be the Immediate-Past President.

I also want to welcome our newly-elected board members: Scott King (Kansas City), Sherry Snyder (St. Louis), and Samantha Shepherd (Kansas City) - each of whom will serve a two-year term from July 1, 2010, to June 30, 2012; and Christine Gilsinan (St. Louis) - who will serve a one-year term from July 1, 2010 to June 30, 2011, to fulfill the term of Stephen Stark (Jefferson City) who was elected as Treasurer.

As a follow-up to the brief discussion of the new “standby guardian” statutes we had in the Fall 2009 newsletter, I wanted to point out that some of us have actually gotten standby guardians appointed. I know Reg Turnbull and I have each gotten this done in Cole County. I don’t know what Reg had to go through, but in my case it was relatively simple - all I did was add a paragraph to my standard guardianship petition asking the court to appoint a person whom we viewed as a viable backup person in case neither of the co-guardians (who were the grandparents of an autistic 18-year-old in my case) could serve. I had that backup person sign a consent, just as you would for the primary guardian. The court-appointed attorney did not object to this backup/standby guardian being appointed, and the court added him to the order and letters of guardianship.

We still need volunteers to participate in the design process regarding the “Model Approaches to Statewide Legal Assistance System.” The overall objective is to design and implement a statewide toll free senior legal helpline and an online senior legal helpline. These would allow for Missouri seniors and their families to access information on legal issues and referrals regardless of whether they are seeking full-cost, reduced, or free legal assistance. It seeks to create for elders and their families: (1) a statewide 800 number help-line; (2) an online/web-based help-line to provide basic legal information; (3) a clearing-house for pro bono cases, and (4) a referral service, all of which would be coordinated with the caller’s local Area Agency on Aging. This is a very worthwhile project and could potentially have an impact on our practices. We have been invited to participate and have been involved in shaping this project.

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Message from the President continued...

Please help us take advantage of this opportunity. Please contact Marta Fontaine of the Missouri Dept. of Health and Senior Services (Phone: 573-526-3246; email: marta.fontaine@dhss.mo.gov); or me at 573-657-5755; email: kwbrunstrom@gmail.com.

Keep up the good work on behalf of the elderly and disabled through out the state of Missouri.

I hope all of you can make it to Columbia on August 20th for our summer meeting. See you then.

*Keith W. Brunstrom, President
Missouri NAELA*

ALZHEIMER’S STATE PLAN TASK FORCE

During the 2009 Legislative Session, the Missouri General Assembly enacted legislation setting up the “Alzheimer’s State Plan Task Force”. The Task Force consists of nineteen members from selected disciplines across the aging network. Lieutenant Governor Peter Kinder chairs the task force and several members are from the various state departments and divisions dealing with the particular issues presented by Alzheimer’s Disease and related dementias. One slot on the task force was designated for an Elder Law attorney and **Lois Zerrer, Zerrer Elder Law Office, LLC, was appointed by Governor Jay Nixon to that position.**

The task force has three specific duties:

Assess the current and future impact of Alzheimer’s disease and related dementia on residents of the State of Missouri;

Examine the existing services and resources addressing the needs of persons with dementia, their families and caregivers;

Develop recommendations to respond to the escalating public health situation regarding Alzheimer’s.

The group will study and include information on the trends in dementia populations and their needs, including but not limited to the state’s role in long-term care, family caregiver support, and assistance

to persons with early-stage Alzheimer’s, early onset of Alzheimer’s, and individuals with Alzheimer’s disease as a result of Down’s Syndrome.

Other areas to be examined are:

Existing services, resources and capacity as to home and community based services, respite care, residential long-term care, and adequacy and appropriateness of geriatric-psychiatric units for dementia patients;

Dementia specific training requirements for individuals employed to provide care;

Quality care measures for services delivered across the continuum of care;

Capacity of public safety and law enforcement to respond to persons with Alzheimer’s and related dementia; and

State support for Alzheimer’s research through institutes of higher learning in Missouri.

The final objective is to identify needed state policies or responses to provide coordinated services and supports to persons and families living with Alzheimer’s and related dementias and strategies to address any identified gaps in services.

The Task Force has already held two meetings, including a community forum in Columbia, Missouri. Additional community meetings will be held on the following dates and times

St. Louis 5:30 - 7:30 pm • March 25
(refreshments from 5:30 - 6:00)
Donald Danforth Plant Science Center
975 N Warson Road
St. Louis, MO 63132
Registration: 314.801.0403
Facilitator: Ann Steffen PhD

Springfield 6:00 - 8:00 pm • March 31
Reed Auditorium, Drury University

Kansas City 4:00 - 6:00 pm • April 8
Bruce Watkins Cultural Center

Cape Girardeau TBA Early April

IF YOU MISSED MONAELA'S LAST MEETING ON JANUARY 29, 2010.

1. Our colleague, Reg Turnbull, continues his good work with the End of Life Coalition. He has produced a power point presentation which is explanatory of the Out Of Hospital Do Not Resuscitate Rule (19 CSR 30-40.600), following enactment of Sections 190.600 to 190.621, RSMo. You can access the power point presentation (and learn so much) by going to this link:

<http://www.mo-endoflife.org/docs/OHDNRTraining.pdf>

Forms are available:

<http://www.dhss.mo.gov/ems/Forms.html#dnr>

2. As mentioned in the previous MoNaela newsletter (Fall, 2009), National Health Care Decisions Day is **APRIL 16th**. Important information about what you can do to assist in this educational effort was provided by former state chair, Dianne Hansen, at our 1/29/10 meeting. If you missed it, the handouts follow.

This year's chair is Brigid Fernandez (Oelbaum, Brown and Alsop, LLC; bfernandez@elderlawstlouis.com). Thank you for stepping up, Brigid.

BREAKING NEWS ABOUT ALZHEIMER'S:

A recent announcement from SSA and the Alzheimer's Association conveyed Good News: Early onset Alzheimer's and other conditions are being added to the Compassionate Allowances list. See web address links for the Social Security Administration's news release and one from the Wall Street Journal listed below.

For the Social Security Administration news release:

<http://www.socialsecurity.gov/pressoffice/pr/cal021110-pr.html>

See also the Wall Street Journal:

<http://online.wsj.com/article/SB10001424052748703382904575059102889796326.html>



NATIONAL HEALTHCARE DECISIONS DAY

★ *your decisions matter* ★

For Immediate Release:

[List date]

National Healthcare Decisions Day Set for April 16, 2010

(List your city, state) - [List your organization], along with other national, state and community organizations, are leading a massive effort to highlight the importance of advance healthcare decision-making—an effort that has culminated in the formal designation of April 16, 2010 as National Healthcare Decisions Day (NHDD). As a participating organization, [list your organization] is providing information and tools for the public to talk about their wishes with family, friends and healthcare providers, and execute written advance directives (healthcare power of attorney and living will) in accordance with [List your state] state laws. These resources are available at [List your web site or contact information and/or list www.nationalhealthcaredecisionsday.org].

Specifically, on April 16, from ___ to ___ [List time], [List organization] is welcoming the public throughout the day at [List location], with free information about advance care planning and advance directive forms. [Include more information about any special event here].

“As a result of National Healthcare Decisions Day, many more people in our community can be expected to have thoughtful conversations about their healthcare decisions and complete reliable advance directives to make their wishes known,” said [List spokesperson name, title and organization]. “Fewer families and healthcare providers will have to struggle with making difficult healthcare decisions in the absence of guidance from the patient, and healthcare providers and facilities will be better equipped to address advance healthcare planning issues before a crisis and be better able to honor patient wishes when the time comes to do so.”

For more information about National Healthcare Decision Day, please visit www.nationalhealthcaredecisionsday.org.

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Media Contact: [List name, organization, phone number, email]



NATIONAL HEALTHCARE DECISIONS DAY

★ *your decisions matter* ★

[Date]

Dear [insert name]:

On behalf of the National Healthcare Decisions Day Initiative, I am very excited to be writing to **secure your participation in National Healthcare Decisions Day on Friday, April 16, 2010**. On this day, all across the country, health care facilities, health care professionals, chaplains, the legal community, and others will be participating in a collective effort to highlight the importance of making advance healthcare decisions and to provide tools for making these decisions. Please find below a description of the rationale and strategy for this initiative as well as a flyer about the event.

As you may know, the Federal Patient Self-Determination Act requires that all Medicare-participating healthcare facilities inquire about and provide information to patients on advance directives. It also requires these facilities to provide community education on advance directives. Unfortunately, despite these requirements and state laws giving patients a choice about their healthcare, it is estimated that only a small minority of people have executed an advance directive. Moreover, fewer than 50% of severely or terminally ill patients have an advance directive in their medical records.

National Healthcare Decisions Day seeks to address the public's misunderstandings about advance healthcare planning and advance directives, including that:

- A living will and a healthcare power of attorney are the same;
- Advance directives are only used for limiting care;
- A lawyer is needed to draft an advance directive and/or that it is hard to do;
- Severe illness or a catastrophic injury will never happen to them.

In an effort to educate the public and demystify the topic of advance care planning, the National Healthcare Decisions Day Initiative is working to:

- Secure participation of every hospital, nursing home, and assisted living facility in the country as well as a broad array of community organizations focused on healthcare;
- Secure participation by professionals throughout the country, including physicians, nurses, chaplains, and attorneys;
- Create a diversified set of resources to provide clear, concise, and consistent information to the public about healthcare decision-making and advance directives (see www.nationalhealthcaredecisionsday.org); and
- Increase the number of people who have engaged in thoughtful advance care planning.

Achieving these goals depends on participation by a broad and diverse set of organizations. We specifically ask you to:

1. Endorse the initiative by filling out the enclosed confirmation form;
2. Place National Healthcare Decisions Day on your events calendar for April 16, 2010;
3. Use your existing communication resources to announce and publicize the event;
4. Urge your membership and affiliate chapters to endorse and publicize the initiative as well as "lead by example" by making sure that they have engaged in their own advance care planning; and
5. Consider supporting the initiative with an in-kind or cash contribution.

Please know that you need not change what you are already doing to educate the public about advance healthcare decision-making and advance directives--instead, you are simply encouraged to make a "bigger splash" regarding the topic on April 16, 2010. Please also note that there is no cost to participate; however, donations to defray the administrative costs of maintaining the website and distributing press releases and other information are welcome.

Ultimately, National Healthcare Decisions Day strives to provide much-needed information to the public, reduce the number of tragedies that occur when a patient's wishes are unknown, and improve the ability of healthcare facilities and providers to offer informed and thoughtful guidance about advance healthcare planning to their patients.

We thank you for joining us in making this initiative a success. If you have any questions, please do not hesitate to contact me directly at _____ or write: nhdd@nhpco.org.

Sincerely,



NATIONAL HEALTHCARE DECISIONS DAY

★ *your decisions matter* ★

Organize your Community

Below are some specific ideas and suggestions for ways to implement National Healthcare Decisions Day (NHDD) activities in your community and at your facility on **April 16**.

First and foremost, lead by example...be sure you have thoughtfully considered and made your own healthcare decisions known.

- Next, make sure everyone in your organization is informed about NHDD (including staff, board of directors, volunteers and others) and ask for their involvement to promote NHDD in your community. (Suggestion: Have staff wear a sticker that says "Ask Me About Advance Directives!" See sticker template located above in the Outreach Resources section.)
- Set up an exhibit about NHDD at your main entrance and offer information about advance care planning as people come by.
- Partner with other local organizations to promote NHDD. You will reach and benefit more people if you do this with others than alone!
- Distribute NHDD promotional materials and advance care planning educational brochures at upcoming community events or health fairs.
- Give a presentation to community organizations (i.e. Rotary Club, senior centers, workplace settings, faith communities, libraries, patient or family support groups, neighborhood associations) and to the public promoting NHDD and offering advance care planning resources. Attorneys can assist the organization members to complete their documents after the presentation.
- Sponsor a community event or "town hall" meeting about advance care planning. Big events are more likely to generate media coverage than small presentations and they offer an opportunity for more in-depth dialogue with your community. (Suggestion: Ask your local bar association and healthcare organizations for volunteer speakers and/or ask local politicians to attend and publicly sign their own advance directive.)
- Provide a link on your organizational Web site to www.nationalhealthcaredecisionsday.org. This is a national Web site with a variety of information for the public and providers on advance care planning.

- Partner with your community library to set up a display highlighting books about advance healthcare decision-making and use NHDD promotional resources. Attorneys can offer free advice and forms to help library patrons to sign Health Care Directives and Health Care Powers of Attorney
- Set up exhibit tables at your local malls, pharmacies, grocery stores, or other locations to provide information about advance care planning and advance directives.
- Partner with local retail businesses by asking them to place a promotional flyer about NHDD in every bag.
- Send out a press release about your NHDD activities and/or events to your local media.
- Publish an Op Ed, letter to the editor or a feature story about the importance of advance care planning in your local newspaper.
- Print advertisements in your local newspaper or other local publications, resource guides and newsletters about NHDD activities. (Suggestion: Ask to print the advertisements as public service announcements and see if they will also publish a copy of your state's advance directive form.)
- Offer to provide a guest-speaker on health-related radio or TV programs about advance care planning and NHDD.
- Distribute flyers about NHDD in local physician offices and other strategic locations such as elevators in public buildings.
- Distribute information to patients at healthcare facilities with their mid-day meal.
- Encourage your state leaders to establish a state-sanctioned, secure on-line advance directive registry.
- Mention NHDD in your company/facility's telephone on-hold recording.
- Be creative about the topic of advance care planning.

If your organization has additional ideas for NHDD community activities that we can share with others, please contact nhdd@nhpco.org. Thank you for your support!