

Missouri Chapter NAELA



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

Spring Edition 2012

Officers 2011 - 2012

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Dan Reuter, Esq.
St. Louis, Missouri

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Mike Weeks, Esq.
St. Charles, Missouri

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Jefferson City, Missouri

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Kansas City, Missouri

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St. Louis, Missouri

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Springfield, Missouri

Rick Vouga, Esq.
St. Louis, Missouri

Director 2011 - 2012

Jessica Kimbrell, Esq.
Kansas City, Missouri
(filling Samantha's term)

Directors 2010 - 2012

Scott King, Esq.
Kansas City, Missouri

Sherry Snyder, Esq.
St. Louis, Missouri

Message From The President

This will be my last opportunity to address my fellow MONAELA members as your chapter President. My term expires June 30, 2012. Mike Weeks will be the next MONAELA President. If you have attended our last two membership meetings, I am certain that you appreciate the benefits of being a member of MONAELA. Please read this newsletter for an update on many of our present undertakings and recognitions.

We always have very informative presentations; at the last two membership meetings, three of our newer members have been presenters. A special thanks to Paul Gantner, Brian Quinn and Erin Reuter for 'stepping up to the plate'.

We are fortunate to have so many seasoned elder law attorneys who are willing to share their expertise. Many have and continue to be actively involved in our parent organization, NAELA. One of our members is a past NAELA President, several have served on the NAELA board of directors. Samantha Shepherd and Mike Weeks are co-chairs of the annual NAELA Conference which will take place in Seattle April 25-28, 2012. Each year there are many others who devote time and energy to put on quality programs such as the Missouri Fundamentals In Elder Law Institute this past December.

The moral of the story is that we are very blessed with active members from throughout the state of Missouri that make being a member of MONAELA very beneficial to anyone engaged in serving our aging population. So, if you are a long time member, thanks for all of your contributions. If you are a new member, welcome aboard and get involved; you are able to tap into a pool of wonderful and talented attorneys. If you know of an attorney who would benefit from our organization, encourage them to join us.

I want to extend a special congratulations to Samantha Shepherd, who is also our chapter Treasurer, as being selected as the "MONAELA Outstanding Member of the Year". I also want to thank all the board members and committee members for making my term as President a fulfilling experience.

Dan Reuter,
Chapter President

MONAELA Website

Our websites now contain the updated figures for vendor medicaid (colloquially known as the "Medicaid Desk Reference") and previous newsletters. Check it out at <http://www.monaela.org> and <http://www.monaela.com> (Click on "News")

VALUE ADDED: MEDIATION TRAINING

A Chapter subcommittee consisting of Stephen Stark and Martha C. Brown has been investigating mediation training for our members.

To become an "Elder Law Mediator", you must first become a certified (civil) mediator by completing an in-depth Continuing Legal Education Course and then attend an Advanced Training CLE.

Several of our Chapter members are pursuing the goal of becoming an "Elder Law Mediator" and you are invited to join them.

The schedule for both components is below:

1. *General, Civil Mediation Training*

COLUMBIA, MO, JUNE 6 through JUNE 8, 2012; 3 day civil mediation training program MU Law School Center for study of dispute resolution; 21.7 hours CLE and 1.2 hours Ethics credit.

As a member of MoNAELA you receive the discounted price of \$650 (usual charge is \$900). More information at www.law.missouri.edu/cle/programs

2. *Advanced, Elder Mediation Training*

CHICAGO, IL, JUNE 10 through JUNE 12, 2012; 2.5 day program at the Center for Conflict Resolution at 11 East Adams, Suite 500, Chicago, IL; 16 hours CLE and 4 hours Ethics credits.

Charge of \$525 is reduced to \$495 if registration is received before 5/9/12. More information at <http://www.learn2mediate.com/advanced/schedule/php> or contact info@learn2mediate.com; 800-535-1155 or 734-663-1155.

MEDIATION, Continued

Incoming President Elect, Stephen Stark, a certified mediator, informs us that THE ASSOCIATION OF MISSOURI MEDIATORS will have "Elder Mediation" as a theme at its Annual Conference on Friday, September 21, 2012 at the University of Missouri School of Law in Columbia, Missouri. A nationally recognized elder mediation trainer, Zena Zumeta, will Skype in for a 90 minute presentation. Other presentations will discuss mediation and elder law issues. For details, please contact Stephen J. Stark @ sstark@midmoelderlaw.com

NATIONAL HEALTH CARE DECISION DAY: April 16, 2012

Monday, April 16, 2012 marks the 5th Annual National Health Care Decisions Day. On this day, health care facilities, health care professionals, chaplains, the legal community and many others all across the country will be participating in a collective effort to inspire, educate and empower the public and the providers about the importance of making advance health care decisions and will provide tools for making these decisions. We encourage each of you to get involved in your community.

VOLUNTEER ATTORNEYS ARE NEEDED in the St. Louis City, St. Louis County, St. Charles County and Jefferson County areas.

If you are interested in volunteering 2- 4 hours of your time on April 16 to offer information about health care directives and assist people in actually completing their health care directive using the MO Bar form, please call Brigid Fernandez at 314-962-0186. Thanks to all who have volunteered so far!

Brigid Fernandez
Martha C. Brown & Associates, LLC
220 West Lockwood, Suite 203
St. Louis, MO 63119
(314) 962-0186 Phone
(314) 962-1298 Fax

Check out the flyer on our MoNAELA Website:
<http://www.monaela.com/wp-content/uploads/2012/02/NHDD-flyer.pdf>

Find the recently updated health care (no cost) forms (including a HIPPA release) at the Bar website: <http://www.mobar.org/publications/dpa>

MONAELA OUTSTANDING MEMBER OF THE YEAR: SAMANTHA SHEPHERD OF KANSAS CITY!

As noted by Dan, kudos go to Samantha Shepherd, current MoNAELA Chapter Treasurer, for being elected MoNAELA Outstanding Member of the Year! Samantha will receive her award at the Seattle NAELA Annual Conference in April (see above for more on the conference). Among her many contributions to the Chapter:

- Successful establishment of our websites, <http://www.monaela.com> and its identical twin, <http://www.monaela.org>. For several years the Board discussed and brain-stormed about creating and maintaining a MoNAELA Chapter website. But the person who actually got it done (at significantly less cost than “market rates”) was Samantha. The site is maintained, updated and monitored by our staff assistant Diane Carey (who replaced retiring Ann Bickel). If you have suggestions for adding to the website, feel free to contact the Chair of the Publications Committee (currently Christine Gilsinan, cag@solaw.com)
- Samantha and Mike Weeks (a former recipient of the MoNAELA Member of the Year) are co-chairs of the annual NAELA Conference which will take place in Seattle April 25 -28, 2012. This is a HUGE undertaking which anyone who has attended a national NAELA event can attest to.
- Working to promote this year’s National Health Care Decision Day (see below), Samantha has organized attorney volunteers, staffed senior centers, independent and assisted living facilities in the Kansas City, Missouri area, spoken on a radio show, blogged and sent out a newsletter highlighting the importance of completing your health care directives.

Congratulations (and thank you) Samantha!

NAELA NATIONAL ANNUAL CONFERENCE

Join your colleagues in Seattle April 26 -28, 2012 for NAELA’s Annual conference. As mentioned above, it is being chaired by Mike Weeks and Samantha Shepherd. Presenters from Missouri at this National Conference include: Martha Brown, Lori Gregory, Samantha Shepherd, Reg Turnbull and Mike Weeks.

In addition, this year’s program has almost 30 general and breakout sessions, including:

- *Asset Protection Trust*
- *Case Law Update*
- *Drafting an Income Only Asset Protection Trust*
- *Handling VA Problems You Didn’t Create*
- *Nursing Home Admissions, Tax Issues and Alternative Housing*
- *Medicaid Estate Recovery State by State Analysis*
- *The ABLE Act and Potential Impact on Special Needs Law*
- *Understanding Trust Protector Powers*

A Basics Workshop will be held prior to the conference, beginning April 25, 2012. This is a one-day event that is tailored to provide a solid overview of Elder Law.

BONUS: A Veterans Administration recertification course is offered FREE OF CHARGE to lawyers attending the National Annual Conference. Recertification is required every three (3) years to be listed on the Veterans Administration website and to be able to prepare and file applications for benefits (see page 4 for a full summary of VA certification requirements).

For more information on the NAELA Annual Conference, visit:

[http://www.naela.org/Public/Events/Annual Meeting/Public/Meetings and Events/Annual Meeting.aspx?hkey=fbb9b958-8a2a-4a3f-a683-aeb277ec602a](http://www.naela.org/Public/Events/Annual%20Meeting/Public/Meetings%20and%20Events/AnnualMeeting.aspx?hkey=fbb9b958-8a2a-4a3f-a683-aeb277ec602a)

VA BENEFIT CERTIFICATION/RECERTIFICATION FOR ATTORNEYS

The Department of Veterans Affairs (VA) requires that all individuals (including attorneys) who assist in the preparation, presentation and prosecution of VA claims (as well as those who provide legal advice to veterans about specific VA claims) **BE ACCREDITED** by the VA. **38 CFR 14.629(b)(4)**. Following is a summary of requirements to become (and remain) accredited:

A. TO BECOME ACCREDITED:

1. APPLICATION: You must complete and submit the Application for Accreditation as a Claims Agent or Attorney (**VA form 21a**) at: <http://www.va.gov/ogc/accreditation.asp>

- You can fax it to the department of Veterans Affairs Office of General Counsel (022D) at fax number 202-495-5457, or you can email it to OGCAccreditationmailbox@VA.gov
- You **must be** either **accredited** (or have received provisional approval) in order to fulfill the next requirement, A-2 below. You can check whether you have received approval (or provisional approval) by searching online at <http://www.va.gov/ogc/apps/accreditation/index.asp> or by calling the VA office at (202) 461-7699. (You may be able to expedite your approval by telephoning the VA office and requesting immediate action.)

2. CLE: Within one (1) year of accreditation you must **attend a three (3) hour continuing education course** that has been approved by “any” state bar.

NOTE: CLE completed prior to accreditation does not count toward the CLE requirement.

3. SUBMITTAL (Certification by Attorney): Within one (1) year of accreditation, you must **certify in writing** to the Office of General Counsel (OGC) that you have completed the three (3) hour CLE requirement noted in A, 2, above.

- The certification must include (1) the title of the CLE; (2) the date and time of the CLE; (3) contact information for the CLE provider.
- The information about the CLE must be submitted to VA as part of the annual certification process prescribed by 38 CFR 14.629(b)(4).

B. TO REMAIN ACCREDITED:

1. SUBMITTAL (Annual Certification by attorney) Within one (1) year of accreditation and every year thereafter, you must submit to the VA information which contains the following:

- Every bar, Court or Federal or State Agency to which you are admitted or authorized to appear.
- Your written certification that you are in good standing in each jurisdiction, court or agency in which you are admitted or authorized to appear.
- No particular form is required; usually on letterhead; suggest you list your registration number.
- Any change in status must be reported to the office within 30 days.
- See the regulation at **38 CFR 14.629(b)(4)**.

2. CLE

A. Within three (3) years of your accreditation you must complete an additional three (3) hours of qualifying CLE on veterans benefits law and procedure.

- You must certify in writing to the Office of General Counsel (OGC) that you have completed this requirement and the certification must include (1) the title of the CLE; (2) the date and time of the CLE; (3) contact information for the CLE provider.
- The information about the CLE must be submitted to VA as part of the annual certification process prescribed by 38 CFR 14.629(b)(4).

B. Every two (2) years after the three (3) year anniversary of accreditation, you must complete an additional three (3) hours of qualifying CLE on veterans benefits law and procedure.

- You must certify in writing to the Office of General Counsel (OGC) that you have completed this requirement and the certification must include (1) the title of the CLE; (2) the date and time of the CLE; (3) contact information for the CLE provider.
- The information about the CLE must be submitted to VA as part of the annual certification process prescribed by 38 CFR 14.629(b)(4).

NEW OFFICERS AND DIRECTORS

Our Chapter's semi-annual meeting was held in Columbia on January 27, 2012. The meeting was well attended and the incoming Officers and Directors were announced. **They will begin (or continue) their terms on July 1, 2012.** They are:

OFFICERS:

President: Mike Weeks, St. Charles
Immediate Past President: Daniel E. Reuter, St. Louis
President Elect: Stephen Stark, Jefferson City
Secretary: Samantha Shepherd, Kansas City
Treasurer: Brigid Fernandez, St. Louis

DIRECTORS AT LARGE (2 year term from July 1, 2012 to June 20, 2014)

Connie Haden, Columbia
Rodney Hipp, Kansas City (assumes board position immediately due to resignation of Jessica Kimbrell)
Cort Smith, St. Charles

CONTINUING DIRECTORS AT LARGE (continuing the second year of 2 year terms to June 30, 2013)

Christine Gilsinan, St. Louis
Dianne Hansen, Springfield*
Rick Vouga, St. Louis

Dianne Hansen will take a year's leave of absence beginning June 1, 2012 and the remainder of her term will be assumed by Sherry Snyder, St. Louis. **Have fun traveling, Dianne!**

UPDATE ON THE LAW

Chapter Members should be aware of two recent Policy Memoranda promulgated by the Family Support Division:

IM#52 9/8/11 deals with Applicant resources falling below the limit at any time during the month of application.

http://www.dss.mo.gov/fsd/iman/memos/memos_11/im52_11.html

IM#26 3/16/12 involves the treatment of annuities and is very important. As recommended by Board Member Dianne Hansen on our listserv: All members who include Medicaid planning or applications as part of their law practice [should] carefully review both the Memorandum and the related IMMs 1030.030.00 through 1030.030.20.20 and 1040.020.35 through 1040.020.35.20.

http://www.dss.mo.gov/fsd/iman/memos/memos_12/im26_12.html

These new policy statements are being issued in response to the successful annuity litigation brought by MoNAELA finding that community spouse owned annuities are not to be considered a countable resource. It also includes new policy statements about the treatment of IRA annuities. Read carefully because the statements are often confusing. We will try to include a short article about these new policy statements in our **Elder Law Committee Newsletter**.

MISSOURI BAR ELDER LAW COMMITTEE

Reg Turnbull is the current Chair of the Missouri Bar Elder Law Committee and he hit the proverbial deck, running! One of the many initiatives he has begun is the Elder Law Committee Newsletter. As Reg is fond of reminding us, there are about 500 members of Missouri's Elder Law Committee and (only) about 100 members of MoNAELA. To reach the greater number, Missouri Elder Law Committee Newsletters will be periodically prepared and posted on the Missouri Bar website.

For the most recent newsletter visit

<http://www.mobar.org/committees/newsletter.htm..>

SUMMER MEETING

Our Chapter's summer meeting will be held in **JULY** instead of August this year. The date is **Friday, July 27, 2012 beginning at 10:00 AM in Columbia.**

It will be held at

Courtyard by Marriott, Columbia, Missouri
3301 LeMone Industrial Blvd.
Columbia, MO 65201
Telephone: 573.442.8000

You will receive a mailing closer to the date but it would be wise to get it on the calendar NOW. **A recertification course for Veterans Administration benefits will be offered. Rick Vouga is in charge of planning this event.**