

CALIFORNIA ADVOCATES FOR NURSING HOME REFORM

ELDER LAW IN 2019



PREPARING
FOR THE
**SILVER
TSUNAMI**

THE 23RD ANNUAL
ELDER LAW CONFERENCE
NOVEMBER 22-23 MONTEREY

**SUPER SESSION ON STAFFING
FOR PLAINTIFF ATTORNEYS**

**ASK THE EXPERTS: MEDI-CAL
ELIGIBILITY AND RECOVERY**

**THE ROLE OF CIVIL ELDER FINANCIAL
ABUSE LITIGATORS**

WHAT TO KNOW ABOUT CCRCs

**ASK THE EXPERTS: COMMUNITY CARE
LICENSING**

ESTATE PLANNING AFTER SB 833

CONFERENCE SCHEDULE

DAY 1: NOVEMBER 22ND, 2019

PRE-CONFERENCE SESSIONS*

9:00-11:30* A. Medi-Cal Basics: A Primer on Medi-Cal Eligibility and Recovery

This pre-conference session will include an overview of Medi-Cal programs, with a focus on long-term care programs, including the application process, treatment of income and assets; transfer of assets rules; spousal impoverishment issues, including 3100 petitions; options for treatment of the home; and Medi-Cal recovery issues. A **must** for those new to Medi-Cal and long-term care estate planning issues.

B. Super Session: Long-Term Care Staffing Intensive**

Staffing is by far the variable most closely associated with quality of care. This pre-conference super session will review the minimum staffing requirements in both nursing homes and assisted living facilities, how to find publicly available data and other evidence of understaffing, and construct a compelling narrative of resident abuse and neglect based on understaffing.

C. Legal Services Special Session – Focus on Elder Financial Abuse***

This session will review a number of legal issues relevant to elder financial abuse for legal services programs, including financial abuse litigation, procedural issues for restraining orders in elder financial abuse cases, collaborative mediation to resolve interfamilial financial abuse disputes and obtaining restitution for victims of financial abuse.

* Attendees must register separately for the pre-conference sessions.

** Limited to plaintiff attorneys only. No defense attorneys permitted.

*** Limited to Qualified Legal Services Program staff only.

ELDER LAW CONFERENCE - GENERAL SESSIONS

12:00 noon - 1:00 Registration

1:00-1:30 Introduction & Plenary Session

Review of logistics, conference and materials.

1:30-3:00 A. Estate Planning Updates and Hot Topics

Updates on recent cases, laws and regulations with a focus on the status of the Medi-Cal waiver programs, SSI, Special Needs Trusts and the status of Medi-Cal regulations in California, including the DRA regulations and SB 483.

B. EADACPA: Important Updates and Hot Topics

This session will investigate important developments in long-term care in the last year and those expected in 2020, as well as innovative strategies for dealing with crucial EADACPA topics such as arbitration, Winn, and injunctive relief.

3:00-3:15 BREAK

3:15-5:00 A. Ask the Experts: Medi-Cal Eligibility & Recovery

A question and answer session with DHCS staff from the Medi-Cal Recovery and Third Party Liability and Medi-Cal Eligibility Units, including a review of the new draft regulations (if available).

B. Ask the Experts: Community Care Licensing

For the first time at the Elder Law Conference, the Director of Community Care Licensing and other CCL program leaders will discuss the state of assisted living, the future of regulatory efforts, and answer questions from attendees.

This is a “can’t miss” session.

5:00-7:00 Meet the Speakers Reception

DAY 2: NOVEMBER 23ND, 2019

ELDER LAW CONFERENCE - GENERAL SESSIONS

7:30-8:30 Registration/Continental Breakfast

8:30-10:00 Plenary Session: Ethics and Advocacy*

This session will discuss the ethical and moral obligations of an elder law attorney once the client is on Medi-Cal in a nursing home. Does your obligation to your client end at the nursing home door? What should you do if your client suffers from Medi-Cal discrimination, abuse or neglect? Why estate planners and elder abuse litigators need to work together.

***1 hour of Ethics**

10:00-10:15 BREAK

10:15-12:00 A. Why & What Estate Planners Should Know About CCRCs

Continuing Care Retirement Communities (CCRCs) are expanding in California. Despite bankruptcies, closures, increased monthly fees and diversion of funds, seniors continue to invest their life savings into a multi-billion-dollar industry with few guarantees of “continuing care.” Learn about vetting CCRC contracts for your clients, the laws pertaining to CCRCs and how to help your clients navigate the choppy waters of CCRCs.

B. A Deep Dive into the Data

Back by popular demand, Texas attorney **Ernie Tosh** will provide updates regarding the use of cost reports and other publicly reported nursing home data to make the case for abuse and neglect. Other session topics will include ownership, related party transactions, and discovery breakthroughs.

12:00 noon LUNCH

Keynote: Betsy Butler, Executive Director, California Women's Law Center and Chair, California Commission on Aging
CANHR's Annual William F. Taylor Memorial Award
Timothy Millar Estate Planning Award

1:30-2:15 A. Medi-Cal/Mania

Played as a pub trivia-style game, an opportunity for participants to work collaboratively with their teammates to test their knowledge of the Medi-Cal program.

2:15-3:15 A. Estate Planning After SB 833

A panel discussion by experienced specialists of various estate planning strategies used since the implementation of the new recovery laws under SB 833.

1:30-3:15 B. The Role of Civil Elder Financial Abuse Litigators

Along with the aging of the population has come a dramatic increase in financial abuse by family members, caregivers and commercial predators. This session is the litigator's guide to developing successful financial elder abuse cases.

3:15-3:30 BREAK

3:30-5:00 A. Trusts & Special Needs Trusts

This session will discuss drafting issues for trusts – both revocable and irrevocable; problems arising from poorly drafted trusts; frequently asked questions about SNTs; POMS changes and their impact on SNTs and recovery from SNTs.

B. Pre-Trial Resolution

Hear from master litigators about settling cases before trial. Learn mediation strategies, case valuation, and fulfilling client goals during this critical stage of litigation. This session will feature mediation simulations as well as extensive opportunities for audience engagement.

REGISTRATION

FEES

Tuition for CANHR's 23rd Annual Elder Law Conference is \$680. Fees include conference materials, continental breakfast and lunch on Day Two and a meet-the-speakers reception on Day One, Friday, November 22, 2019. A confirmation letter will be mailed to you once you have registered.

Method of Payment: Payment can be made via credit card through the CANHR registration site or via check made out to CANHR. **No credit card payments (only checks) will be accepted at the door**, so register early and send in payment early.

Pre-Conference Sessions: Add another \$100 to your registration fee if you wish to attend one of the pre-conference sessions and check the applicable box. **Note:** The pre-conference session is **not available** to anyone not registered for the full Elder Law Conference. **The Long-Term Care Staffing Intensive is restricted to plaintiff bar attorneys only.**

For IOLTA-funded legal services program staff: 30 scholarships through the Timothy Millar Legal Services Scholarship Fund will be offered to Qualified Legal Services Program staff (see [this link](#) for list of qualified programs) Scholarships are on a *First Come/First Serve* basis and are limited to one per program, unless there are extra. Please email Pauline@canhr.org to request a scholarship.

Conference materials are available free to any qualified legal services program staff that cannot attend the conference. Contact Pauline@canhr.org after the conference if you wish to have a copy of conference materials.

Deadline: Registration and fees received by **Friday, November 15, 2019** will qualify for mail-back registration confirmation.

CANCELLATION POLICY:

Cancellations received in writing in the CANHR office by Friday, **November 15, 2019** will be refunded subject to a \$50.00 handling fee. **Cancellations received after Friday, November 15, 2019 are not refundable.**

No refunds will be given to those who register but who do not attend the conference.

SPECIAL NEEDS

Reasonable accommodation for persons with disabilities will be made if requested in advance. If you have special dietary or physical needs that we can accommodate, contact Pauline@canhr.org or the CANHR office at (415) 974-5171.

SITE LOGISTICS

CANHR prohibits the use of tape recorders without prior approval. CANHR suggests you bring a sweater due to fluctuations in room temperature. Water service is provided at each table. You will be asked to turn off cell phones during the sessions.

**REGISTER EARLY!
SPACE IS LIMITED!**

CONFERENCE PROFILE

COURSE DESCRIPTION

Conference participants will be able to choose from fourteen different sessions on a variety of elder law issues, including an Ask the Experts session with staff from the Department of Health Care Services, 1 hour of ethics on legal and ethical estate planning and litigation issues, plus intensives on Continuing Care Retirement Communities, Trusts and Elder Financial Abuse.

WHO SHOULD ATTEND?

These sessions are designed for legal services staff, private bar estate planners and elder abuse litigation attorneys, and professional advocates interested in long-term care and advocacy. Most of the sessions assume basic knowledge of either Medi-Cal or elder abuse issues.

PRE-CONFERENCE SESSIONS

Registration for the pre-conference session will be held from 8:00-9:00am on Friday, November 22. This session will run from 9:00-11:30am and will include 2.5 hours of MCLE credit.

TIME

Registration for the conference will be from 12:00-1:00pm on Day One, Friday, November 22, with sessions running from 1:00-5:00pm.

The "Meet the Speakers" reception with a no-host bar will be held on Friday, November 22, from 5:00-7:00pm.

Registration on Day Two will be from 7:30-8:30am, with a continental breakfast and buffet lunch included on Day Two. Sessions on Day Two will run from 8:30am to 5:00pm.

CONTINUING EDUCATION CREDITS

MCLE Credits: California Advocates for Nursing Home Reform is a State Bar of California approved MCLE provider. CANHR certifies that these activities have been approved for MCLE credit by the State Bar of California in the amount of **2.5 hours for the pre-conference sessions**, 3.25 hours on Day One, and 6.5 hours on Day Two, of which 1 hour on Day Two will apply to legal ethics.

Legal Specialization: A number of the estate planning sessions qualify for Legal Specialization credits in the field of Estate Planning, Trust and Probate Law. A listing of approved sessions will be available..

FACULTY

Faculty members are all recognized experts in the areas of Estate Planning for Long Term Care, Elder Abuse Litigation, Health Care and Long-Term Care. A full list of faculty will be provided with the conference materials.

CANHR

Long Term Care Justice and Advocacy

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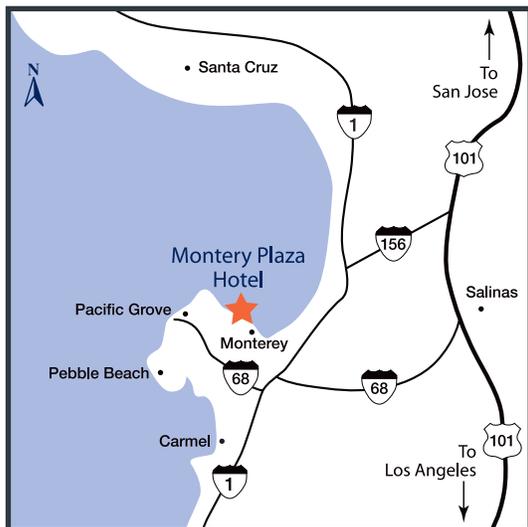
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THE 23RD ANNUAL ELDER LAW CONFERENCE

NOVEMBER 22-23 MONTEREY

12.25 MCLE HOURS OFFERED

CONFERENCE TRAVEL INFORMATION



Monterey Plaza Hotel
400 Cannery Row
Monterey, CA 93940
(800) 334-3999
www.montereyplazahotel.com

Call the hotel by October 30, 2019 for discounted room rates. Reserve early! Limited number of rooms at the discounted rate.

Reservations/Lodging: Reserve a room by October 25, 2019 for a special conference rate as low as \$180 for Inland View rooms, single or double occupancy. Ask reservations for reduced rates on Ocean View and Ocean View/Balcony rooms as well. Special rates only apply to Thursday, Friday and Saturday, 11/21, 11/22 and 11/23, 2019.

Rates listed do not include the \$20 resort fee that provides valet parking with in and out privileges (normally \$29), wireless internet access in-room, use of the fitness center and whirlpool tubs, local calls, and a newspaper delivered daily to your room.

To receive these special rates please call (800) 334-3999 and mention the group name, CANHR Elder Law Conference. Use the following link to reserve online.

*Please note the URL link below will NOT work on mobile devices!

<https://gc.synxis.com/rez.aspx?Hotel=62264&Chain=16684&arrive=11/21/2019&depart=11/24/2019&adult=1&child=0&group=111519ELDER>

To book dates before and after November 21, 22 & 23 or, to book Ocean View and Ocean View/Balcony rooms, you must call reservations directly, they cannot be booked online with the above link.

Transportation: Monterey Airbus Shuttle offers 16 shuttle trips daily from both San Francisco and San Jose airports to and from the hotel. Reservations recommended. Call (831) 373-7777 or visit www.montereyairbus.com for rates and schedules.

Parking: The hotel provides valet parking ONLY (no self-parking) for overnight guests included in the \$20 resort fee. In and out privileges permitted. Non-guest parking is \$22 per day.

Reserve early! Limited number of rooms available at the discounted rate.