

# Elder Law Issues and Answers

Highlights include:

- ◆ 2009 legislative update
- ◆ Community property concerns
- ◆ Medicaid and long-term care
- ◆ Ethics and HIPAA

*Cosponsored by the Elder Law Section*

Friday, October 2, 2009  
9 a.m.–4:45 p.m.

Oregon Convention Center  
Portland, Oregon

4.25 General CLE credits, 1 Ethics credit,  
and 1 Access to Justice credit



# Elder Law Issues and Answers

# Video Replays

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Oregon Convention Center  
777 N.E. Martin Luther King Jr. Blvd.  
Portland, Oregon

**A**MERICA'S OLDER POPULATION IS GROWING LARGER AND MORE DIVERSE. When the Baby Boomers start reaching 65 next year, they are expected to focus attention on issues about aging and disability. The expert faculty for this information-filled seminar will give you the tools needed to provide answers to some of those concerns.

From removing sponging relatives from an elder's home to planning for community property owned by retired couples moving to Oregon, attorneys who practice elder law must be able to address a wide range of legal needs. Get the latest on legislative developments affecting elder law and an update on changes to Medicaid administrative rules. Learn how a lawyer's ethical obligations interact with medical privilege and HIPAA. And, as your clients begin to reflect the growing ethnic diversity of the aging population, gain an understanding of how to bridge differences in communication styles and cultural values.

Remember—Elder Law Section Members receive a \$20 discount off registration rates!

The Elder Law Section's Annual Business meeting will be held at 1:15 p.m., following the lunch break.

Register online at [www.osbarcle.org](http://www.osbarcle.org), by using this form, or by calling the OSB CLE Service Center at (503) 431-6413, toll-free in Oregon at 1-800-452-8260, ext. 413. For a full listing of OSB CLE seminars, please visit [www.osbarcle.org](http://www.osbarcle.org).

This seminar will be videotaped and shown in its entirety at the following locations if three or more registrations are received at least a week prior to the replay date. To find out if a replay will be shown, please click on the Seminars Calendar at [www.osbarcle.org](http://www.osbarcle.org) and select the date of the scheduled video replay.

- ◆ **Astoria**  
**Friday, October 30**  
Di Bartolomeo Law Office  
1139 Exchange St.
- ◆ **Bend**  
**Friday, October 23**  
Miller Nash LLP  
1567 S.W. Chandler Ave.  
Suite 204
- ◆ **Coos Bay**  
**Friday, October 23**  
Daniel M. Hinrichs PC  
590 Commercial Ave.
- ◆ **Eugene**  
**Friday, October 30**  
Gaydos Churnside & Balthrop PC  
440 E. Broadway, Suite 300
- ◆ **Grants Pass**  
**Thursday, October 22**  
Josephine County Courthouse  
Room 222  
N.W. 6th and "C" Streets
- ◆ **Hood River**  
**Friday, October 23**  
Wyers Haskell Davies PC  
216 Columbia
- ◆ **Klamath Falls**  
**Friday, October 23**  
Boivin Uerlings & Dilaconi PC  
803 Main St., Suite 201
- ◆ **LaGrande**  
**Friday, October 23**  
Mautz Baum & O'Hanlon LLP  
1902 Fourth St.
- ◆ **Medford**  
**Friday, October 30**  
Frohnmayr Deatherage  
2592 E. Barnett Rd.
- ◆ **Newport**  
**Friday, October 30**  
Macpherson Gintner & Diaz  
423 North Coast Highway
- ◆ **Pendleton**  
**Friday, October 30**  
Mautz Baum & O'Hanlon LLP  
101 S.E. Byers Ave.
- ◆ **Redmond**  
**Friday, October 30**  
Bryant Emerson & Fitch  
888 W. Evergreen
- ◆ **Roseburg**  
**Thursday, October 22**  
Douglas County Counsel's Office  
Law Library, Room 319  
1036 S.E. Douglas
- ◆ **Salem**  
**Friday, October 23**  
The Vandermay Law Firm  
**New address:**  
2085 Commercial Street NE
- ◆ **Tigard**  
**Wednesday, October 21**  
Oregon State Bar Center  
16037 S.W. Upper Boones Ferry Rd.
- ◆ **Vale**  
**Friday, October 23**  
Butler & Looney PC  
292 Main St. S.

# Elder Law Issues and Answers—Friday, October 2, 2009

8:00 Registration

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8:45 Welcome

**Penny L. Davis**, *Elder Law Section Chair, Davis Pagnano McNeil & Vigna LLP, Portland*

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9:00 **Cultural Competence in the Legal World:  
The Cultural Positioning System**

- ◆ Effective approaches to communicating across cultures
- ◆ Managing complex interactions with clients and their families
- ◆ Using culture as a resource in the legal world

**Janet M. Bennett, Ph.D.**, *Executive Director, Intercultural Communication Institute, Portland*

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10:00 **Removing the Outlaw In-Law and Other  
Unwanted Occupants**

- ◆ Tenant or nontenant?
- ◆ The removal process
- ◆ Ownership claims

**Susan Ford Burns**, *Law Office of Susan Ford Burns, Portland*

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10:45 Break

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11:00 **Community Property: Issues and Opportunities**

- ◆ What is it?
- ◆ Application of the Uniform Community Property at Death Act
- ◆ Taxation issues
- ◆ Planning opportunities

**Brian M. Thompson**, *Law Office of Brian M. Thompson, Eugene*

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12:00 Lunch

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1:15 **Elder Law Section Annual Business Meeting**

1:30 **2009 Legislative Update**

- ◆ Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
- ◆ Elective share provisions effective January 1, 2011
- ◆ Changes to powers of attorney and advance directives for health care

**Ryan E. Gibb**, *Douglas Conroyd & Gibb, Salem*

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2:00 **Understanding Medicaid and Long-Term Care**

- ◆ Financial eligibility
- ◆ Implementation of the Deficit Reduction Act of 2005
- ◆ Recent changes to administrative rules
- ◆ Looking ahead

**Michael J. Edgel**, *Fitzwater Meyer LLP, Portland*

**Julie Lohuis**, *Law Offices of Geoff Bernhardt, Portland*

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3:30 Break

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3:45 **Legal Ethics and Medical Privilege**

- ◆ Relation of medical privilege to HIPAA
- ◆ Balancing legal requirements, zealous advocacy, and privacy rights

**Peter R. Jarvis**, *Hinshaw & Culbertson LLP, Portland*

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4:45 Adjourn

## Section Planners:

- ◆ **Penny L. Davis**, *Davis, Pagnano McNeil & Vigna LLP, Portland*
- ◆ **Brian Haggerty**, *Minor Bandonis & Haggerty PC, Newport*
- ◆ **Steven A. Heinrich**, *Attorney at Law, Corvallis*
- ◆ **S. Jane Patterson**, *Attorney at Law, Gresham*
- ◆ **Brian M. Thompson**, *Law Office of Brian M. Thompson, Eugene*
- ◆ **Mark M. Williams**, *Gaydos Churnside & Balthrop, Eugene*
- ◆ **Whitney D. Yazzolino**, *Charles S. Gauger PC, Portland*

## OSB CLE Seminars Attorney:

- ◆ **Karen D. Lee**, *klee@osbar.org, (503) 431-6382*

# Elder Law Issues and Answers—Friday, October 2, 2009

## SEMINAR REGISTRATION

### PORTLAND

- \$175 OSB Member—Early registration (received before noon, Monday, 9/28/09)..... \$ \_\_\_\_\_
- \$195 OSB Member—Regular registration (received after noon, Monday, 9/28/09) ..... \$ \_\_\_\_\_
- \$205 Non-OSB Member ..... \$ \_\_\_\_\_  
*Elder Law Section member discount—subtract \$20:* ..... \$ \_\_\_\_\_
- \$0 **2009–2010 Season Ticket** (Please register by noon, Monday, 9/28/09, to guarantee a seat and course materials. Season Ticket registrations received after this time are welcome and will be accommodated on a space-available basis.)..... \$ \_\_\_\_\_
- \$0 50-year OSB members may attend free of charge ..... \$ \_\_\_\_\_
- \$0 Oregon judges and their lawyer staff (see below) ..... \$ \_\_\_\_\_
- Registrant is a judge
- Registrant is a lawyer staff member for the following judge
- \_\_\_\_\_  
 Judge (please print)
- \_\_\_\_\_  
 Signature of Judge (required)
- \$25 Lunch     Vegetarian ..... \$ \_\_\_\_\_
- TOTAL REGISTRATION FEES (ELD09) (757) ..... \$ \_\_\_\_\_  
 WB

### VIDEO REPLAY

(Please see video replay schedule on previous page.)

- Location: \_\_\_\_\_
- \$175 Registration ..... \$ \_\_\_\_\_
- \$155 Elder Law Section member ..... \$ \_\_\_\_\_
- \$0 2009–2010 Season Ticket ..... \$ \_\_\_\_\_
- \$0 50-year OSB members may attend free of charge ..... \$ \_\_\_\_\_
- \$0 Oregon judges and their lawyer staff (see below) ..... \$ \_\_\_\_\_
- Registrant is a judge
- Registrant is a lawyer staff member for the following judge
- \_\_\_\_\_  
 Judge (please print)
- \_\_\_\_\_  
 Signature of Judge (required)
- TOTAL REGISTRATION FEES (ELD09) (757) ..... \$ \_\_\_\_\_  
 WB

## SEMINAR PRODUCT ORDERS

Seminar products will be available approximately two weeks after the live program.

- \$195 Audio CDs and course materials (ELD09.KCD) ..... \$ \_\_\_\_\_
- \$325 DVDs and course materials (ELD09.KDV) ... \$ \_\_\_\_\_
- \$65 Course materials (ELD09.HB) ..... \$ \_\_\_\_\_
- 2009–2010 Season Ticket No. \_\_\_\_\_  
 discount—subtract 20%: ..... \$ \_\_\_\_\_
- Subtotal:..... \$ \_\_\_\_\_  
 Shipping and handling fee:..... \$ 7.00  
 TOTAL ORDER:..... \$ \_\_\_\_\_  
 WB

*For audiocassette and VHS formats, please call the CLE Service Center at 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413.*

## DVD RENTALS

*For additional viewers, please call 503-431-6351, or toll-free in Oregon at 1-800-452-8260, ext. 351.*

- \$195 DVD rental and course materials (ELD09.KDR) ..... \$ \_\_\_\_\_
- Subtotal:..... \$ \_\_\_\_\_
- 2009–2010 Season Ticket No. \_\_\_\_\_  
 DVD rental discount—subtract 30%:..... \$ \_\_\_\_\_
- Subtotal:..... \$ \_\_\_\_\_  
 Shipping and handling fee:..... \$ 7.00  
 TOTAL ORDER:..... \$ \_\_\_\_\_  
 WB

## GENERAL INFORMATION

**QUESTIONS:** Call the CLE Service Center at 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413. For information about upcoming seminars, please visit the CLE Calendar at [www.osbarcle.org](http://www.osbarcle.org).

**CANCELLATIONS:** Cancellation requests must be received at least 48 hours prior to the start of the seminar to qualify for a refund. Requests are accepted via phone, fax, or mail; please see “Four Ways to Register” for contact information. All cancellations are subject to a \$20 cancellation fee.

**TUITION ASSISTANCE:** Tuition assistance is available on the basis of financial need. Fax a request stating your financial situation to 503-968-4456 no later than one week before the seminar.

**DIETARY RESTRICTIONS OR SPECIAL ACCOMMODATIONS:** Call 503-431-6351, or toll-free in Oregon, 1-800-452-8260, ext. 351.

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Bar # _____	Name _____
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Email _____	Phone _____ Fax _____
Address _____	
City _____	State _____ Zip Code _____

## PAYMENT OPTIONS

- Check Enclosed: Payable to Oregon State Bar
- Credit Card (VISA or MasterCard only)

**All information below required when paying by credit card.**

Credit Card Number _____	Expiration Date _____
Name on Credit Card (please print) _____	
Credit Card Billing Address _____	
City _____	State _____ Zip Code _____

Authorized Signature \_\_\_\_\_

## FOUR WAYS TO REGISTER OR ORDER

*Registrations and orders will not be processed without payment.*

- ONLINE** at [www.osbarcle.org](http://www.osbarcle.org).
- PHONE:** 503-431-6413, or toll-free in Oregon at 1-800-452-8260, ext. 413
- FAX with VISA or MasterCard number:** 503-968-4456
- MAIL with check:** Oregon State Bar, CLE Registration, P.O. Box 231935, Tigard, OR 97281-1935