

DATE: July 5, 2012

SUBJECT: Meeting Notes: Legal Resource Support for Aging and Disability
Networks

Attendees

Presenters:

Omar Valverde, AoA Office of Elder Rights

David Godfrey, Sr. Attorney at the American Bar Associations's Commission on Law and Aging

Sara Tribe, Policy Associate, NASUAD

Karl Cooper, Policy Associate, NASUAD

38 Callers representing 18 states, DC and Canada

Welcome

Ms. Tribe welcomed the participants, and introduced Omar R. Valverde and David Godfrey, who would be presenting "Legal Resource Support for Aging and Disability Networks." Mr. Valverde is an attorney with the Administration on Aging's Office of Elder Rights; Mr. Godfrey is a Senior Attorney with the American Bar Association's Commission on Law and Aging.

Ms. Tribe made the following announcements:

- NASUAD's addition of seven new modules to the Online Learning Center based on the Strengthening the Aging Network grant, and updated information on Medicare and Medicaid.
- NASUAD is considering changing this call time to 2:00pm or 3:00pm ET in order for Alaska and Hawaii to participate, as they are 4 and 6 hours away, respectively. Feedback on this potential change is welcome.

Presentation: Legal Resource Support for Aging and Disability Networks

Mr. Valverde began the presentation by briefly discussing the biggest legal threats that older adults face related to: income security, housing, health care financing, consumer protection, and elder abuse and financial exploitation.

Legal Issues on the Frontlines:

- Area Agency/ ADRC staff are in a unique position to identify threats to independence and financial security
- Identified threats may be addressed through legal and elder rights protections
- Area Agency/ ADRC staff can sharpen their skills and instincts to look beyond the obvious.

Why Problems are Hard to Spot:

- No problem is an “island onto itself”
- A visible problem is frequently caused or aggravated by another underlying hidden problem
- Often people do not realize that their problem(s) may have a legal or protective service remedy

With just a little bit of training, we are able to help front-line counselors spot these more difficult issues, and recommend that their clients get legal aid.

He discussed the creation of a comprehensive national legal assistance support system for aging and legal networks, with two objectives:

Objective 1: To support the leadership, knowledge, and systems capacity of states, legal services providers, area agencies on aging, ADRCs, and other organizations serving older persons in order to enhance the quality, cost effectiveness, and accessibility of legal assistance and elder rights programs provided to older persons.

Objective 2: To support demonstration projects designed to expand or improve the delivery of legal assistance and elder rights protections to older persons with social or economic needs.

Mr. Godfrey discussed the National Legal Resource Center (NLRC), which is a collaborative effort developed by the Administration on Aging. Its partners are: The American Bar Association Commission on Law and Aging; The Center for Elder Rights Advocacy; The Center for Social Gerontology; The National Consumer Law Center; The National Senior Citizens Law Center.

The NLRC provides Technical Assistance on building well-integrated, cost-effective, and targeted legal service delivery systems:

- Needs and Capacity Assessments
- Leveraging Low Cost Mechanisms
- Targeting and Outreach

- Legal Service Delivery Standards
- Reporting Systems and Outcomes
- Integration of Aging and Legal Networks

Mr. Godfrey discussed the website, found at: <http://www.nlrc.aoa.gov/>. The left side menu is organized by topic on substantive legal issues, to help both counselors and clients do research, and to receive information.

Trainings offered by the partner organizations include:

- Webinar Series (NCLC, CERA, NSCLC)
- CLE/CEU Special Discounts, though there is some charge for CEUs, there are some discounts available
- Custom Intensive Onsite Training
- Conference and Workshop Speakers
- Custom Legal Issue Spotting
- Guest trainers

He explained that the library is written for a broader audience, and that approximately 90% of the content is for this audience. He invited the participants to email him directly if there is an issue that they don't see represented.

He also invited them to join the conversation by participating in:

- Elderbar list Serve
- Special interest list serves
- Subscribe to a variety of free resources, such as:
 - BIFOCAL
 - NCLC Outlook
 - NSCLC "In Review"
 - CERA Legal Hotlines Connection

Requesting technical assistance through the website is also possible.

Q & A

Q: Regarding the ACA in the news, do you foresee new resources becoming available?

A: We do fully intend to keep up with the implementation and legal implications of ACA. NSCLC would be the group following developments the most. Issues such as changes in Medicaid Law, implementation of spousal impoverishment provisions in HCBS waivers and state plan option, Money Follows the Person expansion, elder abuse

prevention, housing and reasonable accommodation will have to be watched closely in terms of new developments/information.

Mr. Godfrey stated that they've already received emails about moving forward with implementation, post-Supreme Court decision; there will be webinars and conference calls from the various NLRC partners on what advice and guidance we should be giving to clients and partners. CMS rolled out the information to their Medicare/Medicaid population earlier with the Part D preview.

Q: In light of the ACA being upheld by the Supreme Court, what are some of the positive ways in which the ACA will affect to older adults?

A:

Mr. Valverde: Changes in Medicaid Law; implementation of spousal impoverishment provisions in HCBS waivers and the state plan option; Money Follows the Person expansion; elder abuse prevention; housing and reasonable accommodation issues.

Mr. Godfrey: Identified a link (sent after the presentation) with a summary of the impact of ACA on older adults. This document was produced by NLRC in partnership with NSCLC: <http://www.nsclc.org/wp-content/uploads/2011/05/NSCLC-NCPSSM-ACA-Analysis-062912.pdf>

Q: In terms of submitting a question, who is answering the question, if there are state-specific answers needed?

A: Mr. Godfrey responded that for a state specific answer, the attorneys will refer you to a specific person within that state. For matters of federal law, our partners can respond. He added, as an example, that his office takes questions on guardianship, and the person who is responsible for this issue has been working on it for 30 years, and knows experts in that field in 48 of the states, and does refer it to someone directly in their state.

Ms. Tribe thanked Mr. Valverde and Mr. Godfrey for their presentation, and the participants for their time. Both presenters' contact information can be found in the PowerPoint slides.