

CALIFORNIA ADVOCATES FOR NURSING HOME REFORM PRESENTS

*Zooming in to*



*Elder Law*

CANHR'S 24<sup>TH</sup> ANNUAL

# ELDER LAW CONFERENCE

NOVEMBER 18<sup>TH</sup>, 19<sup>TH</sup> & 20<sup>TH</sup>, 2020

ESTATE PLANNING UPDATES  
AND HOT TOPICS

COVID-19 LITIGATION AGAINST  
LONG TERM CARE FACILITIES

BUILDING YOUR FINANCIAL  
ABUSE PRACTICE

ETHICAL LAWYERING IN THE  
AGE OF CORONAVIRUS

TRUSTS AND SPECIAL  
NEEDS TRUSTS

CONSUMER REMEDIES  
IN LONG TERM CARE

ASK THE EXPERTS: MEDI-CAL  
ELIGIBILITY & RECOVERY

ASK THE EXPERTS: ABOUT  
ESTATE PLANNING

# REGISTRATION

**Register early! Space is limited!**

## FEES

Tuition for CANHR's 24th annual Elder Law Conference is \$400 (10% reduction for Net members). Fees include conference materials & MCLE credits for the sessions enrolled. A confirmation email will be sent once you have registered.

**Method of Payment:** Payment can be made via credit card through the CANHR website.

[CLICK HERE TO MAKE ONLINE PAYMENT](#)

**Pre-Conference EADACPA Session:** A pre-conference special EADACPA Basics session will be held on Wednesday, November 18, 2020 from 10:00am to 11:00pm. Add another \$50 to your registration fee if you wish to attend the pre-conference EADACPA session and check the applicable box. Note: The pre-conference EADACPA Basics session is **not available** to anyone not registered for the full Elder Law Conference.

**For IOLTA-funded legal services program staff:** A pre-conference special legal services session will be held on Wednesday, November 18th from 1:00pm to 5:00pm. **Scholarships for the entire conference will also be offered through the Timothy Millar Legal Services Scholarship Fund** to Qualified Legal Services Program staff (see [this link](#) for list of qualified programs) Scholarships are limited to one per program, unless there are extra. Please email [pauline@canhr.org](mailto:pauline@canhr.org) to request a scholarship.

Conference materials and recordings are available free to all qualified legal services program staff. Contact [pauline@canhr.org](mailto:pauline@canhr.org) after the conference if you wish to have a copy of conference materials.

## DEADLINE

Registration and fees received by **Friday, November 13, 2020** will qualify for email-back registration confirmation.

## CANCELLATION POLICY

Cancellations received via email to [frontdesk@canhr.org](mailto:frontdesk@canhr.org) by **Friday, November 13, 2020** will be refunded subject to a \$50.00 handling fee. **Cancellations received after Friday, November 13, 2020 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.

# CONFERENCE SCHEDULE

**Pre-Conference Session:  
November 18, 2020**

**Zoom Meeting Check-in: 9:30-10:00**

**10:00-11:00 EADACPA Basics**

A review of the basics for Elder Abuse & Dependent Adult Civil Protection Act (EADACPA) litigation against long term care facilities.

**Special Legal Services Session\*\***

**1:00-5:00pm**

**Zoom Meeting Check-in: 12:30 - 1:00**

**1:00-1:40**

**Elder Financial Abuse Litigation Basics**

An overview of civil financial elder abuse, relevant statutes and case samples.

**1:50-2:50**

**Protecting Senior Home Equity**

This session will discuss safeguarding the homes of California's seniors and financial scams targeting homes, and will include presentations on: HEPP Program; Consumer Fraud and PACE; and COVID and Reverse Mortgages.

**3:00-3:50**

**In Home Supportive Services Advocacy**

This session will focus on assisting clients with issues involving IHSS, including eligibility, maximizing benefits and dispute resolution, and will include case samples and resources.

**4:00-5:00**

**Challenging Nursing Home Evictions**

This session will focus on representing nursing home residents in eviction cases and administrative hearings, including relevant laws and case samples.

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

# CONFERENCE SCHEDULE

## DAY 1: November 19<sup>th</sup>, 2020

### Zoom Meeting Check-in: 08:30 - 9:00

**9:00-9:15** Introduction to Conference  
Review of logistics, zoom protocols and materials.

**9:15-10:45** 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, spousal impoverishment expansion, and updates on Medi-Cal in California – what will happen in 2021.

**10:45-11:00** BREAK

**11:00-12:30** 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).

**12:30-1:00** BREAK

### Zoom Meeting Check-in: 12:30 - 1:00

**1:00-2:30** B. EADACPA: Hot Topics  
This session will break down the most important developments in elder abuse litigation in 2020. We will review the state of pre-dispute arbitration agreements in light of recent regulatory changes and appellate decisions and how to enforce resident rights after Jarman. We will also explore how COVID-19 will impact civil litigation and civil litigation practices. There will be special emphasis on evolving standards of care in assisted living facilities.

**2:30-2:45** BREAK

**2:45-4:30** B. COVID-19 Litigation Against Long Term Care Facilities  
COVID-19 has affected seemingly every aspect of life but its impact has been most tragic in long term care. We will examine what makes a viable COVID-19 case such as common facts, pleading, the standard of care, immunity, and litigation tactics.

## DAY 2: November 20<sup>th</sup>, 2020

### Zoom Meeting Check-in: 08:00 - 8:30

**8:30-10:00** A. Trusts and 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.

**10:00-10:15** BREAK

**10:15-11:45** A. Ask the Experts: About Estate Planning  
A panel of estate planning experts: Q&A and discussion session about estate planning issues in California and provides an opportunity to ask questions from experts in estate planning.

**11:45-12:15** BREAK – grab lunch and join the Plenary Session

### Zoom Meeting Check-in: 11:45-12:15

**12:15-1:15** Plenary: Ethical Lawyering in the Age of Coronavirus\*  
This session will discuss the ethical obligations of practicing law in the current climate – delayed trials, delayed document signatures, virtual practice of law and dealing with institutionalized clients during the pandemic – a panel discussion on best practices.

### Zoom Meeting Check-in: 1:15-1:45

**1:45-3:15** B. Building Your Financial Abuse Practice  
This session delves into what you need to know about evaluating case potentials and how to develop successful settlement and trial strategies. You will also learn about EADACPA's extraordinary remedies, including its provision for obtaining property attachments, protective orders, available damages, plus a unilateral right to recover reasonable attorney's fees and recover costs.  
\*1 hour of Ethics MCLE

**3:15-3:30** BREAK

**3:30-5:00** B. Consumer Remedies in Long Term Care  
Outside of EADACPA, what other consumer remedies are out there? This session will explore: various fraud options in nursing homes such as CMS 5-star fraud and chronic understaffing; illegal nursing home discharges as financial abuse; and regulatory violations as unlawful business practices.

# CONFERENCE PROFILE

## COURSE DESCRIPTION

Conference participants will be able to choose from ten (10) 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 sessions on Special Needs 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 Session: November 18, 2020

Track B Pre conference Zoom meeting check-in: 9:30-10am, session is from 10:00am-11:00am.

### Special Legal Services Session: November 18, 2020

Zoom meeting check-in: 12:30pm-1pm, the sessions run from 1:00pm-5:00pm.

### DAY 1: November 19<sup>th</sup>, 2020

Day One Track A Zoom meeting check-in: 8:30am-9:00am, the sessions run from 9:00am -12:30pm

Day One Track B Zoom meeting check-in:12:30pm-1:00pm, sessions run from 1:00pm-4:30pm.

### DAY 2: November 20<sup>th</sup>, 2020

Day Two Track A Zoom meeting check-in:8:00am-8:30am, sessions run from 8:30 am -11:45am.

Day Two Plenary Zoom meeting check-in:11:45am-12:15pm, session is from 12:15pm-1:15pm.

Day Two Track B Zoom meeting check-in: 1:15pm-1:45pm, sessions run from 1:45pm-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 **1 hour for the EADACPA Basics pre-conference session**, 3.5 hours for the Legal Services Session, 6.15 hours on Day One, and 7 hours on Day Two, of which 1 hour on Day Two will apply to legal ethics. **Attendees must provide Bar numbers at initial registration and complete evaluation polls to qualify for MCLE.**

**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 emailed to all attendees. **Make sure to mark the legal specialization box during your registration.**

## 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.