



Sandoval's Soliloquy

A Periodic Update for Health Care Professionals Working With the Elderly and the Disabled

April 2008

Dennis M. Sandoval,
A PROFESSIONAL LAW
CORPORATION

*Providing Peace of Mind to
Seniors, the Disabled and
their Family Members*

3233 Arlington Avenue
Suite 105
Riverside, California 92506
Phone: (951) 787-7711

*Mr. Sandoval is the only
attorney in California
certified as a Taxation Law
Specialist and an Estate
Planning, Trust & Probate
Law Specialist by the
California Bar Board of
Legal Specialization as well
as a Certified Elder Law
Attorney by the National
Elder Law Foundation*

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Revised Bill 1136 Passes State Senate Committee

Last issue we told you that SB 1136, a bill that would made it a crime for non-lawyers to charge for advice on qualifying for Long Term Care Medi-Cal and other government assistance programs, had been withdrawn by State Senator Elaine Alquist of San Jose, in order to give its provisions further consideration.

SB 1136 has now reemerged and will make a it a misdemeanor for any person, including attorneys, to charge an "unconscionable fee" to qualify a person for Long Term Care Medi-Cal. While this bill has some positive attributes to it, it paints with such a broad brush it may catch both legitimate elder law attorneys as well as the Medi-Cal scam artists it is meant to target in its net.

The Bill received legislative approval in the Senate Human Services Committee on a unanimous 5-0 vote. Senator Alquist stated: "I introduced this measure to stop a new type of scam that preys on seniors' fears about the cost of health care. Scam artists are fleecing seniors for \$10,000, \$15,000, \$20,000 for a service that is provided for free by local county social services or human services offices. Seniors are losing their life savings, and we need to stop it."

If SB 1136 becomes law it would become effective January 1, 2009. The County of Santa Clara has co-sponsored the Bill. Representatives for the County have seen an uptick in situations where scam artists are charging seniors thousand dollars of dollars to fraudulently qualify them for Medi-Cal.

In one case, a 73-year old retired teacher paid \$15,000 to a group called Senior Care Advocates for Medi-Cal eligibility planning that she did not need. The Medi-Cal eligibility planning advice which she received consisted of some photocopied pages of promotional materials and the advice to give her son half the equity in her home, and divest herself of the rest of her assets. They also had a contract attorney draft a trust for her. This trust has now been reviewed by an experienced estate planning attorney who says that it is deficient and should be revised.

While groups such as Senior Care Advocates should be stopped from continuing

with these types of abusive practices, there are many legitimate reasons for planning for Medi-Cal eligibility to help cover long term care expenses and such planning often requires the use of asset transfers and trusts. The fear is that the Department of Health Services may use this new law in an attempt to dissuade elders and their advisors from engaging in legal planning strategies that have been available to them for decades. If DHS and the State legislature want to stop practices that are currently perfectly legal, they should work together to change the law dealing with Medi-Cal eligibility. In the mean time, SB 1136 should be further refined so as not to deprive elders and the disabled of the ability to seek advice from qualified experts regarding qualifying for government assistance for which they are eligible. If you have any comments you would like to share with Senator Alquist, you can contact her at her Sacramento phone number, 916-651-4013, at her office in the San Jose area at 408-286-8318, or by email at senator.alquist@sen.ca.gov.

Third Annual Caregiver Symposium a Resounding Success!!

Thank you to all our friends that attended our Third Annual Caregiver Symposium on April 18. Attendees rightfully gave this Symposium its highest rating ever — the speakers were experts in the field and were effective in conveying their knowledge to the audience. For the first time, we were also able to offer continuing education credits to RCFE administrators and well as nursing home administrators.

Dr. Constance Minton, Dean of the School of Nursing at California Baptist University, started off the Symposium with a session on Ethics and how the school is advocating a new dynamic for nurses and other health care professionals to interact with their patients. This was followed with a very informative talk on sleep disorders conducted by Dr. Stuart Menn of Pacific Sleep Medicine Services. Many attendees indicated to us that they found Dr. Menn's quite helpful in understanding behaviors they have seen exhibited in many of their elderly clients.

Susan Drummond, R.N. started off the afternoon sessions with an excellent presentation on the interaction of various drugs commonly administered to seniors. Karen Griffith, the law firm's elder care coordinator, remarked that she found this session on pharmacology and the elderly to be quite helpful. Ms. Drummond's session was follow with a discussion entitled Planning for "the Forgetting": Getting an Alzheimer's Patient's Estate and Finances in Order by Dennis Sandoval. Many attendees commented that they found the session was the best overview of life and death planning for an Alzheimer's patient that they had ever heard. Dennis' talk was followed by a session presented by Dorothy Miller with the Department of Public Social Services' C.A.R.E. program. Ms. Miller discussed elder financial and physical abuse and the mandatory reporting requirements for health care providers.

After the afternoon break featuring many yummy cookies and beverages, Dr. David Sharp conducted a session on understanding mental health issues with seniors. Dr. Sharp's session received many favorable reviews for the information he provided regarding treating mental illness in the elderly. Dr, Sharp's session was followed with a presentation by Jeanette Phillips, a County of Riverside Veterans Services representative, on Veteran's Administration Aid and Attendance benefits for in-home care as well as assisted living and skilled nursing home care.

Attendees of this year's Caregiver Symposium gave us our highest ratings ever. As always, our geriatric care coordinator, Karen Griffith, welcomes your comments regarding potential topics, speakers and locations for our upcoming events. For those of who were unable to attend this year's Symposium, we look forward to seeing you at our Fourth Annual Caregiver's Symposium on March 27, 2009. The Symposium is tentatively scheduled to be held at The Victoria Club in Riverside.

We would like to thank California Baptist University for hosting this year's Symposium and providing so many of the wonderful speakers. We would also like to express our thanks to our exhibitors and encourage you to use their services — Paul Smith with Planning Services, Inc. (lunch sponsor), Doug Rakow with Care Alternatives Hospice, Ashley Mirone with LivHome, Lisa Castillo and Patty Meinhardt with Visiting Nurses Association, Judy Williams with Wells Fargo Reverse Mortgage services, and Terri Howell with California Telephone Access Program.

Hear Dennis on the Radio

Dennis can be heard every Saturday, on his new radio show, **Senior Talk with Dennis Sandoval**. The show will highlight information of importance to seniors, including (1) planning for long term care, (2) paying for in-home caregivers; assisted living or skilled nursing facilities, (3) planning for lifetime incapacity, (4) retirement estate planning, (5) protecting assets for surviving spouses and children, (6) avoiding court proceedings such as conservatorships and probate, and (7) passing financial and non-financial wealth on to future generations in an intelligent manner. **Senior Talk with Dennis Sandoval** airs on KTIE, AM 590, the Talk of the Inland Empire, every Saturday at 2:30 p.m..



2008 Consumer Seminars

Call 951-787-7711 to make reservations – Seating is limited!!!!

Topic	Date	Location
Legacy Wealth Planning: Why Your Existing Estate Plan † Won't Work	May 7, 2008 7 – 9 p.m.	Our Classroom*
Legacy Wealth Planning: Why Your Existing Estate Plan † Won't Work	May 10, 2008 9 – 11 a.m.	Our Classroom*
Life Care Planning: Planning for Your Long Term Care Needs	May 24, 2008 9 – 11 a.m.	Our Classroom*
Legacy Wealth Planning: Why Your Existing Estate Plan † Won't Work	June 11, 2008 7 – 9 p.m.	Our Classroom*
Legacy Wealth Planning: Why Your Existing Estate Plan † Won't Work	June 14, 2008 9 – 11 a.m.	Our Classroom*
Life Care Planning: Planning for Your Long Term Care Needs	June 21, 2008 9 – 11 a.m.	Our Classroom*
Legacy Wealth Planning: Why Your Existing Estate Plan † Won't Work	July 16, 2008 7 – 9 p.m.	Our Classroom*
Legacy Wealth Planning: Why Your Existing Estate Plan † Won't Work	July 19, 2008 9 – 11 a.m.	Our Classroom*

** Unless attendance requires a larger classroom or is scheduled elsewhere, all classes will be conducted in our law firm classroom, located at 3233 Arlington Avenue Ste. 105 Riverside, California 92506 (corner of Division Street and Arlington (near Target Store and across the street from California School for the Deaf)) -- (Maximum attendance in the law firm classroom is twelve persons)*

† The reference to an existing estate plan is a reference to existing estate plan drafted by a law firm other than Dennis M. Sandoval, A Professional Law Corporation

Interested in having Dennis Sandoval or Pamela Valencia conduct a seminar for your church, employee group or other organization? We would be glad to accommodate most requests. Call 951-787-7711 now to inquire about availability of a speaker.