

# WINGS



Working Interdisciplinary Networks  
of Guardianship Stakeholders  
MINNESOTA

WINGS MN NEWSLETTER  
Vol. 4, No. 4, October, 2020

Did you find this newsletter in your spam folder? Please remember to mark us a safe sender so we don't get lost in your junk, spam or trash!

WINGS, **W**orking **I**nterdisciplinary **N**etwork of **G**uardianship **S**takeholders, is a collaborative dedicated to supporting elders, persons with disabilities, family members and helpers, service providers, guardians and conservators through education; building a system that prioritizes supportive decision making and less restrictive alternatives to guardianship, and that maximizes autonomy for persons under guardianship; and sustaining a cooperative conversation where all guardianship stakeholders work to improve outcomes and increase self-determination for people who may need assistance making legal or medical choices.

# ***Supported Medical Decision Making Best Practices in***

**6th Annual WINGS MN (Mini)SUMMIT**

***A FREE Virtual Event***

**October 21, 2020**

**Gathering/opening comments: 2:45 - 3:00**

**Program: 3:00 - 4:30**

***When a person's ability to make decisions is impaired, or is thought to be impaired, who will be involved in making medical decisions? How will those decisions to be made? What resources, laws, and ethical standards apply?***

Don't miss your chance to participate in this wide-ranging interactive discussion, featuring panelists from a broad range of roles and perspectives. Attendees will be able to submit questions to the panelists.

- **Dr. Victor Sandler** (*M Health Fairview*): a physician with over 40 years of practice in geriatrics, palliative care, and hospice;
- **Melissa Johnson** (*VOA MN Care Management & Consultation Services*): a medical social worker and care manager with over 20 years of experience;
- **Lucas Spaeth** (*VOA MN Estate and Elder Law Services*): an elder law attorney representing clients in advance directives for health care, supported decision-making agreements, and guardianship/ conservatorship issues;
- **Jamie Majerus**, (*Minnesota Judicial Branch*): Audit Manager and a person with direct experience as a family supporter and health care agent in medical decision-making;
- **Jennifer Wright**, Moderator, an elder law attorney and family supporter.

*1.5 Continuing Legal Education (Applied for)*

*1.5 Board of Social Work CEU*

**[REGISTER by Monday, October 19, 2020](#)**

This virtual event is FREE but registration **is required**  
We are unable to accommodate registrations after 10.19.20.  
You will receive link to the virtual platform the week of the event.

REGISTER NOW

## WINGS Needs you!

**While we have an active group of stakeholders comprising the membership of WINGS, we need you, our Minnesota-based community, to contribute your ideas and talents to keep the Network strong and vibrant.**

- we would like a **volunteer** or two who enjoy social media/website care and feeding to help keep our [WINGS MN website](#) relevant and engaging. Our **Working Interdisciplinary Network of Guardianship Stakeholders** are all busy volunteers, balancing WINGS contributions with our other jobs, and some tasks such as the website tend to be neglected.
- we want to recruit more **members** to help us broaden the network to ensure we are representative of Minnesota; we are specifically recruiting members from Tribes and individuals / families with lived experience with guardianship and/or supported decision making. Responsibilities include attending monthly meetings (virtually or in person).
- we publish **articles** in this newsletter of events, collaborations, and developing best practices happening throughout Minnesota: we need your contributions to help us build strong networks throughout Minnesota.

Please reach out to either of our Facilitators with your ideas and ability to volunteer.

([jamie.majerus@courts.state.mn.us](mailto:jamie.majerus@courts.state.mn.us) or [araymond@voamn.org](mailto:araymond@voamn.org))

# COVID-19 / Coronavirus Resources & Announcements

## The Administration on Community Living (ACL) offers these [ACL's COVID-19 Resources: What's New](#)

The latest from CDC:

- [Guidance for shared or congregate housing providers](#)
- [Updated information on risk factors for a severe COVID-19 illness.](#)
- [Resources for tribal communities](#)
- [Guidance on disaster sheltering of household pets, service animals, and support animals during the pandemic.](#)
- [Updated information for in-home social service providers and clients](#)

**Expanding access to telehealth:** The Centers for Medicare & Medicaid Services (CMS) is [proposing changes to expand telehealth permanently](#), building on the Executive Order on Improving Rural and Telehealth Access signed by President Trump April 3.

**Another chance to receive \$500 per child Economic Impact Payment:** The CARES Act included Economic Impact Payments of up to \$1,200 for adults and \$500 for children. In order to receive the payment for dependent children, some federal beneficiaries who did not file a tax return in 2018 or 2019 needed to provide information to the IRS. The IRS [is reopening the registration period](#) for people who were unable to provide their information in time to receive the payment.

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## CMS ISSUES NEW GUIDANCE ON VISITATION IN NURSING HOMES DURING COVID-19 PANDEMIC

On Thursday, September 17th, Centers for Medicare & Medicaid Services (CMS)

Issued this New Guidance ([here](#)) about visitation in nursing homes during the COVID-19 public health emergency. The guidance outlines person-centered principles and best practices for nursing homes to safely facilitate visits both indoors and outdoors.

Here are some Highlights:

- Visitation is a right and must be permitted when certain safety metrics have been met. Outside visits are generally allowed, while inside visits may depend upon the COVID status of the facility and surrounding community.
- “Compassionate care” visits – which are allowed regardless of the COVID status of the facility or community – are *not* limited to end of life situations. Examples of compassionate care situations include a resident who is missing necessary assistance with eating or drinking, or a resident experiencing emotional distress due to isolation.
- P&A's (Minnesota Disability Law Center) have a right to immediate access, and the state ombudsman have a right to in-person visits.
- In person support/visitation may be required in certain circumstances under the ADA/504.
- Each facility must comply with federal disability rights laws such as Section 504 of the Rehabilitation Act and the ADA.
- Healthcare workers and other providers also must be permitted.

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## Helpful Fact Sheets for People with Disabilities in Minnesota

Minnesota Disability Law Center, a federally-designated network of lawyers and advocates providing free legal help to people with disabilities in Minnesota, have developed fact sheets in response to impact of COVID-19 concerns for people with disabilities and families. Federal, state and local laws protect people with disabilities from discrimination in facilities (like hospitals), employment, education, and in their communities. This does not change during the COVID-19 pandemic.

Read these [fact sheets](#) to learn about the rights of people with disabilities in specific situations related to the COVID-19 Pandemic.

See more [helpful fact sheets](#) related to a variety of rights protections (housing assistance applications, renters rights, MN court changes, etc.) during COVID-19 Pandemic at [LawHelpMN.org](http://LawHelpMN.org)

## Local News & Announcements

### *Where can you go to get Voting Information & helpful Resources? Check these out...*

- [MN Secretary of State website](#): Where you can register to vote or check your registration; Find out where you go to vote in person on election day; Vote early by Mail; Request an absentee Ballot and Track your absentee ballot; Find out who is on your Ballot, and more!
- [Minnesota Disability Law Center Voting 2020](#) What is Different about the 2020 elections, What Voting Options Do You Have, and What to Do If You Have Problems Casting your Vote.
- [Advocating Change Together](#) (ACT) Empowering Self Advocates & offering Vote By Mail Virtual Educational Sessions
- [The Minnesota Commission of the Deaf, DeafBlind & Hard of Hearing \(MNCDHH\)](#) videos narrated in American Sign Language (ASL), with English voiceover & closed captioning.
- [Rooted in Rights](#) How to Participate in Voting If You Have an Assistant
- [The Arc Minnesota](#) 2020 Voter Empowerment - How to register, Important Election Dates, & Voting Tools for Self-Advocates & Non-profits. One-page resources [Get help Voting](#) ; [Know your voting rights](#) ; [Other ways to vote](#) ; [Polling place accessibility](#)

- [REV UP MN](#) part of the National effort started by AAPD, is a coalition of disability & mental health advocacy organizations working to promote & expand voter engagement
- This new tool from the American Bar Association (ABA): [ABA tool](#)

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## The Arc Minnesota Public Policy Director is recognized with Award

Each year, **The Arc of the United States** recognizes NCE Rising Stars from Arc chapters. The NCE Rising Star is an award given to professionals in their first five years of senior leadership who have made significant contributions to their chapter.

This year, The Arc Minnesota Public Policy Director **Alicia Munson has won an NCE Rising Star Award!** This honor recognizes the work she does to promote and protect the human rights of people with intellectual and developmental disabilities.

Alicia Munson is also a valued member of WINGS. Our co-facilitator Anita Raymond said best in response to this news, "Anyone who has been in her (Alicia's) presence knows that she is a passionate and tireless advocate: I have had the pleasure of getting to know her better, and watching her in action, these last 10 months or so in working on getting the guardianship legislation introduced to legislators and being a significant player in ensuring its progress from proposed language, to a bill, to law. I have learned so much from her and stand in awe of her tenacity and dedication. Congratulations, Alicia; you deserve this recognition and more!"

**Center for Excellence in Supported  
Decision Making**

## ***Guardianship Information Line: Ask an Expert***

**Question:** My daughter is going to turn 18 in December. Should I get started on a petition for guardianship?

**Answer:** Historically, families who have children with mental health related diagnoses and/or intellectual or developmental disabilities have been advised to seek Guardianship as their child reaches 18, the legal age of majority. Families are told they will not be able to communicate with providers or help make decisions related to their young adult's life. Each situation is unique and while Guardianship may be an appropriate option, it's important to consider whether alternatives have been explored. Some of these alternatives include a Release of Information (ROI) which the young adult could sign at their providers office, school, etc. This would allow the parent to receive information and participate in care planning and decisions. There are also Supported Decision Making Agreements that could be developed to make this more formal if needed. The [PRACTICAL](#) and [Missouri Stop Light tool](#) are excellent resources to assess needs, evaluate and build in supports as well as further evaluate the actual need for guardianship. People often aren't aware that a health care directive is a legal alternative to guardianship and can be an effective legal tool to have in place, in the event a person cannot make their own health care related decisions. At that time, the named agent receives authority to make decisions based on the persons wishes. For some, a Psychiatric Health Care Directive is a great option.

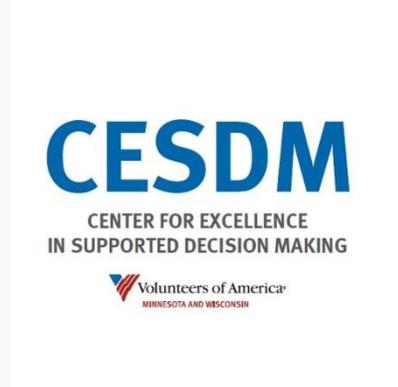
A health care directive is a legal alternative to guardianship and can be an effective legal tool to have in place. In the event a person cannot make their own health care related decisions, the named agent receives authority to make decisions based on the persons wishes. For some, a Psychiatric Health Care Directive is a great option. Even people with fairly significant impairments may be able to legally name an agent on a HCD.

If, after exploration and attempting other options guardianship is unavoidable, it is also important that you and involved professionals continue to work with your daughter during this time to build skills, capacities, and strive to learn and grow

with the goal of modifying or terminating the guardianship in the future as brain development continues in her twenties, and as she gains more skills along with building supports. Note, modifications to Minnesota's guardianship law effective 8/1/20 require time-limited guardianships for people under 30.

Each situation has unique and layered nuances, so please reach out to CESDM, VOA MN at 952-945-4174 or [CESDM@voamn.org](mailto:CESDM@voamn.org) for further consultation or check out more [Q&A's to Guardianship and Transition age youth](#).

*Do you have questions about guardianship, supported decision making or related topics? Contact Minnesota's Guardianship Information Line at [cesdm@voamn.org](mailto:cesdm@voamn.org), 952-945-4174 or toll free 844-333-1748*



Have you visited [CESDM's Facebook](#) page? We recently introduced our newest effort: the CESDM Chat series. In recent episodes, we've introduced the social work team; we discussed guardianship and mental illness; and reflected on the evolution of guardianship and supported decision making. Please check it out, and while you're there: like, share and follow us! Here is a sample: Kathleen Carlson and Amanda Hudson discuss guardianship conflict resolution ideas.



Remember that the statewide [Guardianship Information Line](#) is available for families, individuals and professionals for in-depth consultation about your specific information. CESDM also seeks to provide outreach and education: let us know if you'd like to discuss hosting a training or educational presentation in your area.

## National Scope: WINGS & Supported Decision Making News, Tools, Resources

### [Commission on Law and Aging WINGS](#)

The ABA Commission on Law and Aging is pleased to announce the ABA House of Delegates has demonstrated its longstanding commitment to advancing guardianship reform by adopting a resolution urging Congress to support a Guardianship Court Improvement Program. This program would provide much needed federal funding and infrastructure to improve state guardianship systems. For more information, see our [announcement](#) and the full [resolution and report](#). Special thanks to our cosponsors, Senior Lawyers Division, Section of Real Property, Trust and Estates Law, and Commission on Disability Rights.

Many of you will remember our discussion about a Guardianship Court Improvement Program (GCIP) at the WINGS coordinators forum in April 2019. I want to thank Erica Wood for her vision and championing of a GCIP as a national effort towards guardianship reform. As discussed in the resolution's accompanying report, the work of WINGS demonstrates how much can be done with minimal funding, and the urgent need to increase support (p. 7), "While state WINGS have advanced adult guardianship reform, their modestly funded efforts are not enough to improve outcomes for adults subject to, or potentially subject to, guardianship throughout the country. Some state courts and legislatures have committed modest amounts of funding primarily for the role of a WINGS coordinator. Other WINGS function entirely on a volunteer basis, driven by the passion and commitment of court staff and guardianship stakeholders. The continuous, significant funding of a Guardianship Court Improvement Program could serve to build upon and expand current state WINGS' work or fill the void for states without a WINGS, providing every state with consistent, ongoing technical assistance and support."

Dari Pogach

Senior Attorney, ABA Commission on Law and Aging  
American Bar Association

## Guardianship in the News

*Did you know that Minnesota's guardianship law changes were effective as of August 1, 2020?*

*Learn more about the changes in these two webinars:*

**MN Elder Justice Center** recently hosted a webinar on the changes to the Guardianship statute. Check it out [here!](#)

**The Arc of Minnesota** [webinar](#) also provides informative summary of changes to Minnesota's guardianship law during the 2020 legislative session. Arc Advocate Allycia Wolff explains some of the biggest changes and what they might mean for self-advocates and Guardians.

## Odds & Ends

July 26, 2020 marked the twenty-year anniversary of the passage of the [Americans with Disabilities Act](#). "This sweeping law prohibits discrimination by local and state governments, provides standards for privately owned businesses and commercial facilities, protects against discrimination in the workplace, and ensures equal access to healthcare, social services, transportation, and telecommunications. By enshrining these protections into law, the ADA affirms the inherent dignity of all Americans--regardless of ability. With the access guaranteed by the ADA, millions of children with disabilities have grown up with more opportunities and higher

expectations, and many more Americans have grown older with more resources and opportunities to live independently, participate in their communities and contribute in countless ways. Our communities, our economy, and our nation are stronger as a result." Lance Robertson, [Administration for Community Living](#), who announced in July that the ACL has partnered with HHS' [Office for Civil Rights](#) on a new [website](#). "The COVID-19 pandemic, which has disproportionately affected people with disabilities, underscores the importance of the ADA and other disability rights legislation. ACL, OCR, and the disability networks have been working to protect the civil rights of people with disabilities and to ensure the continuation of services despite difficult circumstances," (Lance Robertson).

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### **The Difference between Power of Attorney and Representative Payee**

This article features Medicare expert Diane Omdahl effectively distinguishing between the roles of Power Of Attorney and Representative Payee. It also highlights several helpful SSA's website features for rep payees. Review this Forbes column [HERE](#)

*Would you take a moment to let us know what you think? Do you find this newsletter valuable? Even just a brief [email](#) message would help us know if time spent preparing this is a helpful resource to you!*





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