

# Message from the Chair

I am writing this message as the summer of 2014 sadly comes to a close and fall is upon us. I am happy to report that by all accounts, we had a successful Summer Meeting in Hershey, Pennsylvania. The meeting was attended by more than 150 attorneys. I understand that the meeting may also have set a record for the most number of children in attendance. This is not surprising given its location just outside of Hershey Park. The meeting could not have been a success without the hard work and dedication of our program Co-Chairs, Joseph A. Greenman and Sara Meyers. Thanks to you both for an outstanding program. The meeting included informative CLE topics of interest to all of our members. The format included some basic and advanced presentations running concurrently. This provided timely and important information for members of all experience levels. It also included an informative update of current statutes and cases. Carrying on the tradition started by our immediate past Chair, Frances M. Pantaleo, the meeting provided Friends of Bill W meetings on both Friday morning and Saturday morning.



As a rule, life should not be all work and no play. Our Summer Meeting was certainly no exception to this rule. As in prior years, the program included a mix of education and recreation. Thursday evening started with a cocktail reception followed by dinner with music, dancing and entertainment for the children. A special buffet was provided for the children, and the DJ entertained them with balloons, dancing and games. There was also a photo booth that was in constant use throughout the evening that was enjoyed by all. After a full morning of committee meetings and CLE programs on Friday, the afternoon was dedicated to recreation. Some of our members enjoyed a mixed golf tournament at the Hotel Hershey led by Sal M. DiCostanzo as golf chair. For those who prefer tennis, Jeffrey G. Abrandt and Ellyn S. Kravitz co-chaired a tennis tournament. Friday afternoon also offered the children (and the adults) a chance to experience the many rides and attractions in Hershey Park. The day ended with a cocktail reception at the Antique Automobile Club of America Museum. For many of us this was a walk down memory lane.

I would like to express my appreciation to all of the excellent speakers who graciously devoted their time and offered their expertise in their presentations.

Our attendees certainly benefited from their efforts. I would also like to give a special thanks to Lisa Bataille, Kathy Heider and Adriana Favreau for all of their work in making the Summer Meeting a success. Although they work behind the scenes, their work is invaluable to the success of our programs. Additionally, thanks to our many sponsors and exhibitors for their financial support. If not for this financial support, the cost of our programs would be considerably higher. Special thanks to NYSARC Trust Services, Inc. (sponsor of the wireless internet service and the Antique Automobile Club Rental), RDM Financial Group (sponsor of the favors), LCG Community Trust (sponsor of the photo booth), as well as AMR Care Group and The Centers.

In my message as incoming Chair, I informed you that I had appointed a special committee for those interested in the practice of representing persons with regard to special education and that I appointed Adrienne Arkontaky as Chair. I am happy to report that our Executive Committee has voted to make this a permanent committee of our Section.

The NYSBA has launched a membership initiative entitled "Pathways to the Profession." This is an initiative to educate law school students about the NYSBA and to demonstrate the benefits of becoming part of this association as they enter the profession. Our Membership Committee, together with our Section's liaisons to law schools, have taken an active role in participating in this initiative on behalf of our Section. As part of this initiative, our Section will be making presentations at various law schools.

After the Summer Meeting, our Medicaid Committee analyzed GIS14MA/015, which was issued by the NYS Department of Health on August 5, 2014. This GIS set forth the Department of Health's policy regarding Medicaid post-eligibility budgeting rules for married persons enrolled in a managed long-term care program. Although this GIS mandated spousal impoverishment protections for the spouse of a person enrolled in a managed long-term care program, it prevented a married person enrolled in a managed long-term care program from contributing excess income into a pooled community trust. Our Section's analysis concluded that the GIS violated Federal law, and on behalf of our Section I requested clarification from the NYS Department of Health. On October 6, 2014, members of our Section were given the opportunity to meet with the NYS Department of Health. As a result of that meeting, the NYS Department of Health has requested clarification from CMS and has issued GIS 14 MA/025 which rescinds GIS 14 MA/015. Our Section owes a debt of gratitude to David Goldfarb, Rene Reixach, Valerie Bo-

gart, Aytan Bellin, Britt Burner and Matt Nolfo for their tremendous efforts on this project.

Our Fall Meeting took place at the Doubletree Hotel in Tarrytown, New York from October 30–31. Thanks to our program Co-Chairs, Jeffrey Asher and Judith Nolfo-McKenna, the program was a tremendous success. The program was sold out with 214 attorneys in attendance. We had a number of attorneys in attendance who were admitted five years or less. I was pleased to see so many new members joining our ranks. The program included presentations on the preparation, uses and abuses of powers of attorney and powers of attorney in the Guardianship Court. Other important topics that were covered included revising estate plans in light of NYS estate tax changes, decanting of trusts, retirement plans, planning with real property and advising the family on the hiring of private home health aides. The real estate portion of the program was conducted in the format of a concurrent break-out session for basic and advanced issues. Again, in keeping with our tradition, on Friday morning there was a Friends of Bill W meeting. The recreation portion of the program included a cocktail reception and an entertaining murder mystery dinner on Thursday evening.

I would like to thank all of the speakers for their excellent presentations. I would also like to thank Lisa Bataille, Kathy Heider and Adriana Favreau for a great

job in putting together the program. Unfortunately, Kathy Heider was not able to be present but she was missed. Thanks also to our sponsors and exhibitors for your continued financial support. A special thanks to NYSARC Trust Services, Inc. for sponsoring the Murder Mystery entertainers.

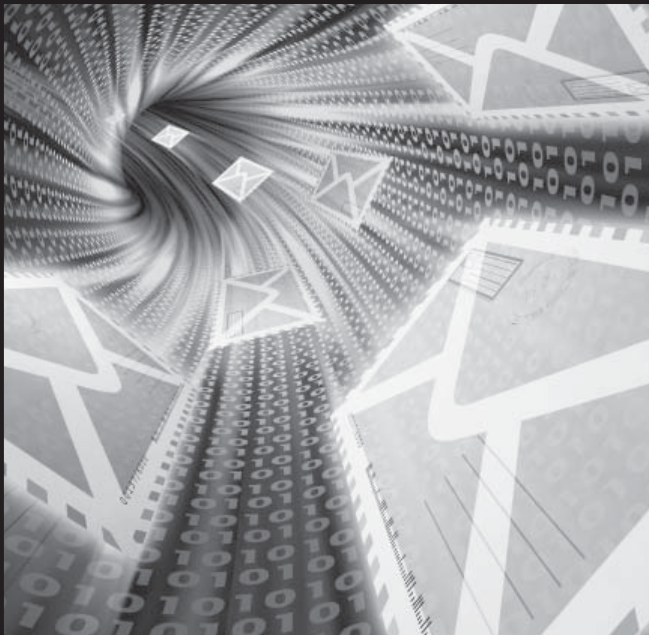
I have appointed Fern Finkel and David Okrent as program Co-Chairs for our Annual Meeting on January 27, 2015 at the New York Hilton Midtown in New York City. Fern and David are actively working on developing the program for that meeting.

After discussions at our Executive Committee Meeting, it was decided that we will run the UnProgram every other year instead of every year. Accordingly, we will not be running that program this spring.

The continued long-term success of our Section depends upon new members who will become our future leaders. I am delighted at the number of new members I had the pleasure to meet at our Summer Meeting. I am encouraged by their enthusiasm and look forward to their active participation in our Section. For those of you who may be reading this message but are sitting on the sidelines, I encourage you to become active participants, join our committees and attend our programs. We appreciate new ideas and welcome your involvement.

Richard A. Weinblatt

## Request for Articles



If you have written an article you would like considered for publication, or have an idea for one, please contact *Elder and Special Needs Law Journal* Co-Editors:

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*Articles should be submitted in electronic document format (pdfs are NOT acceptable), along with biographical information.*

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