

Message from the Outgoing Chair

Dear ELSN Section Members:

As I close my term as Chair of the Elder Law and Special Needs Section (ELSN), I can look back with satisfaction on our Section's effort to improve the lives of our clients in several areas and to improve our profession and the development of the elder law practice. I hope we will continue to focus on the work begun in consumer protection through education, advocacy and legislation. Our Section has proposed affirmative legislation to direct the banking industry to address abuse of financially frail depositors. The legislation is now before the Executive Committee of the New York State Bar Association, and it is our hope to have this legislation as part of the Association's formal legislative agenda. Our Section thanks both the Section's Committee on Elder Abuse and the Legislation Committee for the work in incorporating the input of the Business Law and Trust and Estates Sections in the effort. Special thanks to Section members who both spearheaded and advocated this important legislation: Jeffrey Asher and Britt Burner, Legislation Committee Chairs; Deborah Ball, Elder Abuse Committee Chair; Deepankar Mukerji, ELSN Section Secretary; Tara Anne Pleat, ELSN Section Chair-elect; Frances M. Panteleo, Trusts and Estates Section Representative; and Peter LaVigne, Business Law Section Chair. We will keep our members posted on the legislation's progress and will involve all in a campaign to educate our community banks' staff to be alert to possible elder financial abuse.

Our further advocacy on revising the Power of Attorney form authorized for use in New York State continues to proceed and we hope the next legislative session will



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include passing this law to improve the design, execution and use of the Statutory Power of Attorney.

The Section's ongoing challenge continues to be the availability of community based and home care Medicaid services. New York State's managed care system continues to face challenges in financing and delivering quality services throughout the state. Availability of workers to fill the growing need for services is one of the most difficult issues we advocates face, especially in the upstate and rural counties. This advocacy is needed and our Section will be funding a research project to analyze data on the utilization and funding of New York State's Managed Care System to be spearheaded by Section member, Valerie Bogart. Information can be our power, and we hope this study will give us better tools to address this ongoing issue.

The work on housing option continues in the work of the multi-disciplinary Section's Housing Task Force under the leadership of Neil Rinsky and Joseph Greenman. In addition, the Task Force on Medicaid Practice and the Unauthorized Practice of Law has received a broad based response to their survey on non-attorney Medicaid planning services. The survey will be circulated one more time and we ask those who have not completed it to take some time to provide information on agencies or services providing Medicaid planning to the general public. This will help the Section develop an advocacy strategy, and education/public relations campaign to address the inadequate, and at times, harmful advice provided to the unknowing elders and their family caregivers.

It has been a privilege to serve the Section during this year (2018-2019) and I look forward to continuing to contribute and support the incoming Elder Law Section Officers: Tara Anne Pleat, Matthew J. Nolfo, Deepankar Mukerji, Christopher Bray and Fern J. Finkel.

Respectfully submitted,

Judith D. Grimaldi

NEW YORK STATE BAR ASSOCIATION

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