

**Paralegal**  **Course Outlines**

TITLE: Elder Law  
(PARA 416)

- OBJECTIVES:
1. To provide an overview of the various public benefits programs which provide economic maintenance and financing for health care.
  2. To study the government programs, including regulations and administration of the medical assistance and Medicare programs.
  3. To study the areas of law relevant to self determination and planning for incapacity.

CREDITS: 3 semester credit hours.

INSTRUCTION: Lecture; small group work and assignments to apply rules and regulations.

EVALUATION: Tests; projects

OUTLINE:

TIME:

I. Representing Elderly Clients

6 hours

- A. Physical Limitations
  1. Communications with elderly who have hearing and visual loss
  2. Mobility problems
- B. Psychological factors
  1. Competency
- C. Elder Abuse
  1. physical
  2. emotional
  3. financial
- D. Vulnerable Adult Abuse Act
  1. administrative sanctions
  2. criminal penalties
- E. Rights of Nursing Home Residents
- F. Patient Bill of Rights
- G. Home Care Bill of Rights

- II. Patient Self-Determination Laws 8 hours
  - A. Health Care Directives
    - 1. North Dakota statute
    - 2. Minnesota statute
  - B. Durable Power of Attorney
  - C. Guardianship/Conservatorship
  
- III. Overview of Public Benefits 4 hours
  - A. Introduction and definitions
  - B. Historical Overview
  - C. Distinction between needs and insurance programs
  - D. Administration of programs
  - E. Application process
  - F. Appeals process
    - 1. Appealable issues
    - 2. Agency requirements
    - 3. Continuation of benefits
    - 4. Notice of action
    - 5. Written appeal
  - G. Common stumbling blocks to receiving public benefits
    - 1. Lack of information
    - 2. Informal denial
    - 3. Inability to document application
    - 4. Denial of benefits
    - 5. Problems maintaining benefits
  
- IV. Long Term Care Insurance 7 hours
  
- V. Medical Assistance 8 hours
  - A. Introduction
  - B. Administration
  - C. Sources of law and policies
  - D. Federal Financial Participation
  - E. Single state agency
  - F. Eligibility determinations/redeterminations
  - G. Lien and recoveries
  - H. Third party liability, assignment, and cooperation
  - I. Categories of eligibility
    - 1. Mandatory categorically needy
    - 2. Optional categorically needy
    - 3. Medically needy
  - J. Financial eligibility
  - K. Retroactive eligibility
  - L. Residency
  - M. Services
  - N. Effects of disability on the MA program

- O. Changes in income, earnings, or work activity
- P. Becoming institutionalized
- Q. Spousal impoverishment provisions
- R. Appeals process
- S. Qualified Medicare Beneficiary (QMB) program

VI. Medicare 8 hours

- A. Overview of Medicare
  - 1. Introduction
  - 2. Law, regulations, and policy
  - 3. Administration
  - 4. Description of the program
  - 5. Coverage
- B. Eligibility and Enrollment for Medicare
  - 1. Part A. Hospital Insurance
  - 2. Part B. Medical Insurance
  - 3. When benefits begin
  - 4. Evidence of entitlement
- C. Part A. Coverage: Hospital Insurance
  - 1. In-patient hospital care
  - 2. Skilled nursing care
  - 3. Home health services
  - 4. Hospice benefits
- D. Part B. Coverage: Medical Insurance
  - 1. Covered services
  - 2. Medicare payment
  - 3. Beneficiary costs
- E. Payment of Claims
  - 1. Submitting Claims
  - 2. In-patient hospital payment procedures
  - 3. Medical necessity requirement
  - 4. Waiver of liability
- F. Appeals process
  - 1. Eligibility determinations
  - 2. Part A PRO coverage determinations
  - 3. Non-PRO Pat A coverage determinations
  - 4. Part B coverage determinations
- G. Miscellaneous issues
  - 1. Medicare as secondary payor
  - 2. Overpayments
  - 3. Medigap insurance
- H. Medicare/Medical Assistance comparison

VII. Housing Alternatives 4 hours

- A. Options and Regulations
  - 1. Subsidized Housing

2. Assisted Living
3. Housing with Services
4. Board and Care homes