

Elder Law Syllabus

Fall 2010

Professor Barbara Colombo
Hamline University School of Law

General Course Information

Course: Elder Law
Credits: 2
Classroom: Room 4
Days/Times: Mondays 9:00-10:50am
Professor: Barbara Colombo
Office Hours: By appointment
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Course Description and Objectives

Welcome to *Elder Law*! This course examines several legal, ethical, and social issues raised by our nation's growing elder population. Special attention is given to: (i) elder abuse, neglect, and financial exploitation; (ii) the licensing, certification, accreditation, and general regulation of health care and housing providers, including small board-and-care providers, adult day care providers, assisted living centers, continuing care retirement communities, home health agencies, nursing homes, long-term care hospitals, and hospice facilities; (iii) end-of-life issues, including senior settlements, health care directives, surrogacy, and physician-assisted suicide; (iv) guardianship and conservatorship; (v) financial planning for retirement, including Old Age, Survivor's, and Disability Insurance (OASDI), employer-based pension plans, and individual retirement accounts; (vi) managing and paying for health care, including Medicaid, Medicare, long-term care insurance, and health care reform issues; (vii) property management, including durable powers of attorney for property, joint ownership and financial accounts, trusts, and estate planning; (viii) age discrimination; (ix) ethical issues in elder representation; and (x) other family issues, including "grandparents as parents," grandchild visitation, and later marriages and re-marriages.

Course Materials

The required text is DAYTON, WOOD, AND BELIAN, *ELDER LAW: READINGS, CASES, AND MATERIALS*, 3rd ed. (LexisNexis 2007) [hereinafter, "Text"]. The syllabus will occasionally include links to various readings which you are expected to

review in advance of class. I will be using PowerPoint for all classes, and will post the slides on TWEN after each class.

Technology Policy:

Students may use laptops for note taking. **If a student uses classroom time to read or send email messages, visit web sites or engage in any other online or technology based activities (including cellular telephones) that student will be asked to drop the course and will not receive academic credit for the class.**

Course Evaluation

There are two requirements for the *Elder Law* course:

1. **Class Participation:** This course is designed to be interactive. Students should come to class prepared to discuss the course material and actively participate in class discussions and activities. **Class participation will account for 20% of a student's final grade.** "Participation" is based on attendance, preparedness, and *thoughtful* classroom commentary.
2. **Final Exam:** A take-home (open-book) final exam will be given. Final exam date pending. **The exam will account for 80% of a student's final grade.**

Course Attendance

At the beginning of each class, I will distribute a class roster for you to sign. If you are absent for more than three classes, your absences will be treated as "excessive unless you have approval from me in advance. Whenever possible, please let me know in advance if you will be absent from class.

WEEK 1: August 23

Elder Abuse, Neglect, and Financial Exploitation

In Chapter 1, read pages 25-30.

In Chapter 7, read pages 369-373, 383-385, 401-449.

<http://www.msnbc.msn.com/id/28051548/>

WEEK 2: August 30

"Housing with Services" Regulation

In Chapter 9, read pages 528-531.

WEEK 3: September 13

Nursing Home Regulation

In Chapter 9, read pages 532-561.

WEEK 4: September 20

Home Health Agency Regulation

2002 GAO Report available here: <http://www.gao.gov/new.items/d02663.pdf>

WEEK 5: September 27

Hospice Regulation

2000 GAO Report available here: <http://www.gao.gov/new.items/he00201t.pdf>

In Chapter 11, read pages 677-684.

WEEK 6: October 4

Age Discrimination

In Chapter 3, read pages 125-178.

No Class October 11

WEEK 7: October 18

Managing and Paying for Health Care, Including Medicare and Medicaid

In Chapter 8, read pages 451-487.

WEEK 8: October 25

Ethical Issues in Elder Representation

In Chapter 2, read pages 73-123.

WEEK 9: November 1

Financial Planning for Retirement

In Chapter 4, read pages 207-241, skim pages 242-273.

WEEK 10: November 8

Property Management

In Chapter 5, read pages 275-320.

WEEK 11: November 15

Guardianship and Conservatorship

In Chapter 6, read pages 345-368.

WEEKS 12 and 13: November 22 and 29

**End-of-Life Issues: Senior Settlements; Health Care Directives; Surrogacy; and
Physician-Assisted Suicide**

In Chapter 11, read pages 609-684.