

## Effectively Handling Unique Elder Law Issues

In past newsletters, articles have been written on the importance of having an estate plan in place. Going a little deeper, this article concentrates on how to correctly and appropriately handle unique elder law situations that may arise.

Elder law is different than traditional estate planning in the sense that elder law does not focus on death and taxes. It focuses, rather, on those times when family members need assistance with an important legal matter. Those matters range from simple to unbelievably complex.

Below are a few examples:

- You need to call your mother's doctor's office and also her pharmacist to get a prescription straightened out. Neither the doctor's office nor the pharmacist will give you any information unless you have the legal authority. Our Firm can assist you with getting the legal authority you need.
- Your family has been informed that your father has dementia and should not be driving or handling his own affairs. A social worker told you to go to the probate court for guardian and conservator. Our Firm can assist you with how to go about getting this accomplished without the expense of lifetime probate.
- Your father is in a nursing home. You need to get a Medicaid application in as soon as possible to cover the bills. This complicated application needs to be done correctly the first time or you will face denial and bills in the tens of thousands of dollars. Our Firm can assist you with completing the application correctly the first time and pre-

servicing a good part of your father's lifetime of providence.

- You have an adult disabled son. You want to leave him an inheritance without him losing benefits. Our Firm can assist you with creating a special needs trust.
- You want to apply for Veterans Administration Aid and Attendance benefits for your husband, a veteran of World War II. You were told he might get \$1,950 a month from the VA. Now you have learned you and your husband are "over asset." Our Firm can assist you with getting your rightful benefits and safely preserving your life savings.
- Your wife has Alzheimer's and is living in a nursing home. You are facing financial ruin. Our Firm can assist you with keeping your home and your life savings.
- You and your husband have just retired and are looking forward to travel and adventure. You are both in great health, however, legal documents should be in place should either of you experience a health emergency while traveling. Our Firm can assist you with the creation of these important documents.

An elder law attorney at our Firm can successfully assist you and your family members with handling those unique elder law situations that may arise. Please call our Livonia office at (734) 261-2400 for additional information.

We will be hosting an Elder Law seminar in the near future. If you are interested, please contact Jennifer Sherman at (734) 261-2400 or [jsherman@cnda-law.com](mailto:jsherman@cnda-law.com).

## Eileen Husband Featured in Crain's Detroit Business

**W**e are pleased to announce that Eileen K. Husband, a partner in our Livonia office, was featured in the August 1, 2011 publication of Crain's Detroit Business. The article details her experience with education law in Michigan, specifically as co-general counsel to the Michigan Community College Risk Management Authority where she handles the litigation defense and labor negotiations for 20 state community colleges.

Ms. Husband is an experienced litigator and very knowledgeable in labor negotiations and union grievance arbitrations. She works proactively with clients in the development of policies and practices to prevent lawsuits and claims. She pro-

vides guidance regarding the Americans with Disability Act, the Family and Medical Leave Act, sexual harassment, discrimination issues as well as disciplinary and termination matters. She also provides legal advice regarding labor relations, benefits, drug testing, human resource policies, and employee handbooks, reductions in workforce and risk avoidance.

If you haven't already read the Crain's article, please visit our website at [www.cmda-law.com](http://www.cmda-law.com) to view a copy of it.

Ms. Husband can be reached at (734) 261-2400 or [ehusband@cmda-law.com](mailto:ehusband@cmda-law.com).

## An Introduction to Privacy Law Privacy is None of Your Business. . .NOT!



Michael A. Bender

**I**ssues involving privacy law are everywhere. Literally every day headlines in the national and local media deal with privacy issues. A few recent examples include: "Hackers Breach Second Sony Service", "Thieves Swipe Debit Card Data", "HHS Slaps \$4.3M Fine on Cignet for HIPAA Privacy Violations" and "Does the Murdoch Hacking Scandal Signify the End of Privacy?"

It is important for businesses and consumers to understand the many ways in which privacy law affects them and how to make sure they are protected.

### Businesses

Business people find it difficult and confusing to know how the ever-expanding body of federal and state legislation, regulation and case law decisions affects their company. Many large businesses have compliance officers, and possibly an entire department, dedicated to monitoring and implementing privacy initiatives. Smaller businesses, although often less regulated, nevertheless need to comply with a patchwork of privacy law and regulation. Privacy law compliance is necessary if a business gathers and/or stores any of the following information:

- personal information
- financial information
- medical information
- employment information
- credit/debit card data

Understanding privacy law and how to comply with it is essential to avoiding inadvertent violations and the potential liability that could arise, such as regulatory enforcement actions or lawsuits. Understanding privacy law leads large and small companies to have a "best practices" approach to reduce the likelihood of violations, as well as to reduce the potential legal impact of data breaches.

### Consumers

Consumers should have some idea of privacy law, how information about them is gathered and used and what control they can have over it. Anyone who has applied for a loan or a credit card, made a cell phone call, sent a text message, used the Internet, gone to the doctor or hospital, been an employee or employer or used a rewards card has shared personal data that could legally be shared with other entities for various purposes. Individuals can limit, to a certain extent, the sharing of their information if they understand their responsibility in the process and the actions they need to take.

Since privacy law is such a broad and ever-expanding topic, future newsletter articles will go into more detail about specific issues affecting businesses and consumers and how our Firm can effectively ensure compliance with the law.

Michael A. Bender

Michael Bender is an Of Counsel attorney in our Livonia office where he concentrates his practice on commercial law, secured transactions, loan default workouts, consumer lending, privacy, litigation and bankruptcy. He can be reached at (734) 261-2400 or [mbender@cmda-law.com](mailto:mbender@cmda-law.com).

## COMMUNITY COLLEGE CORNER



Patrick R. Sturdy

Colleges face a myriad of potential hazards and crises, including natural hazards, as well as hazards from school violence, infectious disease and terrorist threats.

A security assessment may aid the college in taking steps to prevent and mitigate potential risks. A security assessment should begin with reviewing all existing security policies and procedures, including crisis management and emergency plans, collecting campus crime statistics, assessing the existing con-

ditions of campus buildings and grounds and reviewing any planned future facility developments.

During this review, administrators should identify potential vulnerabilities and needs. Administrators can then develop a prioritized list for addressing each risk based upon such factors such as likelihood of occurrence, magnitude of the risk and potential for prior warning.

If you have any questions about what you have read or want additional information, Mr. Sturdy can be reached at (734) 261-2400 or [psturdy@cmda-law.com](mailto:psturdy@cmda-law.com).

### E-mail Version of Newsletter Coming Next Month

Starting next month, in addition to mailing hard copies, we will begin e-mailing our monthly newsletter. Please let us know if you would like to receive the e-mail version by notifying the attorney you work with or Jennifer Sherman at [jsherman@cmda-law.com](mailto:jsherman@cmda-law.com).

As always, if you have an address or name change, please send the updated information to Jennifer as well. Thank you for your assistance.

## Health Care Law

### Has Your Business or Municipality Developed an Action Plan to Ensure PPACA Compliance?



Jesse C. Vivian

All clients, especially businesses and municipalities, should be paying attention to federal laws and implementing regulations that went into effect since the Patient Protection and Affordable Care Act (PPACA) passed last year. These regulations are complex and often require the expertise of a health care law specialist who can explain the requirements as they apply to individual

clients in a way that is easy to comprehend and utilize.

If your business or municipality does not already have an action plan, one should be developed and implemented. A partial checklist of things to consider including in your action plan are the following:

- fraud and abuse enforcement
- insurance reforms
- reimbursement
- employment matters
- mandatory employment benefits

- changes in retirement benefits
- tax-exempt status
- information technology
- corporate governance
- strategic alliances
- HIPAA privacy considerations

If your business or municipality already has an action plan developed, it should be reviewed and revised annually to ensure compliance with the reforms mandated by the PPACA.

Our business and health care attorneys are fully competent in health care law, the ever changing regulations and proposed reforms. They are available to assist clients in the implementation or review of an action plan to ensure compliance with these laws.

Jesse C. Vivian

Jesse Vivian is an Of Counsel attorney in our Livonia office where he concentrates his practice on health care law. He can be reached at (734) 261-2400 or [rvivian@cmda-law.com](mailto:rvivian@cmda-law.com).

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## Our Vision

To meld our legal expertise, professional support staff, technical resources and variety of locations to deliver first rate legal services at a fair value to a full range of business, municipal, insurance and individual clients.

On Law is a monthly publication from Cummings, McClorey, Davis & Acho, P.L.C.

Comments and questions regarding specific articles should be addressed to the attention of the contributing writer. Remarks concerning miscellaneous features should be addressed to the attention of Jennifer Sherman.

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