

2019 Florida Elder Justice Conference: Panel Descriptions

In addition to the **Plenary Panel** discussion of the Older Americans Act and its impact at national, state and local levels, there are eleven (11) Panel Sessions outlined below:

Home ownership issues for Low-Income Clients: Experienced legal services attorneys will identify and discuss threats to homeownership afflicting vulnerable seniors and how to respond to those threats. Discussion will include not only legal defenses but also the important role of the private bar and judiciary and the importance of collaboration. Judge Catherine Peek McEwen will discuss innovative responses by the bench and bar of the Bankruptcy Court of the Middle District of Florida to the needs of low-income debtors. The panel will discuss representation of cognitively impaired seniors and the recently adopted local rule in the Bankruptcy Court of the Middle District of Florida that provides a protective and streamlined process for bankruptcy filing by “next friend.”

Representing Residents of Long-Term Care Facilities: This session will address multiple facets of representing long-term care facility residents, including program development and substantive law. The program development discussion will include how to attract more clients, and possible partnerships within the aging network. The substantive law discussion will include federal nursing facility law, assisted living law, and potential uses of consumer law to protect residents’ interests.

Ethics: Avoiding “Ethical Alligators” in Elder Law: Alligators are fast and can surprise you. Participants at this interactive session will learn how to identify and avoid the unique ethical dilemmas faced by elder attorneys.

Protecting Vulnerable Elderly Consumers: This session will include how to serve seniors whose financial stability is impacted by debt collection and credit reporting practices. Topics will include medical debt, unwanted telephone phone calls, debt collection lawsuits, vehicle repossessions, improper credit reporting, door-to-door scams, and general personal debt issues. Panelists will discuss the Fair Debt Collection Practices Act (FDCPA), Florida Consumer Collection Practices Act (FCCPA), Fair Credit Reporting Act (FCRA), Telephone Consumer Protection Act (TCPA), and the Florida Deceptive and Unfair Trade Practices Act (FDUTPA). The session will also discuss strategies for dealing with identity theft. Strategic partnerships between legal aid and private attorneys in both pre-litigation and litigation matters will be analyzed.

Medicaid managed care: helping elderly clients obtain medically necessary services: This session will review the current landscape of managed care for elderly and disabled Floridians, including those receiving HCBS. In addition to a review of the governing authority, this session will include interactive skills development on issue spotting, grievances/ appeals/fair hearings, as well as discussion and strategic outreach for HCBS enrollees who are unlikely to come to a legal aid office.

Medicare Issue Impacting Low-Income Seniors: This session will focus on coverage basics and hot topics for low-income Medicare beneficiaries, including those dually eligible for Medicaid, the Medicare Savings Programs (QMB, SLMB, QI), QMB billing protections, Part D Extra Help and Medicare Advantage and Dual Eligible Special Needs

Plans (D-SNPs). The panel will also talk about outreach, education, screening and referral best practices and how legal aid organizations can build and leverage relationships with SHINE counselors and Florida ADRCs. We will end with Q&A.

Tenants Rights and Affordable Housing Issues Facing Seniors: When low income seniors lack safe and affordable housing, there can be devastating results—ranging from homelessness, to institutionalization to being forced to move from one’s long time community and providers. This session will explore the legal landscape and advocacy hooks for affordable housing (both current and potential); and what legal aid and ADRC can do, including how to tell the story that connects individual narratives to the social determinants of health for seniors

State Legislation Impacting Florida’s Low-Income Elders: Current Issues, Future Priorities, and Advocacy Lessons: This session will identify the key legislative issues impacting low income elderly and discuss the role elder advocates can play in outreach and education related to legislative advocacy.

Using Technology to Identify the Legal Risks of Vulnerable Adults: Many of the most vulnerable elders are isolated by poverty or limitations associated with their mental and physical conditions. This panel will explain a new tool, which allows those in the aging network who interact with these vulnerable adults to get a legal risk assessment, which can trigger a referral/connection to local legal services for much-needed assistance. We’ll also highlight the brand new website, FloridaElderLaw.org, which will serve as a convenient access-point to the legal services delivery system for seniors, their families, and advocates.

Maximizing advocacy through public-private partnerships: Given the complex challenges facing Florida's growing elderly population and the need for more advocacy resources, there is a need to both "think and work out of the box." This session will discuss strategic collaborations between community leaders, pro bono attorneys and foundations for needed elder justice advocacy.

Florida’s financial exploitation injunction: This session will explore the history, status of this relatively recent law, including the role of different “players in the legal system”—from the legal aid/pro bono /elder lawyer to clerks of court.

There will also be a “**Rapid Fire Panel**” with brief presentations on the following:

- Tax issues impacting seniors
- Providing income trusts through legal aid
- Dental coverage for seniors through Medicaid and Medicare
- Building bridges between legal aid attorneys and consumer protection attorney with the Attorney General’s office
- Use of social workers in legal aid elder practice
- Ethical legal partnerships for vulnerable elderly
- Retroactive Medicaid: why it is critical for seniors and the chances of restoring coverage
- Life planning: The role of legal services
- Guardianship: a national overview of issues

