



Elder Law Newsletter

April 2005

Dennis M. Sandoval,
A PROFESSIONAL LAW
CORPORATION

*Protecting and
Preserving Wealth for
Future Generations*

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*Mr. Sandoval is the only
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The Governor Withdraws Emergency Life Estate Regulations After Being Sued by California Advocates for Nursing Home Reform

In a stipulated settlement to a lawsuit filed against him and the California Department of Health Services (“DHS”) by California Advocates of Nursing Home Reform (“CANHR”), Governor Schwarzenegger withdrew the emergency regulations issued in February of this year until DHS had complied with the requirements regarding advance public hearings, comment and filing provisions of the California Administrative Procedures Act.

While this does not mean that these regulations regarding recovery against life estates will never become effective, it does mean that the public, as well as various organizations such as CANHR, California Disability Community Action Network (“CDCAN”), the Southern California and Northern California Chapters of the National Academy of Elder Law Attorneys (“NAELA”) and various other public interest organizations will be able to comment on the impact of the regulations and hopefully have input as to how they should be redrafted in order to comply with federal law and remove numerous ambiguities. The issues of retroactive application and the encouragement of Medi-Cal fraud will be heavily addressed with the governor and DHS by these groups.

Dennis M. Sandoval is one of the attorneys from the Southern California Chapter of the National Academy of Elder Law Attorneys that traveled to Sacramento late last year to voice concerns regarding the issuance of regulations on an emergency basis. Mr. Sandoval is active with the Advocacy Committee of the California NAELA Chapters, as well as with CDCAN, to work to assure that DHS does not abuse its powers in attempting to restructure Medi-Cal in light of California’s current fiscal crunch. Dennis is working especially hard to assure that seniors that implemented legal Medi-Cal planning strategies year ago in good faith reliance on the laws at that time do not see all their efforts unraveled by retroactive application of any new regulations that are implemented.

Can We Be of Assistance?

Dennis M. Sandoval, A Professional Law Corporation, specializes in estate planning (including probate administration and trust / will contests), asset protection planning, elder law (including qualifying for Medi-Cal coverage, conservatorships, and creation of Special Needs Trusts for disabled beneficiaries) and tax controversy work (including federal and state tax audits, appeals and litigation). All of your referrals will be handled promptly and professionally.

Mr. Sandoval is available to speak to your group or organization. Call (951) 787-7711 to schedule him to speak on any topic relating to estate planning, elder law, asset protection or taxes.

| Upcoming Seminars / Classes for Professionals | | | |
|---|-------------------|-------------|---|
| Planning Traps for Gays and the Elderly Under the California Domestic Partner Rights and Responsibilities Act of 2003 | 4/9/2005 | 9 am – noon | University of California at Riverside Extension (UNEX) 3 hrs. Attorney CLE |
| The Basics of Medi-Cal Planning for Long Term Care | 4/30/2005 | 8 am – 5 pm | UNEX 7.5 hrs. Attorney CLE |
| Naming a Trust as Beneficiary of a Retirement Plan: A Magical Mystery Tour; Federal Estate Tax Repeal Update and Recent Developments; Using a (d)(4)(A) Trust to Protect Benefits of Disabled Beneficiaries | 5/12 – 5/15/2005 | TBD | American Academy of Estate Planning Attorneys Eden Roc Resort & Spa Miami |
| Retirement Plan Distribution Rules: A Magical Mystery Tour; Federal Estate Tax Repeal Update and recent Tax Developments | 5/19 - 5/22/2005 | TBD | National Academy of Elder Law Attorneys Fairmont Hotel San Francisco |
| The Basics of Conservatorships in California | 5/26/2005 | Noon – 1 pm | Kaiser Hospital Riverside |
| The Mechanics of Drafting First Party and Third Party Special Needs Trusts in California | 6/18/2005 | 9 am - noon | UNEX 3 hrs. Attorney CLE |
| Maintaining and Maximizing Government Benefits for Special Needs Beneficiaries: The Basics of Administering a Special Needs Trust | 6/18/2005 | 1 pm – 4 pm | UNEX 3 hrs. Attorney CLE |
| Retirement Plan Distribution Rules: A Magical Mystery Tour; Federal Estate Tax Repeal Update and recent Tax Developments | 9/29 - 10/2/2005 | TBD | National Academy of Elder Law Attorneys Sheraton New Orleans New Orleans |
| Topics to be Determined | 10/6 – 10/10/2005 | TBD | American Academy of Estate Planning Attorneys Catamaran Hotel San Diego |