SENIORS' LEGAL RIGHTS

FROM THE OFFICE OF
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This brochure is intended to be used as a source for general information and is not provided as legal advice.

Seniors' Legal Rights is written and published by the Minnesota Attorney General's Office. This handbook is available in alternate formats upon request.

The Minnesota Attorney General's Office values diversity and is an equal opportunity employer.

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Additional publications for seniors are available from the Minnesota Attorney General's Office. Contact us to receive copies or preview the publications at *www.ag.state.mn.us.*

Consumer Protection

Beware of Fraud

Today's marketplace is an ocean of goods and services offering us so many choices about where to spend our money. Whether it is buying a particular product, purchasing a needed service, or giving financially to a cause we believe in, we want to feel in control of our resources and use them to benefit ourselves and others.

Unfortunately, while providing us many opportunities, that vast marketplace has its share of crooks and thieves eager to swindle unsuspecting consumers. If you are an "older" consumer, you are a special target for con artists. People over the age of 50 represent about 56 percent of scam victims.

Scams come in sizes large and small and can range greatly in complexity. Scams may originate from someone as close to you as your next door neighbor or a stranger halfway around the world.

Scams come in sizes large and small and can range greatly in complexity. Scams may originate from someone as close to you as your next door neighbor or a stranger halfway around the world. Despite these differences, the crooks that perpetrate these scams have one thing in common. They want to steal your money.

Someday you or someone you know will encounter a scam run by a con artist willing to say just about anything to steal money. It is always a good rule to remember that when a deal sounds too good to be true, it probably is. If someone offers you something big for little or nothing in return, it's time to walk away.

Most senior citizens grew up in a time when business was done with a simple handshake and a verbal agreement. Transactions were conducted on trust and reputation. Unfortunately, crooks prey on that trust. "Minnesota nice" can work against you. Con artists know that Minnesotans are a polite bunch, willing to listen to sales pitches and promises. The longer the con artist holds your attention, the more likely you are to start believing the pitch.

Fraud can financially devastate older Minnesotans.

Fraud can financially devastate older Minnesotans. Most seniors live on fixed incomes such as a pension, and one-fifth of Minnesotans over the age of 60 depend solely on Social Security for income. With fixed incomes it is nearly impossible to replenish bank accounts or money saved for retirement after it is taken by a scam.

Clues to a Con

Be alert to crooked callers and con artists. Don't fall for their scams. It might help to know they usually use tactics like this:

- Watch out when you are asked for your credit card number or checking account number.
- Watch out when you are pressured to act quickly.
- Watch out when a salesperson wants to pick up your cash or check immediately, or have you wire money to them.
- Watch out if someone uses persuasive language and persistence to get you to trust them.
- Watch out when a salesperson contacts you when you're lonely. They may call day after day until you feel they're a friend, not a stranger, trying to sell you something.
- Watch out if you find it hard to get salespeople off the phone, even when they're selling something you don't want. You don't want to be rude, but hanging up is the smart thing to do!
- Watch out when a salesperson is reluctant to provide written materials about his or her products or company. Reputable companies will give you a copy of their contract and time to review it before you sign it.
- Watch out if someone promises you prizes for buying products. These products are usually sold at ridiculously high prices. You may be asked to pay $500 to $2,000 for items that are worth less than $100.
- Watch out when someone promises to recover money you have lost to "bad" companies, or settle your debts for a fraction of what is owed.

The following are thumbnail sketches of the most prevalent scams that the Minnesota Attorney General's Office hears about. **Remember, con artists are creative and they constantly devise new ways to steal your money. We hope this information assists you in recognizing the early warning signs of a scam**.

"You-Have-Won" Calls and Mail

You may have already seen or heard this one. You receive a call or a piece of mail that says, "Congratulations, you have just won a fabulous prize. Please choose between diamond ring jewelry, a deluxe vacation, or an entertainment center." This may seem like your lucky day, but do not let temptation override your good judgment.

Be extremely skeptical because prizes may never be awarded and may not be worth collecting. Sometimes consumers don't know they have been scammed until they see the so-called "prize." For instance, that beautifully pictured diamond they say you won might be the size of a pinhead and virtually

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worthless. That deluxe vacation may be worthless coupons to poor lodging in a place you would never stay. How about that new car? Nothing more than an invitation to a high pressure sales pitch at a dealership.

You can spot this scam almost right away if you look for these clues:

- The caller or the mail piece claims that "You have won a prize."
- In order to get your "prize" you are told to purchase a product such as a magazine, pay a processing fee, or prepay taxes on your winnings.
- You are asked to provide a credit card or checking account number to get the "prize."
- You are pressured to act quickly. You may be told to send a large amount of money within 24 to 48 hours to secure your winnings.
- You are asked to send money by overnight delivery or by using a wire transfer service like Western Union or MoneyGram to a company in another state or country.

Protect Yourself.

You may feel tempted to play along, but for your protection, hang up the phone or throw away the mailing. **If you really win a prize, you will get it absolutely free, with no strings or fees attached—Minnesota law says so.** Never give out your credit card number, checking account number, or Social Security number. If you had really won, a legitimate company would not request such information. Make sure to report the call or mailing to the Minnesota Attorney General's Office.

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Lotteries

Senior citizens are targets for con artists running lottery scams. Be on alert for telephone solicitations, mailings, and e-mail correspondence promising you riches. These scam artists are offering you nothing but the chance to be taken. Do not let a desire to "strike it rich quick" cloud your better judgment. Watch out for these sure signs of a losing proposition:

- You are contacted by telephone, mail, or email and told that you have the opportunity to win the lottery in a foreign country such as Canada, Spain, or Australia.
- You are told that your odds of winning increase when "group purchases" of lottery tickets are made.
- Never give out your credit card numbers, checking account information, or any other banking information to people claiming to be lottery officials. Fraudulent operators will use this information to commit identity theft and access your account at will.
- Do not believe claims that you must pay to collect your winnings. Although lottery winnings may be subject to taxes, a legitimate lottery

operation will simply deduct a portion of the winnings in lieu of the tax payment.

- Beware of solicitations that pressure you to act quickly by sending a check, money order, or wire transfer to another country to pay a lottery processing fee. Once your payment has left the country, U.S. law enforcement may have difficulty recovering your money.

Protect Yourself.

Participating in a foreign lottery is illegal in Minnesota and violates state and federal law. Only lotteries approved by the State of Minnesota are legal.

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Home Improvement Scams

One day when working around the house you may be approached by an individual claiming to be a roofer, a landscaper, or a painter working in the area seeking to do home improvement work for you at a discount. When you have never had contact with this individual or company, take some time to do a little checking. If you don't, you might be getting set up for poor quality work at a high price. To detect a home improvement scam, watch for these signs:

- You will be solicited by a "fly by night" contractor or salesman who has no local connections.
- The person offers to pave or seal your driveway, fix a window, do landscaping, repair your roof, or paint your house with what are supposedly "supplies left over from another job."
- The person refuses to give you references or a warranty.
- You are pressured to make a decision immediately. You may be told that the offer is only good for that day.
- You are verbally quoted a price but coerced to pay more after work is started or completed.
- The salesman or contractor demands cash as payment.
- The salesman or contractor refuses to put the terms of your agreement in writing, or will not give you time to carefully review the contract.
- Work is completed quickly and poorly (although you might not discover how poorly until the workers are long gone).

Protect Yourself.

Don't be pressured. Before you allow any work to be done, contact several local contractors for an evaluation and estimate. Compare the bids and take at least 24 hours to make a decision. A reputable company will give you time to think. Never pay for the work before it's completed. If you think you have been scammed, contact the local police or sheriff's office.

Business Opportunities

Scam artists work hard to sell their business opportunities to you, pitching "opportunities of a lifetime" at seminars, on television, in newspaper advertisements, and through mailings. Typical business scams share common characteristics that give them away:

- Seminar speakers, callers, or mail solicitations offer recipients the opportunity to make money with little effort.
- Statements regarding the honesty and integrity of a company are bolstered by reports of how long the company or individual has been in business.
- The safety of your investment is "guaranteed" and you are promised significant financial rewards.
- The opportunity is only available to a few people.
- The offer is only good right now, and you must act immediately.

Protect Yourself.

Don't do business on the phone with people you don't know. Before committing any money, check out all business opportunities with the Better Business Bureau and the Attorney General's Office.

Contests

Deceptive contests lead participants to believe they have won, or are about to win, cash or extravagant prizes.

Deceptive contests lead participants to believe they have won, or are about to win, cash or extravagant prizes. Some Minnesota victims have lost tens of thousands of dollars by spending only $5 to $20 at a time. Watch for these warning signs:

- The solicitations include phrases like "You Are In First Place" and "You Are Tied For A First Place Grand Prize."
- Contest companies require you to complete quizzes which begin with very simple questions designed to be answered correctly by the vast majority of people.
- You are required to mail in "entry fees" ranging from $5 to $20. This process is repeated over and over again, as the contest promoters continue to mail more solicitations to the same people, informing them that they have "advanced" to another stage, and that another "entry fee" is required.

Protect Yourself.

Don't play along. These contests offer nothing but the chance to be taken. Be wary of contests that seem ready to trick you—with stages of competition to get through, or impossible puzzles to solve.

Sweepstakes

Don't be confused or misled by the many companies that sell products by mail and use contests or sweepstakes to catch your attention. Remember:

- Businesses take part in sweepstakes offers in order to sell consumers products or services and to attract consumers' attention to the products or services they sell.
- You have not won. Sweepstakes are a game of chance. If you enter, your entry will have the same chance to win as every other entry. No one knows who the winner is until after the sweepstakes ends.
- Enter for free. You don't have to buy anything to enter a legitimate sweepstakes.
- Buying will not help you win. Your chances of winning without purchase are the same as the chances of someone who buys something. It is illegal to give any advantage to buyers in a sweepstakes.
- The odds of winning are small. The mailing must state the actual odds of winning the advertised prize.
- Sweepstakes companies must remove you from their mailing lists if you inform them of this request by mail. (See page 21 for more information on reducing sales calls and junk mail.)
- Do not give out your credit card number or checking account number to a company you do not know. This personal information is never required to enter a legitimate contest.
- "Free" should mean free. Remember, if you really win a "free" prize, you will get it absolutely free, with no strings or fees attached.
- In every telemarketing call involving a prize promotion, federal law requires that the telemarketer tell you:
  - The odds of winning a prize.
  - That no purchase or payment is required to win a prize or participate in a prize promotion.
  - How to participate without buying or paying anything.
  - What you will have to pay or the conditions you will have to meet to receive or redeem a prize.
- Do not be deceived by letters that look official or urgent. Some direct mail solicitations use names that resemble official organizations, such as the lottery or a parcel delivery service. Others use envelopes that look like they contain a check.
- **Read the solicitation carefully, including the fine print.** Certain promoters choose to bury important information in small print or use clever marketing techniques to qualify a prominent "You have won!" message.

Don't be confused or misled by the many companies that sell products by mail and use contests or sweepstakes to catch your attention.

Read the solicitation carefully, including the fine print.

Protect Yourself.

Remember, you do not have to order merchandise or pay money to enter a contest or sweepstakes. Avoid contests and sweepstakes that want money first.

Recovery Companies

A caller offers to help you recover the money you paid to a dishonest company when you were hoping to receive a prize. The caller asks you to pay a fee for helping you "get your money back." These services are usually worthless. Often these companies just give you a form letter to fill in and send to the Minnesota Attorney General's Office. (The Attorney General is not connected with these companies in any way. The Attorney General does try to help consumers who have problems with sweepstakes, contests, and other prize offers, but there is never a charge for this help.)

Protect Yourself.

If you have lost money to a scam, report it to your local law enforcement and the Attorney General's Office. It is difficult to recover money lost to scams, but the Attorney General's Office will try to get your money back for you. There is no charge for this service.

Chain Letters

These letters promise instant riches while assuring the recipient that the letter is legal. In fact, chain letters are illegal. The promised "payoff" will supposedly come to the participant after he or she follows the directions for continuing the chain. However, this "pyramid" always collapses, creating many losers.

Get-rich-quick schemes just don't pay off.

Protect Yourself. Get-rich-quick schemes just don't pay off. It is impossible to bring in enough new recruits to keep a pyramid scheme afloat. The original promoters may make money, but everyone else down the line will probably lose everything they've invested. Ask a persistent caller if they would be willing to explain their proposal to your attorney, accountant, or the Attorney General's Office.

Bank Scams

In the Bank Examiner Scheme, a swindler poses as an FBI agent, a bank examiner, a police officer, or detective. The con artist will ask to meet with you, pretending to need your help with an investigation. You will be asked to withdraw your money and give it to the phony official. The swindler promises to redeposit your money to you, but you won't see the money ever again.

Protect Yourself.

Banks don't use citizens to help conduct investigations. If you are contacted by a con artist hoping to use this scheme to steal money from your bank account, contact your local law enforcement agency.

Look-a-Likes

Many con artists set up fake businesses and charities, using the actual or similar names of real businesses and charities. They want to convince you the business is real so you'll send them money. Fake or "look-a-like" scams often use well-known names of national organizations.

Protect Yourself.

Do a little homework so you know who you are really dealing with. See page 23 for more information on wise charitable giving.

Work-at-Home

Advertisements are placed in local newspapers and small neighborhood papers promising guaranteed earnings of $500 or more per week. The tasks vary, but common scams include stuffing envelopes, preparing mailing lists, and making simple products (such as jewelry or fishing lures). You are asked to send money to obtain the plan. Sometimes you won't receive anything. Other times you will receive instructions telling you to duplicate the process by which you were conned.

Protect Yourself.

Remember that if it sounds too good to be true, it probably is.

Advance Fee Schemes

You may receive a letter, fax, or email from a person representing himself/herself as a "banker," "attorney," "government official," or "widow" from a foreign country. Letters are usually marked "urgent" or "confidential" and postmarked from Nigeria or other foreign countries. The letter proposes that you let this person use your bank account to transfer money to this country. The amounts proposed for this transaction are often $10,000,000 or more. You are offered a percentage of the money (often 30 percent) for assisting with the transfer of funds. To prove your honesty, you will be asked to pay a fee or tax up front. Of course, the person who contacted you is phony, and you won't see your money again.

Variations of the Scam

Other forms of so-called "advance fee" fraud schemes have also surfaced. They include prepayment for products via Internet auction websites, advance fee credit offers, and others. For instance, one scam artist asked a person

Remember that if it sounds too good to be true, it probably is.

selling a car over the Internet to cash a check for $200 over the price of the car and send the $200 overpayment back to the scam artist. In reality, the check was a forgery. In the latest twist of this scam, the fraudster poses as an American soldier trying to wire money out of Iraq. Scam artists are constantly looking for ways to evolve advance fee fraud schemes to avoid detection, so be on guard against other variations of this scam.

Protect Yourself.

If you receive such a solicitation, don't disclose your personal information! Throw away or delete the solicitation. If received by mail, forward it to the United States Postal Inspector. Do not respond to the solicitation.

Pen Pal Schemes

Prison inmates often disguise their prison addresses to secure pen pals. Through correspondence, these "pen pals" will try to gain your confidence so they can rip you off. One common scheme run by inmates involves money orders. They will have someone outside of prison purchase a money order for a small amount of money. Then, the inmate doctors the money order so it looks like it's worth a lot more than it really is. They will send the fraudulent money order to you, asking you to cash it and send the money back to them. When the discrepancy in dollar amounts is finally noticed, the fraud will catch up with you, and you will be responsible to pay the difference.

Protect Yourself.

Be careful. Doing a favor for an inmate could get you into trouble.

Be careful. Doing a favor for an inmate could get you into trouble.

Credit Card Scams

Unless you initiate the call and expect to be charged for something, don't give anyone your credit card number for any reason. Consumers who give their credit card numbers to strangers over the phone often are left with expensive and troublesome results. Giving your credit card number to someone is like handing over a signed, blank check.

A variation of this scam involves telemarketers who say they need your credit card number—or its expiration date—for "verification." They claim that once they "verify" who you are, you will receive a "free offer" or a "prize." Don't fall for it.

Another common scam is the offer for a "guaranteed" credit card after payment of a small fee. If you get anything for your money, it might just be a listing of banks that offer credit cards.

Use your credit wisely. Watch out for shrinking grace periods, quick due dates, and high fees for late charges, over-the-limit charges, and others.

Protect Yourself.

Guard your credit card numbers and other personal information. Don't ever give out your credit card number or checking account number to callers you don't know. **Know that con artists sell information to other con artists.** If you enter one contest, or give your credit card number to one con artist, chances are this information will be in the hands of more dishonest people who will contact you.

Know that con artists sell information to other con artists.

Door-to-Door Sales

Some legitimate products are sold door-to-door, but con artists may also come calling. If you are considering making a purchase from a door-to-door seller, get everything in writing, including price, warranties, and all conditions. Tell the seller you'll check their offer out and get back to them. Be firm. Don't buy on impulse. You can do business on your own terms. Take the time to investigate both the seller and the offer. Follow these guidelines:

- Don't feel pressured to let strangers into your home. Never let strangers into your home when you're alone.
- Ask to see the credentials of any door-to-door salesperson. Many localities require door-to-door sellers to obtain permits. Ask to see it.
- Compare the price of products or services with those of local and other merchants.
- Make sure the salesperson informs you of your right to cancel any door-to-door contract within three business days after the contract is signed.
- If you do purchase products or services, make sure all terms are in writing and signed by the seller and you.
- Never sign a contract you don't understand or one that contains blank spaces, regardless of what you are told by the salesperson.
- Ask if the sales price includes delivery and installation. If you want those services included, tell the salesperson to put that in the contract, detailing the types of service and the date by which they will be performed.
- Assume that any promise made by a salesperson that isn't put in writing won't be honored.
- Check the company or salesperson's reputation with your city and county offices as well as your Chamber of Commerce and the Better Business Bureau.

Protect Yourself.

Do business on your terms. You don't need to be polite to strangers who you did not invite to visit your home.

Do business on your terms. You don't need to be polite to strangers who you did not invite to visit your home.

Cashier's Checks and Money Orders Are Not Always Secure!

It has long been ingrained in us that cashier's checks and money orders are more secure than other forms of payment, and that their funds are somehow guaranteed. This is not the case if the document is fake! A check is not worth the paper it's printed on until the bank it was issued from releases the money. Federal rules require banks to make deposits "available" to consumers quickly, often the following business day. It takes considerably longer, however, for your financial institution to actually "collect" the funds. **It may take a bank weeks to discover that the deposited check was fraudulent!** The bottom line is that while the funds may be available in your account within days of your deposit, the check may take weeks to clear, or bounce. Scam artists prey on those who mistakenly believe that once funds are designated "available" by their bank, the check is legitimate. Furthermore, once a victim wires funds onward from such a check, he or she may be liable to the bank for the amount wired. Typically the bank will not cover the loss, and will expect the victim to pay the difference.

It may take a bank weeks to discover that the deposited check was fraudulent!

Remember these tips to avoid fake check scams:

1. **Cashier's checks are NOT the same as cash! Just because the money appears to be available in your account doesn't mean that the check has cleared and is legitimate.** Counterfeit cashier's checks can look authentic, but the bank will still bounce the check if it's a forgery!
2. Do not wire money to strangers! Many people mistakenly think that wire transfers, like personal checks, can be canceled at anytime. This is not true. If you wire money via Western Union or MoneyGram, it's impossible to retrieve the money once it's picked up at the other end. Because the money can be picked up anywhere in the world, it is virtually untraceable. Once money is wired overseas, United States law enforcement agencies have little or no ability to recover the funds.
3. Beware of overseas buyers. Never wire money to someone you don't know overseas!
4. Always be wary of someone who wants to pay more than your asking price. A deal that sounds too good to be true probably is.
5. Be wary of "third parties" or "agents." If a third party is actually owed any money, their client should be making the payment, not you. Do not wire money to a third party or agent!
6. Attempt to locate the source of the check and verify its legitimacy by contacting the issuing bank. Do not use the contact information that appears on the check. Do a little leg work and obtain the contact information independently through legitimate directories.

Cashier's checks are NOT the same as cash! Just because the money appears to be available in your account doesn't mean that the check has cleared and is legitimate.

7. Don't be rushed. If someone really wants to do business with you, they will wait until you are ready to make a legitimate transaction. Furthermore, if an individual wishes to make changes to the terms of the transaction, such as where and how the payment is sent, do not let your eagerness to complete the transaction blind you to potential problems.
8. If it sounds too good to be true, it probably is!

Identity Theft

Identity theft is usually more complex than an ordinary case of credit card fraud. Armed with just one or two pieces of identifying information, such as your Social Security number, birth date, or address, a thief can assume your financial identity, access your existing accounts, and obtain a wide range of goods, services, and credit accounts in your name.

Identity theft may take months for you to detect, and sometimes years or longer to unravel. Below you will find tips to reduce your risk of identity theft and information on what to do if you believe your identity has been stolen. For more information contact the Minnesota Attorney General's Office and request a free copy of *Guarding Your Privacy: Tips to Prevent Identity Theft.* The booklet provides additional information on how to protect your privacy, safeguard your personal data, avoid identity fraud, and what to do if you find yourself a victim of identity theft.

Reduce Your Risk of Identity Theft

- **Guard your Social Security number. It's the key to your credit report and bank accounts, and is the prime target of criminals. Examine your Social Security statement each year to check for fraud.**
- Don't carry credit cards, Social Security cards, or other important identity documents except when needed.
- Don't have your Social Security number ("SSN") or driver's license number printed on your checks. Don't let merchants handwrite your SSN onto your checks because of the risk of fraud.
- Monitor your credit report. It contains your SSN, present and prior employers, and a listing of all account numbers, including those that have been closed. Cancel unused credit accounts. You can request a copy of your free annual credit report from each of the three major credit bureaus by phone at 877-322-8228, or online at *www.AnnualCreditReport.com*. You will be asked to provide your Social Security number and date of birth.
- Shred all old bank, financial and credit statements, credit card offers, and medical or insurance statements.

Guard your Social Security number. It's the key to your credit report and bank accounts, and is the prime target of criminals. Examine your Social Security statement each year to check for fraud.

- Place the contents of your wallet on a photocopy machine. Copy both sides of your license and credit cards so you have all the account numbers, expiration dates, and phone numbers. Keep these numbers in a safe place at home. This way, if your wallet or purse is stolen, you can report the theft immediately.
- Don't mail bill payments and checks from home. They can be stolen from your mailbox. Take them to the post office.
- Examine the charges on your credit card statements before paying them.
- Never give your credit card number or personal information over the phone unless you have initiated the call and trust that business.
- Watch your mail, know when to expect credit or financial statements, and watch for them. If you suspect that an identity thief has stolen your mail or filed a change of address request for you with the post office, notify the U.S. Postal Inspector. Mail theft is a felony in the United States.
- Remove your name from the marketing lists of the three credit reporting bureaus to reduce the number of pre-approved credit offers you receive. To "opt-out" from one or all three credit bureaus call 1-888-5-OPTOUT (888-567-8688) or go online to *www.OptOutPrescreen.com*. You will be asked to provide your Social Security number and date of birth.
- Freeze your credit report. **Consumers in Minnesota are able to "freeze" their credit reports. A credit report freeze will deny identity thieves access to the consumer's credit history and prevent them from obtaining new credit cards or loans under the consumer's name.** Victims of identity theft can have their credit reports frozen without charge. Non-victims can proactively freeze their credit report for a $5 fee.

Consumers in Minnesota are able to "freeze" their credit reports. A credit report freeze will deny identity thieves access to the consumer's credit history and prevent them from obtaining new credit cards or loans under the consumer's name.

What to Do if You're a Victim

Take Action Immediately

Contact the three major credit bureaus (see names and phone numbers on page 17) to request that a fraud alert be placed on your credit reports and that a note be included to inform potential creditors that you should be contacted before any additional accounts are opened. Consider putting a "freeze" on your credit reports as well. Each credit bureau will instruct you on what additional documentation you will need to provide for a "freeze." Remember, there is no charge for a victim of identity theft; however, you will need to provide the credit reporting agencies with a copy of either the police report or case number documenting the theft to avoid the $5 fee.

Contact the security or fraud divisions of all banks and creditors that maintain accounts for you. Close all accounts that you believe have been

compromised by the identity thief and change account numbers for each account you don't cancel. Request that banks and creditors make your accounts accessible only through use of a password.

Cancel stolen checks. If the thief steals your checks or sets up fraudulent bank accounts in your name, report it to each of the major check verification companies (phone numbers are listed on page 59). Ask for stop payments on any outstanding checks that you dispute, and cancel or obtain new numbers for your checking and savings accounts.

Report identity theft and stolen credit cards and checks to your local police or sheriff as soon as you are aware of the theft. For your records, keep a copy of the incident reports you file. A law enforcement record of the incident is important because it will allow you to present your creditors and banks with proof of the crime.

Report identity theft and stolen credit cards and checks to your local police or sheriff as soon as you are aware of the theft.

File a report with the Federal Bureau of Investigation, the U.S. Secret Service, and the Federal Trade Commission ("FTC"). Ask the FTC for a complaint number for your records.

Keep detailed records of all interactions and contacts you have with businesses, creditors, and governmental agencies while you are reclaiming your identity. Be sure to follow up in writing and send all letters "return receipt requested" so you know your correspondence was received and by whom. Detailed records will be important later if you choose to bring an action in court to recover damages. Keeping good records also provides a written history of conversations so you don't forget important details.

Fraud Alert

You may place a fraud alert on your file by calling just one of the three nationwide consumer credit reporting companies. As soon as that agency processes your fraud alert, it will notify the other two, which then also must place fraud alerts in your file.

Equifax: 800-525-6285
Experian: 888-397-3742
TransUnion: 800-680-7289

Don't Give Up

Stand up for your rights. You cannot be held responsible for checks cashed or any bills that are the result of the theft of your identity. You should not live under the fear of legal action being brought against you. Your credit rating should not be affected permanently. Don't let businesses, collection agencies, or banks pressure you into paying any bill that is not your responsibility. Let

them know you are willing to cooperate to resolve the situation, but don't let anyone take advantage of you. For additional information on identity theft call the Minnesota Attorney General's Citizen Assistance Line at 651-296-3353 or 800-657-3787.

Consumer Rights

If a product or service disappoints you, it is your right to complain. In addition, Minnesota law also provides protection for consumers. The recipe for consumer satisfaction is to know your rights and use them.

If a product or service disappoints you, it is your right to complain. In addition, Minnesota law also provides protection for consumers. The recipe for consumer satisfaction is to know your rights and use them.

Three-Day Cooling-Off Law

Minnesota's Home Solicitation Sales Act (more commonly known as the "Three-Day Cooling-Off Law") provides important protection when a seller contacts you and you buy goods or services that are primarily for personal, family, or household purposes, in your home, over the telephone, or at a place other than the place of business of the seller. When the purchase price is more than $25 you have three business days to cancel the sale. Cancellation under this law must be made in writing. Keep a copy of your letter. Mailing the letter by certified mail gives you added protection. You will know the letter was received, and you will know who signed for it. But remember, the law does not cover sales conducted at a normal place of business, like a store or car dealership.

Writing a Complaint Letter

When you want to let a company know that its product or service has disappointed you, a complaint letter can be an effective means of communication. You have the right to complain. Writing a letter gives you the opportunity to describe your disappointment, and let the company know what you expect it to do for you. (If you pursue your complaint in person or over the phone, keep notes of the conversations including who you talked to and when.)

When you sit down to write a complaint letter, first take time to organize your thoughts. Here are some additional tips to keep in mind:

- Include your name, address, home or work telephone numbers, and account number, if any.
- Include the date and place you made the purchase, who performed the service, specific product information such as the serial or model number or warranty terms, what went wrong, who you dealt with to try to resolve the problem, and what you want done to correct the problem.
- Include copies, not originals, of all documents. Ideally this will include canceled checks, bills, sales receipts, warranties, and contracts.

- Be reasonable, not angry or threatening, in your letter.
- Be brief and to the point.
- If you can, say something positive about the company or product.
- Type your letter if possible, or make sure your handwriting is neat and easy to read.
- Keep a copy of all letters to and from the company.
- You might want to send the letter by certified mail. This will cost more, but will give you proof that the letter was received and tell you who signed for it.

Where to Send Your Complaint Letter

- Check the product label or warranty for the name and address of the manufacturer.
- If you need additional help locating company information, check the reference section of your local library or use the Internet.
- In Minnesota, the Secretary of State provides addresses for companies incorporated and organized in the state.
- Remember to do business with a company you will be able to find later. It might be difficult to find companies in other states or those with only post office boxes as addresses.

Filing a Consumer Complaint

If your problem is not resolved, you may decide to file a consumer complaint with the Minnesota Attorney General's Office. Attach the letter and copies of all documents you sent to the company. Include information about everything you have done to try to resolve your complaint.

The Attorney General's Office provides free mediation to resolve disputes between consumers and businesses. Mediation is an informal process that requires the voluntary participation and cooperation of all parties. Mediation works well when all parties are willing to make reasonable compromises. In fact, the Attorney General's Office successfully resolves most of the complaints it receives—returning money to Minnesota consumers.

The Attorney General's Office provides free mediation to resolve disputes between consumers and businesses.

Unfortunately, not all disputes can be resolved through mediation. Sometimes the communication between parties breaks down and cannot be restored, or one side may be unwilling to compromise. Or, in some cases, a company may be out of business and unable to provide assistance. If you are not satisfied with the results of mediation, Attorney General's Office staff will often refer you to the best source for assistance, or explain the options you may have to pursue your claim. Sometimes pursuing a more formal resolution, such as taking the matter to court, may be appropriate.

Mediation through the Attorney General's Office can only take place before you start formal action (such as arbitration or a lawsuit). The Attorney General's Office cannot represent private citizens in legal cases.

Legal Action

Taking legal action should be your last resort. However, if you decide to exercise this right, be aware that you might have to act within a certain time period.

Taking legal action should be your last resort. However, if you decide to exercise this right, be aware that you might have to act within a certain time period. Conciliation court, often referred to as "small claims court," where you don't have to hire an attorney, may also be an option for you. You can request the complaint papers and get general information from the court administrator in the county in which you reside. The maximum claim you can currently seek through conciliation court is $15,000. Contact the Attorney General's Office to receive a copy of its booklet *Conciliation Court: A User's Guide to Small Claims Court.*

The Attorney General's Office

The Attorney General's Office answers questions regarding numerous consumer issues. The Attorney General's Office also provides mediation to resolve disputes between Minnesota consumers and businesses and uses information obtained from consumers to enforce the state's consumer protection laws. If you have a consumer complaint, please contact the Attorney General's Office in writing:

Minnesota Attorney General's Office
445 Minnesota Street, Suite 1400
St. Paul, MN 55101

Citizens can also receive direct assistance from a consumer specialist by calling:

651-296-3353 or 800-657-3787
TTY: 651-297-7206 or TTY: 800-366-4812
(TTY numbers are for callers using teletypewriter devices.)

Consumer Publications

Consumer publications are available free of charge from the Attorney General's Office. Contact us to receive copies by mail, or preview publications on our website at *www.ag.state.mn.us*.

Get the Most for Your Money

To ensure that you are satisfied with every purchase, follow these tips:

- Read and follow product and service instructions.
- Keep all sales receipts, warranties, service contracts, and instructions.

- Check your contract for any statement about your cancellation rights.
- If you have a problem, contact the company as soon as possible. Trying to fix the product yourself might cancel your right to service under the warranty.
- Keep a written record of your contact with the company.
- If you paid for your purchase with a credit card, you have important "chargeback" rights that might help you get your money back.

Reducing Telemarketing Calls

Place Your Number on the National Do Not Call Registry

The Federal Trade Commission ("FTC") maintains a national "do not call" list. You may register up to three phone numbers (including your cell phone number) by calling 888-382-1222 or by visiting *www.donotcall.gov.*

Telemarketers covered by the National Do Not Call Registry have up to thirty-one days from the date you register to stop calling you.

Not All Telemarketing Calls Are Blocked—Important Exemptions

Some calls are exempt from the "do not call" law. Examples of exempt calls include:

1. Political calls,
2. Nonprofits soliciting contributions on their own behalf,
3. Calls from companies that only conduct surveys, and
4. Calls from companies with which you have an existing business relationship.

Stopping Calls from Exempt Companies and Organizations

Even if the company or organization contacting you is exempt from the National Do Not Call Registry, you may still request that it place you on its own "do not call" list. The federal law requires companies to honor your request for privacy. Companies that violate this law and continue to call you may be subject to a fine of up to $16,000 per call.

Avoid "Do Not Call" Scams

Calls asking you to confirm your registration by providing personal information or charging you a pre-registration fee are scams. The FTC does not allow private companies or other third parties to "pre-register" consumers. Registration is free and no confirmation of personal information is necessary.

The Federal Trade Commission ("FTC") maintains a national "do not call" list. You may register up to three phone numbers by calling 888-382-1222 or by visiting *www.donotcall.gov.*

Reporting a Violation

To file a complaint or to report a violation, consumers should contact the FTC as follows:

Federal Trade Commission
Consumer Response Center
600 Pennsylvania Avenue, NW
Washington, DC 20580
877-FTC-HELP
www.donotcall.gov

Reducing Junk Mail

Stop Pre-Approved Credit Card Offers

The three major credit bureaus sell lists of individuals who meet certain credit criteria. To remove your name from the generated lists, call the "Opt Out" hotline for the three major credit bureaus (Equifax, Experian, and TransUnion) at 1-888-5OPT-OUT (888-567-8688) or "Opt Out" online at *www.OptOutPrescreen.com.* You may choose to "opt out" of such offers for five years or permanently. If you do choose to "opt out," and decide that you want to receive such offers again, you can "opt in."

Put Your Name on Direct Marketing Association's ("DMA") Mail Preference Service List

See page 66 for a sample letter you may use to "opt out" of DMA mailing lists.

If you wish to "opt out" of DMA mailing lists, send a letter with your complete name (including variations), mailing address, and telephone number, along with a check or money order made out to DMA in the amount of $1 for each name to:

Direct Marketing Association
DMAchoice
P.O. Box 643
Carmel, NY 10512
www.dmachoice.org

Your name should be removed from DMA member lists for three years. (It may take up to three months for you to see a decrease in the amount of mail you receive.) **Remember, this does not eliminate all junk mail. You will continue to receive mail from companies and organizations that do not belong to the DMA.**

Charitable Giving

Know Where Your Money Goes

Most of us have received phone calls and mailings asking for money to support a charitable organization. These charities usually sound worthy, with names and goals promising to find cures for cancer, help veterans, end hunger, provide needed services, and other worthwhile causes.

While most charities are honest and put their charitable dollars to good use, many do not. Americans lose millions of dollars each year to fraudulent charitable appeals. Therefore, it is important to obtain information about a charitable organization's operations and how contributions are used before you donate.

Many charities use professional fund-raisers, who may be paid a significant portion of your donation. Minnesota law does not require a charitable organization or its professional fund-raiser to disclose to you how much of your donation goes to the cause. The burden, therefore, rests with you to find out how much of your donation will be applied to the organization's mission and how much is going to the professional fund-raiser.

Further, soliciting charities should be willing to tell you how they carry out their charitable mission, how much of the money they collect is used for program services, whether contributions are tax-deductible, and how much goes to fund-raising and administration. You should not hesitate to ask these questions to help you decide whether to contribute. A charity that refuses to answer your questions or takes offense to them should give you pause.

Some additional guidelines for smart giving include:

- Check with the Minnesota Attorney General's Office to determine if the organization is registered. Registration documents will also contain financial information about the organization, shedding light on how much money it raises and how it spends its funds on employee salaries, fund-raising, overhead, and program services.
- Don't judge a charity solely on its impressive sounding name.
- Ask how the charitable purpose will be accomplished.
- Ask how much of the contribution will pay fund-raising and overhead costs.
- Ask if the person calling is a professional fund-raiser and, if so, what amount or percentage of your donation will go to pay the fund-raiser.
- Ask whether your contribution is tax-deductible.
- Don't be unduly swayed by emotional appeals or because the

While most charities are honest and put their charitable dollars to good use, many do not. Americans lose millions of dollars each year to fraudulent charitable appeals.

organization has sent you unrequested address labels, postcards, or other trinkets. If you pledged a donation and you later change your mind, you do not have to send in your donation. You have no obligation to donate to a charity.

- Don't be pressured. Ask for written information. If convinced, send payment later.
- Contribute by check or credit card. Cash donations are impossible to trace and difficult for the charity to protect.
- Never provide your credit card number unless you know the charity and you call the charity yourself. Giving out a credit card number, account number, or other personal information in response to an unsolicited phone call is the equivalent of giving this information to a complete stranger, and can lead to identity theft.

For more information on charities and wise giving, contact the Attorney General's Office Charities Division:

Minnesota Attorney General's Office
Charities Division
445 Minnesota Street, Suite 1200
St. Paul, Minnesota 55101
651-296-3353 or 800-657-3787
TTY: 651-297-7206 or 800-366-4812.

To look at summary information from registration materials filed by charities, use the Attorney General's Office's website at *www.ag.state.mn.us.*

Investments and Lending

Careful Investing

Your money is too valuable to throw away on investment scams.

Your money is too valuable to throw away on investment scams. Here are some guidelines to help you identify and avoid fraudulent investment schemes:

- All securities, which most investments are considered to be, must be registered with the Department of Commerce. Call the Department at 651-539-1500 to find out if an investment is registered before spending money on it.
- Persons selling securities must be licensed by the Department of Commerce. Call the Department at 651-296-2488 or 800-657-3602 to find out if the seller is licensed.
- Watch out for high or guaranteed profits. All investments involve some risk.

- Understand the investment. Don' t invest in complicated schemes that the seller can't or won't explain to you. Watch out when a seller says, "It's too complicated," or tells you to, "Trust me on the details."
- Ask for information in writing, such as prospectuses, brochures, and the corporate history. If information is not available, be wary.
- Check out the business in person if you can. Be wary if the facilities are "secret" or "confidential" or if you have a difficult time reaching the seller.
- Ask a friend, an attorney, or investment professional to review the opportunity.

If you run into problems or have questions, you can call the Attorney General's Office Citizen Assistance Line at 651-296-3353 (800-657-3787) or the Department of Commerce at 651-539-1500.

Investment Fraud

Investment scams have bilked Minnesota seniors out of their life savings. A common scam involves a salesperson who contacts you by phone to sell you an "investment opportunity." But, in order for you to get in on this great "deal," the salesperson will tell you to send money today. Experts estimate that telemarketing fraud accounts for $10 billion in investor losses a year, and 45 percent of seniors have been solicited for so-called "investment opportunities" by a person unknown to them. Don't fall for it! Hanging up is often your best defense. Watch out for these signs of a scam:

- You receive an unsolicited telephone call from someone you don't know. The caller tells you he or she represents a "business" selling an "investment opportunity."
- You are offered investments in penny stocks, oil and gas leases, precious metals, rare coins, FCC lotteries, and wireless cable.
- You must send money quickly; overnight delivery services are often hired to pick up payment that same day.
- Incredible profits are promised.
- The only contact you have is an out-of-state business with a P.O. Box mailing address.
- A small first sale may be conducted in order for the seller to gain credibility with you. The seller's goal is to extract larger amounts of money in the future.

Protect Yourself.

Hang up the phone. If you are concerned about your income, talk to someone you know and trust. Consult with a trusted financial planner, stock broker, or banker.

Investment scams have bilked Minnesota seniors out of their life savings. If you are concerned about your income, talk to someone you know and trust.

Predatory and abusive lending can take many forms, but generally these lenders take advantage of people in difficult financial situations.

Predatory Lending

Predatory and abusive lending can take many forms, but generally these lenders take advantage of people in difficult financial situations. They also look for people facing financial problems as a result of an illness, injury, or natural disaster. Predatory lenders count on consumers' lack of financial knowledge. You should be on the lookout for the following factors that indicate predatory lending:

- **High interest rates and fees.** Loans may contain high closing costs and other hidden fees. These unreasonable fees may appear in loan origination or underwriting fees, broker fees, and transaction and closing costs. Many of these fees are negotiable. Don't be afraid to ask your lender or broker to explain the basis for any fee that appears on your loan paperwork.
- **Small monthly payments with a large balloon payment at the end of your loan period.** Sometimes lenders stretch out payments so that a large unaffordable payment is left at the end. This, unfortunately, can rope consumers into yet another high interest loan to help make the final payment. Make sure and pay special attention to how payments will be made over time.
- **Adjustable Rate Mortgages ("ARM").** As opposed to a fixed rate loan, the interest rate on ARMs fluctuates according to the market. Watch out for ARMs with low introductory rates. Just because you can afford mortgage payments at the present interest rate doesn't mean that you will be able to do so if the interest rate rises.
- **High loan-to-value.** A loan based on home equity that exceeds the home's actual value puts both the home and the consumer's financial record at great risk. Make sure and be extremely careful of lenders who pressure consumers into more money than they need.
- **Other charges and hidden fees.** Abusive lenders may add on extra charges that seem to have the consumer's best interest at heart, though the opposite is true. These extra costs may include "commitment fees" or high rate homeowner's insurance. Make sure and check all of the costs associated with the loan, and do not be afraid to challenge questionable costs.

If you run into problems or have questions, you can call the Attorney General's Office Citizen Assistance Line at 651-296-3353 or 800-657-3787, or the Department of Commerce at 651-539-1500.

Health Care

Your health is important. That's why it's important to understand your health care rights, know your options to make advance plans, and be able to separate the snake oil from the legitimate product or service. This section addresses health issues of particular concern to seniors, including health care fraud, your rights when purchasing medical products and services, advance directives, Medicare and Medigap polices, nursing homes, and your rights as a patient.

Medicare and Medicaid

Medicare and Medicaid assist eligible persons with health care expenses. Both programs change frequently in terms of coverage and eligibility rules, so be sure to check the resources listed below to get the most up-to-date information.

Medicare

Medicare is a federal program available to most persons 65 or older, to disabled persons under 65 who qualify for Social Security disability or Railroad Retirement disability benefits, and to certain persons with permanent kidney failure. Medicare is administered by the federal Social Security Administration and is available without regard to income or asset levels. You should apply for these benefits three months before you turn 65, to allow time for processing your application. You should apply for Medicare coverage at age 65 even if you do not plan to draw Social Security retirement payments at that time.

Medicare is the federal government's health insurance program for people 65 years old and older and certain younger people with disabilities. Medicare Part A covers hospital and some short-term nursing home services. Part B covers physician and other professional services. Parts A and B are referred to as "Original Medicare." Part C is the Medicare Advantage Plan, which is a managed care plan provided through private health plan companies and provides the benefits covered under Part A and Part B. Part D covers outpatient prescription drugs. People who are entitled to Social Security benefits pay no premium to receive Part A coverage, but must pay Part A's annual deductible and co-insurance requirements. Part B, Part D, and Medicare Advantage Plan have monthly premiums in addition to annual deductibles and co-insurance requirements. It is important to note that there is an open enrollment period of six months following the start of your enrollment in Medicare Part B. During that open enrollment period, you

Your health is important. That's why it's important to understand your health care rights, know your options to make advance plans, and be able to separate the snake oil from the legitimate product or service.

cannot be denied Medicare supplement insurance due to an existing health condition.

If you join a Medicare Advantage Plan instead of Original Medicare, you may get extra benefits and lower co-pays, but you also may have to go to health care providers that are part of that plan.

There is an annual open enrollment period between October 15 and December 7 each year, during which you can join, switch, or drop a Medicare Advantage Plan.

There is an annual open enrollment period between October 15 and December 7 each year, during which you can join, switch, or drop a Medicare Advantage Plan.

If you are in the hospital under Medicare coverage, the rates the hospital can charge will be determined through Medicare's "DRG" system, or Diagnosis Related Groups. Under this system, hospitals have a greater financial incentive to discharge patients as early as possible. If you are in the hospital and feel you are being discharged too early, you have a right to challenge the decision. First talk to your doctor, who may agree that you should stay longer. If your doctor cannot fix the problem, and the hospital has not agreed to change its decision, call Stratis Health (formerly the Foundation for Health Care Evaluation) at 952-854-3306 or 877-787-2847. This organization makes sure hospitals follow Medicare's patient care rules.

Medicare does not cover all health care costs, and it is important to check what level of payment will be made for a particular service. There are also "Medigap" policies available which help fill in the gaps in Part A and Part B coverage. Medigap policies do not pay for an individual's out-of-pocket costs under Medicare Advantage Plans, so usually it is not necessary to buy a Medigap policy if you sign up for a Medicare Advantage Plan.

Medicare Supplement Policies

Medigap or Medicare supplement policies can be purchased to help "fill in the gaps" to cover health care services that Medicare does not cover. In Minnesota there are two standard Medicare supplement policies, "basic" and "extended basic." Seven optional "riders" are available with the basic policies. As the name implies, extended basic policies are more comprehensive than basic policies.

Compare plans before you buy. Consider your health needs and the cost of the plans to make the right choice for your good health. If you don't understand what is covered by a policy, ask questions. Protect yourself by following these guidelines:

- Get the policy's outline of coverage. State law requires that you receive this.

- Ask the agent questions if you don't understand the policy.
- For long-term care policies, find out: Does the policy cover both nursing home and home health care costs; how does inflation and changing market practices affect any fixed limits on per day coverage; and, is the insurance company stable?
- Take time to discuss the policy with friends and relatives or your local insurance agent, if you have one. Don't be rushed into a decision.
- Ask the agent to point out provisions in the policy to back up the agent's claims.
- Don't sign blank forms. Read all forms before signing them.
- Remember that under state law, you have a three-day right to cancel Medicare supplement or long-term care insurance policies.

There may be reasons why one of these policies might help you. As with other financial planning decisions, it may be helpful to consult with a financial planner or other qualified professional who does not directly benefit by your purchase of such a policy.

You can also contact the U.S. Department of Health and Human Services to receive the guide, *Medicare and You*. The guide is available free of charge, in print or audio cassette format in English or in Spanish, by calling 800-MEDICARE, that is 800-633-4227.

If you run into problems or have questions, you can call the Attorney General's Office Citizen Assistance Line at 651-296-3353 or 800-657-3787, or the Department of Commerce, Enforcement and Licensing Division at 651-539-1500.

Medicare Supplemental Programs

DHS administers several programs for Medicare enrollees that can help with Medicare costs: Qualified Medicare Beneficiary ("QMB"), Service Limited Medicare Beneficiary ("SLMB"), Qualified Individuals ("QI"), and Qualified Working Disabled ("QWD"). Please note that the dollar amounts, below, are effective from July 1, 2014 through June 30, 2015. The numbers change each year because they are based on the federal poverty guidelines. (The changes are usually small increases.) To get up-to-date dollar amounts after June 30, 2015, please contact the Senior LinkAge Line at 800-333-2433, your local county human services agency, or the Minnesota Department of Human Services at 651-431-2907.

DHS administers several programs for Medicare enrollees that can help with Medicare costs.

Please note that the dollar amounts, below, are effective from July 1, 2014 through June 30, 2015. The numbers change each year because they are based on the federal poverty guidelines.

Qualified Medicare Beneficiary ("QMB")

QMB pays your Medicare premiums, deductibles, co-insurance, and co-payments. To qualify, you must:

1. Be enrolled in or eligible to enroll in Medicare;
2. Have no more than $10,000 total countable assets for a single person or $18,000 for two people; and
3. Have monthly income of no more than $993 for a single person, $1,332 for a family of two, or $1,671 for a family of three.

Service Limited Medicare Beneficiary ("SLMB")

SLMB pays your Medicare Part B premium. To qualify, you:

1. Must be enrolled in or eligible to enroll in Medicare;
2. Have no more than $10,000 total countable assets for a single person or $18,000 for two people; and
3. Have monthly income of no more than $1,187 for a single person, $1,593 for a family of two, or $1,999 for a family of three.

Qualified Individuals ("QI")

QI also pays for Medicare Part B premiums. To qualify, you:

1. Must be enrolled in or eligible to enroll in Medicare;
2. Have no more than $10,000 total countable assets for a single person or $18,000 for two people; and
3. Have monthly income of no more than $1,333 for a single person, $1,790 for a family of two, or $2,247 for a family of three.

Qualified Working Disabled ("QWD")

QWD pays your Medicare Part A premium if you are not eligible for premium free Part A and you meet income and asset limits. Assets may not exceed $4,000 for a single person or $6,000 for two people. Monthly income may not exceed $1,965 for a single person, $2,642 for a family of two, or $3,319 for a family of three.

Medicare Part D Prescription Drug Benefit

Medicare Part D Prescription Drug Benefit is available through stand-alone Prescription Drug Plans and Medicare Advantage.

On January 1, 2006 a prescription drug benefit under Medicare, known as Part D, became available for people enrolled in Medicare. The drug benefit is offered through two types of private health plans:

1. Stand-alone Prescription Drug Plans ("PDPs") that supplement the original Medicare plan; or
2. Medicare Advantage (Medicare's version of managed care) plans that provide drug coverage and other Medicare-covered benefits.

Importantly, while Medicare requires all plans to offer certain types of drugs, Medicare does not require that all plans offer the same drug formulary. This means that before you sign up for a plan, you should make sure that the plan's formulary covers your drugs in the dosage that you need. Formularies can change from year to year, so check your plan's formulary during the Medicare open enrollment period to make sure your plan still carries the drugs you need.

Part D plan benefits and cost structures vary widely. All Part D plans must offer either the standard benefit or a benefit of equal value, and plans may also provide enhanced benefit options for a higher monthly premium. In 2015, the standard benefit requires enrollees to pay: a monthly premium set by the plan; a $320 deductible; 25% cost-sharing up to the initial coverage limit of $2,960; 100% of drug costs until their out-of-pocket spending reaches $4,700 (this is known as the "donut hole" gap in coverage); and a small co-pay or 5% of their drug costs thereafter, whichever is higher. Certain low-income beneficiaries are eligible to receive assistance with their Part D costs.

Part D plan benefits and cost structures vary widely.

Additional information and assistance with Medicare Part D is available online, at *www.medicare.gov*, or by calling 800-MEDICARE. You may also contact the Senior LinkAge Line at 800-333-2433 for assistance with Medicare Part D.

Medicaid (Medical Assistance)

In Minnesota, Medicaid is known as the Medical Assistance program, or "MA." MA is funded jointly by federal, state, and local government. **It pays for all, or nearly all, medical expenses for eligible individuals.** Covered services include hospital, nursing home and home health care services, doctor and dental services, prescription drugs, and eyeglasses. MA is administered by the Minnesota Department of Human Services, through the local county human services agencies. Eligibility for MA is based on income and assets of the individual or couple (or family, if there are children 18 years of age or younger).

MA pays for all, or nearly all, medical expenses for eligible individuals.

It is important for you to apply for MA as soon as possible if you are in need of assistance. To apply, or to get information, call your county human services agency. You can apply even if you're not sure you are eligible. You may be eligible to have part of your medical bills covered even if your income is over the monthly allowable limit. MA can pay for medical expenses you incur up to three months before you apply for the program. (You must be told why you are not eligible if you are denied MA coverage.)

Certain transfers of property (such as giving land, property, or other assets to your children) may make you or your spouse ineligible for MA for an extended period of time, so consult a reliable professional or your county human services agency before making any such transfers. Also, you may be eligible to keep more of your assets (or transfer more to your spouse) than you expect, so check eligibility guidelines before you allow your assets to get too low. Home health care funding (such as Alternative Care grants) and other types of assistance are available to help you stay at home rather than go to a nursing home, if you qualify. Check with your county human services agency to find out what is available.

Watch Out for Insurance Scams

Protect yourself by knowing the signs of an insurance scam.

Protect yourself by knowing the signs of a scam. Disreputable agents often use tactics such as:

- Urging you to sign up and pay immediately.
- Responding incompletely to your questions.
- Telling you the policy "covers everything" (no Medicare supplement policy covers everything).
- Failing to include your pre-existing medical conditions on your application, voiding your policy.

Health Products

Prescription Drugs

In the past few years, many prescription drug companies have formed business relationships with pharmacy groups and insurance companies that handle drug-benefit plans. In some cases, pharmacies and insurers receive rebates or other financial incentives when they convince a plan member to switch to a different drug. If you are uncomfortable switching medications, check with your doctor or pharmacist. Ask the following questions:

- Will the new drug work as well for my condition?
- What are the side effects or risks?
- Are the dose levels the same?
- Is there a business connection between the pharmacist and the drug manufacturer?
- Will the switch save me money, or benefit my health care plan, or both?

The cost of prescription drugs can sometimes be overwhelming, particularly for people on fixed incomes. You need to take care of your health, but you also need to manage your budget.

Prescription drug costs can vary greatly from one source to another. Pharmaceutical manufacturers negotiate prices with purchasers of drugs; varying levels of discounts are given to large and small purchasers. Discounts are generally greater for large-volume purchasers such as hospitals, employers, or managed care companies. Smaller-volume purchasers, such as individuals, may not have access to such discounts.

But there are some things you can do to help reduce your out-of-pocket expenditures for prescription drugs:

- Ask your doctor if there is a generic equivalent of the same drug that would be appropriate to treat your health condition.
- Comparison shop. As with any purchase, shop for the best price possible.
- If you have health insurance with prescription drug benefits, make sure you understand what your plan covers. For example, does it include or exclude the drug that has been prescribed for you?
- Ask your provider if you qualify for any discounts or free medication from pharmaceutical companies. If you are a veteran, contact the Veteran's Affairs Office in your area to find out if you qualify for discounts on prescription drugs.
- Ask your doctor how long you will have to take the prescribed medication and in what dosage so that you don't have to buy more than you need. If you need to take a drug for a greater length of time, check to see if you can buy the drug in a bulk quantity.
- Understand and follow the directions for taking your medications precisely to make sure they're used most effectively for you and to reduce the risk of side effects. Avoid potential health problems by informing your doctor and pharmacist of any other drugs you take which may interact with the prescribed medication. Don't discontinue or change the dosage of your medication without your physician's approval.
- **If you do not have Medigap, Part D, or other insurance coverage for prescription drugs, you may qualify for the Senior Drug Program which can help pay for prescription drugs.** Contact the RxConnect/Senior LinkAge Line at 800-333-2433 for assistance in determining whether you may qualify for free or discounted prescription drugs through a drug manufacturer patient assistance program. People of all ages may apply for patient assistance programs, but each program is different and most have income and/or asset guidelines.

If you do not have Medigap, Part D, or other insurance coverage for prescription drugs, you may qualify for the Senior Drug Program which can help pay for prescription drugs.

Hearing Aids

More than 24 million Americans have some type of hearing impairment. Many people can benefit from a hearing aid, but not everyone. How will you know? The process begins with a careful fitting by a qualified audiologist or seller. In Minnesota, a written prescription or recommendation from a physician or audiologist is required before a hearing aid dispenser can sell you a hearing aid. Further, the seller must be certified by the Commissioner of Health. Hearing aid sellers are prohibited by law from using false advertising claims, deceptive business practices, or misrepresenting products or services. All hearing aid contracts must be in plain language.

If you buy a hearing aid, you are entitled to a 45-day money-back guarantee. If you decide to cancel your purchase for any reason, you must do so in writing. The hearing aid seller must then refund 90 percent of the purchase price within 30 days after receiving your written notice to cancel. The seller may retain 10 percent of the total purchase price as a cancellation fee.

If your hearing aid needs to be repaired or adjusted during this 45-day money-back guarantee period, the 45-day period must be extended one day for each 24-hour period that the hearing aid is not in your possession. When you are notified that the repaired hearing aid is available, you must claim it within three working days, after which time the 45-day period will resume.

If you are buying a hearing aid, don't be afraid to ask questions. Find out what guarantees come with the instrument and where you can receive service or repair if you need it. And, as with any consumer purchase, don't be pressured into buying a particular hearing aid. Read the purchase agreement thoroughly before you sign it.

Health Care Directives

Minnesota law allows you to inform others of your health care wishes. A health care directive is a written document that lets others know your wishes regarding your health care. It allows you to name a person (or "agent") to make decisions for you if you are unable to do so. Anyone 18 or older can make a health care directive. A health care directive is important if your doctor determines you cannot make or communicate your health care decisions (usually due to an impairment). The directive guides your doctor, family, and friends regarding the care you would wish, at a time when you are not able to provide such information. You do not have to create a health care directive, and you will still receive medical care without one. However, a health care directive will help you get the care you would like.

Minnesota law allows you to inform others of your health care wishes. A health care directive is a written document that lets others know your wishes regarding your health care.

There are forms that you can use to draft a health care directive. Ask your doctor, attorney, or the Minnesota Board on Aging for a form. **You can use a set form or create your own directive, but your directive must follow these requirements to be considered legal:**

- Be in writing and dated;
- Contain your name;
- Be signed by you or someone you authorize to sign for you, and signed at a time when you can understand and communicate your health care wishes;
- Have your signature verified by a notary public or two witnesses; and
- Include the appointment of an agent to make health care decisions for you and/or instructions about the health care choices you wish to make.

Before preparing your directive, you may wish to speak with your doctor or other health care provider. Your health care directive may contain many items, including:

- The person you trust as your agent to make health care decisions for you. You can name alternate agents in case the first agent is unavailable, or even assign joint agents.
- Your goals, values, and preferences about health care.
- The types of medical treatment you would want (or not want).
- How you want your agent or agents to make decisions.
- Where you want to receive care.
- Instructions about artificial nutrition and hydration.
- Mental health treatments that use electroshock therapy or neuroleptic medications.
- Instructions if you are pregnant.
- Donation of organs, tissues, and eyes.
- Funeral arrangements.
- Who you would like as your guardian or conservator if there is a court action.

Remember—you may be as specific or general as you wish. There are a few limits to your health care directive, including:

- Your agent must be at least 18 years of age;
- Your agent cannot be your health care provider, unless the health care provider is a family member or you give reasons why your agent is your health care provider;
- You cannot request health care treatment that is outside of reasonable medical practice; and
- You cannot request assisted suicide.

Before preparing your directive, you may wish to speak with your doctor or other health care provider.

Your health care directive lasts until you change or cancel it. If you wish to cancel it, you may do one of the following:

- Write a statement saying you want to cancel it;
- Destroy it;
- Tell at least two people that you wish to cancel it; or
- Write a new health care directive.

Your health care provider must follow your health care directive, or any instructions from your agent, as long as the health care follows reasonable medical practice. But, you or your agent cannot request treatment that will not help you or which your provider cannot provide. If the provider cannot follow your agent's directions about life-sustaining treatment, the provider must inform the agent. The provider must also document the notice in your medical record. The provider must allow the agent to arrange to transfer you to another provider who can follow the agent's directions.

In August 1998 state law changed to allow people to create one form for all of their health care instructions. Living wills, durable powers of attorney, and mental health declarations created before August 1998 are still legal if they followed the law in effect when they were written or conform to the new law.

Additional information, including a sample health care directive form, is available in our publication *Probate and Planning: A Guide to Planning for the Future.* You can get a free copy by contacting the Minnesota Attorney General's Office.

Nursing Home Care

Nursing Home Admission Contracts

State law requires nursing homes to provide their residents with important information in writing.

State law requires nursing homes to provide their residents with important information in writing. The Nursing Home Admission Contracts Act prohibits nursing homes from waiving their liabilities and requires that admission contracts be easy to read and understand.

The admission contract (also known as an admission agreement) sets forth the terms and conditions of the resident's stay at the nursing home. The Nursing Home Admission Contracts Act encourages a nursing home resident's independence and autonomy by requiring that the resident personally sign the admission contract unless he or she is unable to do so. If the resident is incapable of signing the agreement, a family member or guardian may sign.

Nursing homes may not require a relative, other than a financially responsible spouse, to be financially responsible for the resident. A family member who wishes to agree to be financially responsible for the resident may do so. Although such a financial commitment is not required, a person who agrees to be a "responsible party" must ensure that an application for Medical Assistance is submitted and that payments due to the nursing home are made.

In the past, some nursing homes have required that residents sign a statement waiving all of the nursing home's liability for loss of personal property and other loss. These waivers are now prohibited by law. Nursing homes must take responsibility to assure you that your personal belongings will be safe.

Admission contracts must state all contract terms in writing. Oral agreements between the resident (or resident's family) and the nursing home will not be considered part of the contract and are not binding on either the nursing home or the resident. If a nursing home promises to do something, have it put in writing. You must be given a copy of the contract when it is completed.

Admission contracts must state all contract terms in writing.

Admission contracts also must inform residents that they have the right to refuse any treatment that they do not want. The contract may require the resident to agree to routine, day-to-day, or emergency care, but the nursing home must receive consent from the resident for all other types of care.

The admission contract also must state whether the nursing home participates in the Medicare, Medical Assistance, or Veterans Administration programs. If the nursing home's participation in one of these programs is limited, that too must be specified. This information is important because it may affect how much you pay for your care.

Nursing home residents receiving Medical Assistance have additional protections. Occasionally, a nursing home resident will use his or her own funds to pay the nursing home while waiting for Medical Assistance eligibility to be established. Once eligibility is determined, this law requires the nursing home to bill Medical Assistance for reimbursement. The nursing home must then pay back to the resident the amount collected. In addition, a nursing home which participates in Medical Assistance will not be allowed to charge for the date of the resident's discharge, or any subsequent days. This is true for private paying residents as well as those persons who have their care paid by Medical Assistance.

If you have questions about the Nursing Home Admission Contracts Act, or would like any additional information, contact the Board on Aging Ombudsman at 651-431-2555 or 800-657-3591.

Nursing Home Rates

In Minnesota, most—but not all—nursing homes participate in the Medicare and MA programs, and are qualified to accept payments from those programs. All homes which participate in MA have their rates established by the Minnesota Department of Human Services (Medicare rates, however, are set according to federal law). Minnesota law prohibits nursing homes that participate in the MA program from charging more to their private pay residents than the rates paid by MA for similar care (except for private rooms). This law, known as the Equalization Law, also prohibits those homes from requiring residents to purchase special services from the home. Nursing homes that violate these provisions may be subject to legal action.

For additional information concerning nursing home rates, contact the Minnesota Department of Human Services, the Ombudsman for Long-Term Care, or the Advocacy Center for Long-Term Care (listed at the end of this handbook on page 59).

Patients' Bill of Rights

If you are a patient at a hospital, a resident of a nursing home or boarding care home, or in an adult foster care program in Minnesota, the Patients' Bill of Rights protects your civil and religious liberties.

If you are a patient at a hospital, a resident of a nursing home or boarding care home, or in an adult foster care program in Minnesota, the Patients' Bill of Rights protects your civil and religious liberties, including independent personal decision-making and the knowledge of available choices. The law also specifies that the facility must advise you of these rights in writing when you are admitted. The facility must also make a written statement of these rights available to you at your request. These rights include the following:

- To be treated with courtesy and respect.
- To receive appropriate medical and personal care, based on individual needs.
- To be informed of the name, business address, telephone number, and specialty of the doctor coordinating your care.
- To know the identity of individuals or businesses who provide services to you and from whom you buy or rent goods or services that are not included in the daily rate.
- To receive an understandable explanation of your treatment alternatives, risks, and prognosis (if it is medically inadvisable to give this information to you, it shall be given to another person you have previously designated).
- To participate in planning your health care.
- To be cared for with reasonable regularity and continuity of staff as far as facility policy allows.

- To refuse treatment, medications, or dietary restrictions.
- To participate or refuse to participate in experimental research.
- To be free from mental and physical abuse, neglect, and financial exploitation.
- To respect and privacy as it relates to your medical and personal care.
- To receive confidential treatment of personal and medical records.
- To receive information about the daily room rate and other services available at the facility.
- To voice grievances and recommend policy changes.
- To associate and communicate privately and to have private telephone calls and mail.
- To retain and use your personal clothing and possessions as space permits, unless to do so would infringe on the rights of others or be harmful to you.
- To manage your own finances.
- To organize, maintain, and participate in resident advisory councils.
- To not be arbitrarily transferred or discharged.

Home Care Bill of Rights

The Home Care Bill of Rights is similar to the Patients' Bill of Rights and applies to people who receive home health services in Minnesota. Some additional rights provided by law if you receive home health services are:

- To choose freely among available providers and to change providers (within the limits of your health insurance or government health care program).
- To know in advance what charges you may have to pay and whether services will be covered by insurance.
- To know there may be other available home care services and providers in your community, and how to get information about them.
- To have reasonable advance notice of changes in service or charges.
- To a coordinated transfer when there will be a change in the provider of services.

Providers that violate patients' rights or home care recipients' rights may have action taken against them by the Minnesota Department of Health. You may contact the Office of Health Facility Complaints of the Minnesota Department of Health, 651-201-4201, for more information or to file a complaint. You may also bring private legal action to enforce these rights.

The Home Care Bill of Rights is similar to the Patients' Bill of Rights and applies to people who receive home health services in Minnesota.

So-called "sure-cures" for medical problems steal millions of dollars from seniors each year. Don't let them fool you.

Schemes and Scams

Medical Quackery

So-called "sure-cures" for medical problems steal millions of dollars from seniors each year. These fake cures also keep thousands of people from pursuing appropriate medical treatment or result in delays in obtaining valid, often necessary, treatment.

Newspaper and magazine ads often make fabulous claims about a "product," use official-sounding titles, and contain testimonials from many "satisfied customers." Today's health care quacks try to convince you they've discovered new solutions to age-old problems. They hint that the federal government is keeping needy people from a product that has cured thousands in other countries. Don't let them fool you. Outrageous claims should raise a red flag, alerting you that the claims being made are highly questionable.

Protect yourself by taking the following precautions:

- Don't trust your health to a salesperson or advertisement.
- Don't believe claims of a "secret cure" or "miracle drug" that works on a wide variety of ailments.
- Be leery of advertisements with "testimonials" from persons identified only by initials and a snapshot. Often, these people exist only in the mind of the promoter.
- Be wary of 30-minute infomercials (advertisements imitating a news program) extolling the virtues of a certain "medical" product.
- Don't believe unrealistic claims of excessive or immediate weight loss or recaptured youth.
- Don't buy medical devices, bracelets, or other products promoted as cures without consulting your doctor or an appropriate health association first.
- Don't buy any product based on the seller's claim that the purchase will be covered by Medicare or other insurance without first checking with your insurance carrier yourself.
- Remember, Minnesota law gives you three days in which to change your mind and cancel a contract with a door-to-door seller.

Protect Yourself.

Always discuss your medical problems with your physician. If you can't get the help or information you need, ask for a second opinion or switch doctors—don't start buying cures through the mail or on the Internet. You will almost always be disappointed—and poorer.

Medical Alert Systems (Personal Emergency Response System)

Medical Alert Systems or Personal Emergency Response Systems ("PERS") are heavily marketed to seniors. **A medical alert system summons help in an emergency, such as a fall or a heart attack, when the user cannot make a phone call.** As sales of these devices grow, consumers should watch out for salespeople using scare tactics to sell the units at high prices. If you are interested in this type of system, consider renting one instead of buying. Many local hospitals provide this service at a reasonable rate.

A medical alert system summons help in an emergency, such as a fall or a heart attack, when the user cannot make a phone call.

Watch out for the following:

- You may see a television commercial for a medical alert system. The commercial instructs viewers to call a toll-free number for information.
- You receive an unsolicited visit from a medical alert system salesperson.
- You are strongly discouraged from talking to others. A salesperson may hound you, asking, "Can't you make your own decisions?"
- If the salesperson is reluctant to provide information except through an in-home visit, you may want to consider doing business with another company. In-home sales visits can be long, high-pressure ordeals, and the salesperson may urge you to buy before you are ready to make a decision.
- The salesperson may tell you, "This offer is only good today."
- You will be offered contracts with long-term obligations totaling thousands of dollars.

To help you shop for an alert system that meets your needs, consider the following suggestions:

- Check out several systems before making a decision.
- Find out if you can use the system with other response centers. For example, can you use the same system if you move?
- Ask about the pricing, features, and servicing of each system and compare costs.
- Make sure the system is easy to use.
- Ask about the repair policy. Find out how to arrange for a replacement or repair if needed.
- Test the system to make sure it works from every point in and around your home. Make sure nothing interferes with transmissions.
- Read your purchase, rental, or lease agreement carefully before signing, and watch for cancellation fees or other additional charges.
- Check with the Better Business Bureau to see if any complaints have been filed against the company.

Ask questions about the response center:

- Is the monitoring center available 24 hours a day, 7 days a week?
- What is the average response time?
- What kind of training does the center staff receive?
- What procedures does the center use to test systems in your home?
- How often are tests conducted?

Protect Yourself.

Local hospitals and businesses provide personal medical alert systems less expensively on a month-to-month basis. Consult with family, a friend, or other trusted figure before purchasing this service.

Local hospitals and businesses provide personal medical alert systems less expensively on a month-to-month basis.

Alternative Medicines

Many unconventional treatments for cancer and other diseases are on the market. A few have undergone scientific testing. Many tests are inconclusive. Still, some forms of alternative therapy are recognized as helpful in caring for patients and helping them cope with some illnesses.

Usually, a primary care physician is the best source of information about alternative medicine as a supplement to conventional treatments. If someone tries to sell you an alternative treatment by promising that it is effective, be sure to do your own research and talk to your doctor about the alternative treatment.

If you receive services from an unlicensed complementary or alternative health care provider, and you believe the person has acted unethically or been abusive, you may file a complaint with the Department of Health, Office of Unlicensed Complementary and Alternative Health Care Practice at 651-201-3728.

Cataract Surgery

Cataracts are a normal part of aging. If your doctor tells you that you have a cataract, ask whether you need surgery right away, what your risks are based on your general health, and what type of surgery may be appropriate for you, should you choose it.

Be cautious if you are considering any promotion promising completely successful, risk-free cataract surgery. Cataract surgery has a very high success rate, but no surgery is free from risk. Serious complications are rare, but they do occur, and could result in loss of vision.

Planning Ahead

Planning for Incapacity

At some point you may need help managing your finances or property. If so, it pays to have done some advance planning. Explained below are a few management tools you may use to help plan for incapacity. If you don't make advance arrangements, it may be necessary for a court to set up a guardianship or conservatorship for you.

You might not need a formal arrangement to receive help with your finances. A trusted family member may help write checks, file tax returns, and help with other financial matters. If you have someone help you, make sure that person keeps good records and goes over them with you periodically. For your protection, you generally should not transfer money or property out of your name into the name of your helper without first consulting your lawyer. If you do not have a lawyer and wish to consult with one, contact the Minnesota State Bar Association Attorney Referral Service (contact information is on page 61).

Be aware that property or asset transfers can make you ineligible for Medical Assistance (the program that helps pay nursing home and other medical expenses). Transferring your property to another person may also mean that your money will no longer be available to you if that person dies, is divorced, or goes bankrupt. Talk to your lawyer about these possibilities as well.

Formal Arrangements

You may want to set up a more formal arrangement for your finances. There are several ways to do this. You should choose the way that best addresses your needs and makes you the most comfortable.

Banks offer several options that may fit your needs. You can set up a joint account, an "authorized signed" account, or a "payable on death" account. Talk to your lawyer to see which of these options might meet your needs. Be sure you are giving access to a trusted individual, as you may be giving that person full access to your funds under these options.

You may wish to create a "durable power of attorney." This is written authorization for someone to manage your property or financial matters according to your directions. A durable power of attorney remains valid even if you should later become incompetent. Forms are available to create durable powers of attorney, but you should be very cautious in completing them—the person you appoint could get authority to dispose of all your

At some point you may need help managing your finances or property. If so, it pays to have done some advance planning.

property, even by giving it to himself or herself. Talk to your lawyer about ways to protect yourself and your finances if you plan to use a durable power of attorney. A power of attorney does not grant any decision-making authority outside of financial matters. If you want a specific person to make health care decisions on your behalf in the event that you become incapacitated, you should consider a separate health care power of attorney or health care directive as described on page 34.

Guardianship and Conservatorship

The court may establish guardianship or conservatorship to permit someone to make decisions for you.

The court may establish guardianship or conservatorship to permit someone to make decisions for you. This is done to protect you, if you become incapacitated or are otherwise unable to make your own financial or personal decisions. Under Minnesota law, guardianship and conservatorship are very similar, but guardianship may, upon court order, limit more of your civil rights (such as the right to vote). Because of this, conservatorship is usually favored over guardianship. The protected person in this relationship is called the "conservatee," and the person named by the court to make decisions is called the "conservator." Under guardianship, the protected person is the "ward," while the person named by the court is the "guardian."

If you should become incapacitated or otherwise impaired and have not previously planned for incapacity, a guardianship or conservatorship may be the only way to handle your personal affairs. Anyone can petition for or be appointed to be your guardian or conservator. A person may be appointed even against your wishes if the court determines such appointment is in your best interests. By planning ahead, however, you can have a say in this process and consequently protect your independence.

"Conservatorship planning" (also called "nomination of conservator") involves a written document, like a will, in which you name the person you want to serve as your conservator. You can also include instructions on how you would want your personal and financial matters handled by your conservator. For example, the conservator could be instructed to manage your property, know where you would like to live, and be informed about your wishes regarding health care. (The same person could also serve as your health care power of attorney.) Then, if you become incapacitated and need a conservator, the court must name the person you chose and order that your instructions be followed, unless the court finds that this would not be in your best interests. Be aware that the person you choose is not required to serve as your conservator—so choose a reliable person and discuss your plan with the person in advance to make sure he or she agrees with it.

If you have other informal arrangements with relatives or formal planning arrangements such as a durable power of attorney, you may not need to do conservatorship planning. However, if it is likely that someone would challenge your planning arrangements (for example, if there are likely to be disagreements within the family), you should use conservatorship planning as a "backup" to your other planning arrangements. Remember, anyone can petition to be a conservator or guardian for an incapacitated person, and a conservator or guardian can revoke or terminate some prior planning arrangements. By naming the person you would want to be your conservator or guardian, you protect yourself against the appointment of someone you would not want to act as your conservator.

Planning for Your Estate

Wills

Wills are important documents that help ease the transition of ownership of an estate after a person's death. An estate consists of bank accounts, houses, land, furniture, automobiles, stocks, bonds, life insurance policies, retirement funds, pensions, and death benefits.

Wills are important documents that help ease the transition of ownership of an estate after a person's death.

Your will should ensure your assets are distributed as you wish, and you still have full use of your property while you are alive.

In Minnesota, you must be at least 18 years old and of sound mind to make a will. The will must be in writing and must be witnessed by at least two people, both of whom must also sign the will. You must intend for the document to operate as a will. The will must be signed by you, by another person at your direction and in your presence, or by your conservator pursuant to a court order. Handwritten wills are recognized as valid in Minnesota only if the will is witnessed and signed by two people. Notarization by itself is insufficient to make a handwritten will legally binding.

Your will should clearly state who will get your property upon your death. Minnesota law provides that a spouse inherits a specified amount of property, even if she or he is left out of the will. You may, however, disinherit a child if your will clearly states that you do not wish the child to get anything.

A personal representative (also known as an executor or administrator) should be named in the will. This person will be responsible for seeing that the property is distributed as you desire.

Wills can be changed by writing a new one, or by adding a "codicil," which is an addition to a will. Wills cannot be changed by simply crossing out

language or writing in new provisions. Such alterations may not be effective. The codicil must be written, signed, and witnessed the same way as the will, and should be attached to the will.

If a will specifically states that personal property should be distributed by a separate document, it is all right for a person to distribute most personal property in a handwritten statement. The statement can be written after the will is signed, and it can be changed without revising the will itself.

A will is effective until it is changed or revoked. It is a good idea to periodically review your will. Changes in your family, the value and kind of your property, tax laws, or a move to another state may make changes in the will advisable.

You may revoke your will. However, revocation must be done in strict compliance with the law and the assistance of an attorney is highly recommended.

A surviving spouse who is not satisfied with his or her share in the will may elect to waive rights under the will and take his or her share according to state law. (A surviving spouse should seek legal counsel to do this.)

Your will should be kept in a safe place. The original will should be placed where it can easily be found after your death.

Your will should be kept in a safe place. The original will should be placed where it can easily be found after your death. In Minnesota, the probate court or court administrator's office will accept wills for safekeeping at no charge or for a nominal fee. You have the right to get your will back at any time. Putting a will in a safe deposit box might make it inaccessible after your death until probate begins, unless you are survived by a person who jointly owns the box and would have access to the box after your death.

If you do not have a will, your estate will be distributed according to Minnesota's law of intestate succession. This law generally provides that, without a will, your estate will pass to your spouse. If your spouse is not alive, your estate will pass to your children in equal shares. You should consult an attorney to determine exactly how your estate will be divided if you do not have a will.

Living Trusts

A trust manages the distribution of your assets. A trust is created by the transfer of property by the owner, or "grantor," to another person, the "trustee." The trustee holds the title to the property and manages the property for the benefit of the beneficiaries, who may be a specific person, a group of people, or an organization. There are two general types of trusts. The "living"

trust is created during the lifetime of the grantor when all or part of the grantor's property is transferred into the trust. The other type of trust is called a "testamentary" trust. In a testamentary trust, the property is transferred into the trust after the grantor dies.

There are potential drawbacks to a living trust. For example, transferring property into a living trust can make you ineligible for Medical Assistance. Talk to your lawyer about that possibility. Also, if the grantor is also the trustee, the grantor has a fiduciary obligation to the beneficiaries for both present and future income. For many, this may be the biggest drawback of a living trust.

There are also good reasons to consider a living trust. **A living trust, unlike a will, enables you to have a trustee with financial expertise manage your assets during your lifetime.** A living trust can allow for a smooth transition of property if you become incapacitated or incompetent. A living trust can also protect your privacy regarding the distribution of your assets. With a will, the probate laws require that an inventory of the estate's assets is filed with the court. The inventory is public information. With a living trust, generally only the beneficiaries of the trust will be informed of the nature and the value of the assets. In cases where there is both a will and a living trust, this privacy may be lost.

A living trust, unlike a will, enables you to have a trustee with financial expertise manage your assets during your lifetime.

A living trust is legal in Minnesota if properly written. It is important that a living trust be written to reflect the individual characteristics of each person's estate while complying with Minnesota law. How a particular trust is drawn up depends on the type of property being placed in the trust and the purposes for which the trust is formed. It is good to have your attorney evaluate the use and legality of a living trust in the context of your other estate planning documents and objectives.

If the living trust contains all your property, a will may be unnecessary and you can avoid probate. If the trust contains only part of your property, you need a will. If you want your property to go into the trust after your death, your will should include a "pour-over" provision to put the remaining property into the trust upon your death. Also, a will can be used to distribute personal belongings, identify guardians for your children, and provide for an executor to handle any unfinished business.

Federal estate tax limits and exemptions on the estate vary each year so check with an estate tax professional or contact the Internal Revenue Service (contact information on page 59) for the latest information. There may not be any inheritance tax owed on

your estate, depending on the current limits and exemptions. The Minnesota estate tax is separate from the federal estate tax and applies to the estates over $1,200,000. As of 2018, only estates over $2,000,000 will be subject to the tax. There are various programs and deductions that can reduce an estate's liability for the tax. For example, transfers between spouses are generally not taxable. Additionally, the State exempts certain types of farm property from the tax. An experienced attorney or accountant can help you plan for the impact of the estate tax, and can help you develop a plan to minimize the tax as much as possible.

Prepared forms or "kits" used to establish living trusts are currently marketed through magazines, brochures, and door-to-door salespeople. Although the forms themselves may not be illegal, they may be too generic to suit you and your situation.

Living Trust Mills

"Living trust mills" target senior citizens and use unscrupulous sales tactics in their efforts to sell boilerplate living trusts, regardless of whether a living trust is appropriate for the senior purchaser under the circumstances.

"Living trust mills" target senior citizens and use unscrupulous sales tactics in their efforts to sell boilerplate living trusts, regardless of whether a living trust is appropriate for the senior purchaser under the circumstances. Some living trust mills then use financial data obtained from the senior in order to sell other investment products, such as annuities, even if those products are not suitable investments for the particular senior.

Living trust mills often market their products through free seminar promotions and in-home appointments, by telephone, and by mail. They typically employ high pressure sales tactics and exaggerate the negative consequences of not buying the products they sell. Such products generally consist of pre-packaged, boilerplate documents that vary greatly in quality and are not customized to the particular needs of the senior purchaser. For example, living trust mills regularly tell seniors that they will save a significant amount of money in probate costs and fees by purchasing a living trust when, in fact, this may not be the case. Moreover, such companies may promote the benefits of a living trust to get their foot in the door for the purpose of selling other investment products, such as annuities, with the goal of getting paid a high commission on the products they sell.

Be wary of companies that sell living trusts in conjunction with annuity products or other investments. Such companies often work together to gather as much information as possible about a consumer's assets, primarily to sell annuities and investments that offer high commissions. Always ask about possible tax consequences or early withdrawal penalties that may be incurred when transferring investments to, or withdrawing principal from, an annuity.

You may also contact the Minnesota Attorney General's Office to receive a free copy of our publication *Living Trust Mills* for more information.

Planning a Funeral

Minnesota law and the federal Funeral Rule give you tools to control the cost of funerals. The Funeral Rule requires funeral directors to provide detailed, pre-purchase price information, including a "general price list" of all goods and services offered. Following the funeral arrangement, a detailed itemization, called the Statement of Funeral Goods and Services Selected, must be prepared.

Minnesota law and the federal Funeral Rule give you tools to control the cost of funerals.

Some things to keep in mind when planning a funeral:

- Your budget and true desires should guide your choice of arrangements.
- You may wish to involve several members of your family, and perhaps an objective friend or clergy member when you make funeral arrangements.

Consumer Safeguards

You may choose to make your own funeral arrangements, and set aside funds to pay for your funeral. One way to do this is to invest the needed amount of money, or put it in a bank account or insurance policy, making sure it will be accessible to family members upon your death. Another option is to prepay for funeral goods and services.

Unfortunately, money received from the advance sales of funeral goods and services is sometimes mishandled. To help safeguard prepaid funds, Minnesota law provides several protections. Under state law, a funeral director or cemetery operator must place all prepaid funds in a trust account in a bank or other financial institution until the need for a funeral arises. Minnesota law allows you to ask for and receive a full refund at any time before goods and services are provided.

There are also safeguards in the law to ensure that funds are available for the long-term upkeep of cemeteries and mausoleums. Cemetery owners must place in trust 20 percent of funds received from the sale of cemetery lots and 10 percent of funds from the sale of mausoleum space. These "permanent care and improvement" trust accounts are to ensure the future care and maintenance of cemetery grounds and buildings.

To help safeguard prepayments for funeral goods and services, state law also requires funeral directors and cemetery operators to give you the name of the financial institution where your money is in trust and the account number of that trust. The law requires annual reporting and record keeping for both "pre-need" and the "permanent care and improvement" trust funds:

- Licensed funeral directors must file an annual report disclosing the status of the pre-need trust fund with the State Commissioner of Health;
- Cemetery operators must file an annual report disclosing the status of the permanent care and improvement trust fund with their County Auditor; and
- The Minnesota Department of Health, Mortuary Science Section offers information and takes complaints on funeral goods and services.

Human Rights

Age Discrimination

The Minnesota Human Rights Act prohibits employers from using age as a basis for firing you, discriminating against you, or refusing to hire you if you are over the age of 18.

Age discrimination is against the law. **The Minnesota Human Rights Act prohibits employers from using age as a basis for firing you, discriminating against you, or refusing to hire you if you are over the age of 18.** The Act also generally prohibits an employer from asking job applicants about their age or stating a preference with regard to age. Employers also may not interfere with your opportunity to acquire pension credits or benefits.

The Minnesota Human Rights Act also requires that all individuals over the age of 25 be given full access to educational institutions and the services that they provide. Educational institutions may keep a record of the age of an applicant for limited purposes, so long as they maintain the information separately from the application.

In addition to age discrimination, the Minnesota Human Rights Act prohibits discrimination based on race, color, creed, religion, national origin, sex, disability, and sexual orientation with respect to employment, real property, public accommodations, public services, and education. It also prohibits discrimination because a person is receiving public assistance with respect to employment, real property, public services, and education. The Act prohibits marital status discrimination with respect to employment, real property, public accommodation, and education and it prohibits familial status (for example, the condition of living with one or more minors) discrimination with respect to real property.

If you believe that you have been the victim of discrimination, contact the Minnesota Department of Human Rights or a private attorney. If your claim is covered by the Human Rights Act, the department will help you file formal charges. Staff will then conduct an investigation. If the department finds that there is probable cause to believe that the Human

Rights Act was violated, it will refer the case to the Attorney General's Office. The Human Rights Act sets a one year period in which a claim of discrimination must be brought. You may contact the Department of Human Rights at:

Department of Human Rights
190 East 5th Street, Suite 700
St. Paul, Minnesota 55101
651-296-5663 or 800-657-3704
TTY: 651-296-1283
www.mn.gov/mdhr

Protection Under the Law

Crime Victims' Rights

Diminished physical, financial, and mental capacities can make seniors particularly vulnerable to crime. Minnesota's Victims Rights Act provides crime victims with the following rights:

Minnesota's Victims' Rights Act provides crime victims with many rights.

Right to be Notified of:

- What your rights are as a crime victim;
- The content of a plea agreement made by the perpetrator;
- When required to testify, the date, time, and place of hearings and changes in court schedules;
- The final disposition of the case;
- The offender's release, transfer, or escape from incarceration and the offender's subsequent apprehension;
- In a domestic assault/harassment matter, a decision to not file a criminal complaint.

Right to Participate in Prosecution:

- To request a speedy trial;
- To have input in a pre-trial diversion program (for specific crimes against persons);
- To object to a plea agreement made by the perpetrator;
- To bring a supportive person to a pre-trial hearing;
- To attend sentencing/disposition hearings;
- To give written/oral response to the proposed sentence/disposition;
- To inform the court of the impact the crime has had in your life (at the pre-trial and sentencing/disposition hearings);
- To receive restitution for financial losses directly related to the crime;

- To request a probation review hearing if the offender fails to pay restitution as ordered;
- To address the Pardons Board and make a recommendation as to whether a pardon should be granted the defendant.

Right to Protection from Harm:

- Tampering with a witness is a crime in Minnesota. If you are threatened, coerced, or feel pressured, call your local law enforcement agency immediately and notify the county prosecutor's office;
- Victims have the right to a secure waiting area during court proceedings;
- Victims/witnesses may object to providing their address in a court proceeding;
- Employers may not discipline or discharge victims or witnesses who are called to testify in court.
- Victims of criminal sexual conduct may ask the prosecutor to request that the court order the convicted offender to submit to testing for the virus that causes AIDS. Test results are available, on request, to the victim or his/her parent or guardian. This is a right that is available only if certain conditions occurred during the commission of the crime. The prosecutor or the victim/witness coordinator can discuss these conditions with you.
- Victims of domestic assault or harassment have a right to receive notification from the prosecutor if a decision is made not to prosecute or if the charges filed against the defendant are dismissed. If charges are dismissed, a record must be made of the specific reason for the dismissal. The prosecutor shall inform the victim as to how to obtain an order for protection; these orders may be obtained by the victim free of charge.

Assistance for Crime Victims

Victims of violent crime may request reparations from the Reparations Board for out-of-pocket costs of counseling, medical care, transportation, child care, and other expenses which are directly related to the crime committed against you.

The Reparations Board can compensate only those victims who have reported the crime to the police and who have cooperated fully in the apprehension and prosecution of an offender.

Victims of violent crime may request reparations from the Reparations Board for certain costs which are directly related to the crime committed against you.

Crime Victims Reparations Board
445 Minnesota Street, Suite 2300
St. Paul, MN 55101-1515
651-201-7300 or 888-622-8799

The Minnesota Center for Crime Victim Services oversees the delivery of crime victims services in Minnesota. If you have questions or need specific information regarding services available to seniors who are victims of criminal acts, the Center for Crime Victim Services can assist you. The Center can also identify the victim service provider in your area who can assist you. The Center publishes, at no cost to the victim, informational brochures helpful to crime victims.

Office of Justice Programs
Crime Victim Services
445 Minnesota Street, Suite 2300
St. Paul, MN 55101
651-201-7300 or 888-622-8799

The Crime Victim Justice Unit monitors compliance with victims' rights mandated by state law. The Ombudsman receives and investigates complaints from victims who believe that their rights have been violated or that they have been mistreated by people within the criminal justice system.

The Crime Victim Justice Unit monitors compliance with victims' rights mandated by state law.

Crime Victim Justice Unit
445 Minnesota Street, Suite 2300
St. Paul, MN 55101
651-201-7300 or 888-622-8799, ext. 3

Utilities

Telephone, gas, and electricity services quickly come to mind when we think of utilities. Utilities customers now face more questions than ever as utilities increasingly compete for their local and long distance business, make available new services, and introduce new technologies such as wireless telephone service. This section highlights some of the most common questions and problems of utility customers and give other places consumers may turn for more information or assistance.

Telephones

Inside Wire Insurance

Several local telephone companies sell "inside wire insurance." Inside wire insurance is an unregulated and optional service. Telephone companies claim that repairs to the wiring inside your home may be costly if you do not have this insurance.

When deciding whether you need this service, keep in mind that damage to inside wires is very rare. In the event you have a problem with your inside wiring, an electrician or other independent repair person may be able to repair it for less than the phone company would charge. If you live in an apartment, it is likely the landlord is responsible to repair any wiring problems. If you are already paying for the insurance, it can be canceled by a simple phone call to your local telephone company.

Reduced Cost Telephone Service

There are federal and state programs available to help low income seniors reduce the cost of their telephone service. TAP, Lifeline, and Link-Up are programs designed to either off-set the price of setting up new telephone service or to reduce the cost of monthly telephone service. Each program offers a different benefit and each has different eligibility requirements. If you have questions about these programs or would like an application, contact your local telephone company or the Minnesota Public Utilities Commission at 651-296-0406 or 800-657-3782.

Telephone Services for the Communication Impaired

If you or someone you know uses a teletypewriter device ("TTY"), you may want to take advantage of Minnesota Relay Service ("MRS") to make calls between TTYs and standard telephones. TTY callers dial the MRS, give the requested information, and the operator will place the call. The operator will read the TTY-user's words aloud to the voice-user and type the voice-user's words to the TTY-user. All calls are confidential. The service operates 24 hours a day, 365 days a year. To place a call through the MRS, dial 7-1-1 or 800-627-3529.

Blocking 900 Numbers

As a telephone customer, you have the right to block unwanted "pay-per-call" services on your telephone.

As a telephone customer, you have the right to block unwanted "pay-per-call" services on your telephone. Pay-per-call services are usually charged on a per-minute basis and can cost as much as $9.00 or more per minute. These services come in a variety of forms, including 900 numbers and international numbers. You can get 900 numbers blocked free of charge by contacting your local phone company. You can also request blocking of all international calls, but a small fee may apply. It is important to know that your local and/or long distance telephone service cannot be disconnected for nonpayment of pay-per-call charges.

Slamming

If your long distance or local telephone service provider is switched to another company without your knowledge, you may have been "slammed." You may not know you were slammed until you get a phone bill from a

different company often charging higher rates. You can protect against slamming by calling your local telephone company to request that your account include a "PIC freeze" and other consumer-protection features such as a third-party billing block. A PIC freeze prevents your phone company from changing your long distance company without your express approval. A third-party billing block prevents your local phone company from acting as a "billing company" and adding another company's charges to your phone bill. These features will ensure that your long distance carrier cannot be changed without your written or verbal consent, and it discourages slamming because carriers other than your chosen carrier cannot bill you for services by placing their charges on your local telephone bill. If you think you have been slammed, call your preferred company and ask to be switched back. Request that any unauthorized charges and switching fees be refunded to you. You should also file a complaint with the Minnesota Attorney General's Office.

Cramming

If you are being billed for services not directly related to making local or long distance calls, and you never ordered the services, you may have been "crammed." Crammers rely on confusing telephone bills to trick consumers into paying for services they did not authorize. These fraudulent charges come from third parties who submit their charges through your local telephone company. The charges are often described on your telephone bill in general terms such as "service fee," "service charge," and "other fees." Take time to carefully review your telephone bill. If you see evidence of cramming, contact your local telephone company right away to cancel the services and have the illegal charges removed from your bill. You should also file a complaint with the Minnesota Attorney General's Office.

Other Phone Service Options and Concerns

Technological advances have also given customers increased options for their telecommunications services. Consumers may now obtain service from the cable company, choose to use their wireless phones exclusively, and even place calls over their broadband lines using special equipment and VoIP, or Voice over Internet Protocol, technology. While the service may function essentially the same as traditional, landline telephone service, consumers should note that cable, wireless, and VoIP service are not subject to the same telephone service standards and regulations. Consumers should also consider whether their telephone service will function in case of emergencies and power outages, and whether enhanced 9-1-1 ("E911") technology, which allows operators to automatically identify a caller's number and location, is supported.

Technological advances have given customers increased options for their telecommunications services.

Cell (Wireless) Phones

Wireless telephone service is rapidly gaining popularity worldwide. In Minnesota, many senior citizens now carry cell phones for convenience and/or safety. Entering into a cell phone contract is a commitment that should be taken seriously. If you are considering a cell phone, contact the Attorney General's Office to obtain a copy of our *Wireless Phones* publication. This handout will help you make an educated decision before you sign on the dotted line.

Energy

Disconnection of Utility Services

You cannot be disconnected from utility service unless you first receive a written notice. The notice must tell you the date disconnection will occur, the reason, and the action you can take to avoid it. The notice must be written in easy-to-understand language, and be given at least five days prior to disconnection (excluding Sundays and legal holidays).

Your utility service cannot be shut off for failure to pay for non-utility service like inside wire insurance or appliance repair or protection plans. If you have questions regarding disconnection of utility services, contact the Consumer Affairs Office of the Minnesota Public Utilities Commission at 651-296-0406 or 800-657-3782.

Cold Weather Rule

The Minnesota Legislature developed the Cold Weather Rule to protect a tenant (or homeowner) from having his or her heat source permanently disconnected in winter (October 15 through April 15) if they are unable to pay their utility bills. The Cold Weather Rule is implemented by the Minnesota Public Utilities Commission. The Cold Weather Rule does not prohibit shut-offs, but does provide that a utility may not disconnect and must reconnect a customer whose household income is at or below 50 percent of the state median income if the customer enters into and makes reasonably timely payments under a mutually acceptable payment agreement. Customers whose household income is above 50 percent of the state median income also have the right to a payment agreement to prevent disconnection or get reconnected. The Cold Weather Rule applies to all natural gas and electric utilities; it does not apply to delivered fuels, such as fuel oil, propane, and wood.

The Minnesota Legislature developed the Cold Weather Rule to protect a tenant (or homeowner) from having his or her heat source permanently disconnected in winter (October 15 through April 15) if they are unable to pay their utility bills.

Disconnection Notice

The Cold Weather Rule requires a utility company to notify its customers in writing before it disconnects their heat. The notice must be in easy-to-understand language and must contain the amount due, the date of the scheduled disconnection, the reasons for disconnection, and options to avoid disconnection. A regulated public utility must notify a customer of disconnection at least seven working days in advance. An unregulated utility—such as a cooperative or municipal utility—must notify a customer of disconnection at least 15 days in advance. A disconnection may not generally happen on a Friday, Saturday, or Sunday, a holiday or the day before a holiday, while an appeal is pending, or after the close of business on the scheduled day of disconnection.

Payment Plans

A utility company must enter into payment agreements all year round, not just during the winter months. Any residential customer, regardless of income or account status, may qualify for a payment agreement.

A utility company must enter into payment agreements all year round, not just during the winter months.

If you receive a disconnection notice or you know you cannot afford your utility bills, you must work directly with your utility company to set up a payment plan. Your utility company must consider your financial circumstances, as well as any "extenuating" circumstances, when it makes your payment plan. If you agree to a payment plan, you must keep it. If your circumstances change and you can no longer afford your payment plan, you must contact your utility company and negotiate a new payment plan.

During the winter months, the Cold Weather Rule guarantees a reduced payment plan for consumers who meet certain guidelines. If you receive energy assistance or your household earns less than 50 percent of the state's median income, a public utility company cannot ask you to pay more than ten percent of your monthly household income toward current and past utility bills. A cooperative or municipal utility can ask you to pay more than ten percent of your monthly household income, but it must consider your financial circumstances. Household income includes the income of all residents in your household but does not include any amount received for energy assistance.

Your Right to Appeal

If you and your utility company cannot agree on a reasonable payment plan, you have the right to appeal.

If you are a customer of a public utility, you may appeal to the Minnesota Public Utilities Commission. You must ask your utility company for an appeal form. Once you receive the appeal form, you must send it to the Minnesota Public Utilities Commission within seven working days. After it receives your written appeal, the Minnesota Public Utilities Commission will review it and issue a decision within 20 working days. During the appeal process, your utility company cannot disconnect your heat; if you have already been disconnected, your utility company must reconnect your service. If your appeal is denied, your utility company must notify you in writing at least seven days before it disconnects your service.

If you are the customer of a cooperative or municipal utility, you must appeal directly to your utility company before you are disconnected.

Additional Resources

If you have questions about the Cold Weather Rule, contact your local utility or call the Consumer Affairs Office of the Minnesota Public Utilities Commission at 651-296-0406 or 800-657-3782. If you meet low income guidelines, you may also be eligible for energy assistance funds. Your utility company or the Minnesota Public Utilities Commission can help you get in touch with these programs.

Energy Assistance Program

You may be able to receive help paying your winter utility bills through the Energy Assistance Program ("EAP"). This program considers income and family size when providing assistance with winter utility bills. One or two person households are given special consideration.

If you are eligible for energy assistance you are automatically eligible for home weatherization assistance.

Applications for assistance are accepted between October 1 and April 15 of each year. You can mail in an application or have a home visit. **If you are eligible for energy assistance you are automatically eligible for home weatherization assistance.**

Minnesota residents also may obtain an application and more information by calling 800-657-3710 to locate the local agency serving their county.

Resources

Referral Guide

Consumer Protection

Minnesota Attorney General's Office
651-296-3353 or 800-657-3787
TTY: 651-297-7206 or
TTY: 800-366-4812
www.ag.state.mn.us

Better Business Bureau of Minnesota
651-699-1111 or 800-646-6222
www.bbb.org/minnesota

Consumer Product Safety Commission
800-638-CPSC (2772)
TTY: 301-595-7054
www.cpsc.gov

Vehicle Safety Hotline
888-327-4236
TTY: 800-424-9153
www.safercar.gov

Federal Trade Commission ("FTC")
877-FTC-HELP (382-4357)
TTY: 866-653-4261
www.ftc.gov

United States Secret Service
Minneapolis Field Office
612-348-1800
www.secretservice.gov

Federal Bureau of Investigation
Minneapolis Office
763-569-8000
www.fbi.gov/minneapolis

United States Postal Inspection Service
877-876-2455
www.postalinspectors.uspis.gov

Check Verification Companies

- Certegy Check Service
  800-237-3826
- Chexsystems
  800-428-9623
- Global Payments
  800-638-4600
- SCAN
  800-262-7771
- TeleCheck
  800-710-9898

IRS Taxpayer Assistance
800-829-1040
TTY: 800-829-4059
www.irs.gov

Charitable Giving

Minnesota Attorney General's Office - Charities Division
651-296-9412 or 800-657-3787

Charities Review Council
651-224-7030 or 800-733-4483
www.smartgivers.org

Insurance and Investments

Minnesota Department of Commerce
651-539-1500
www.commerce.state.mn.us

You may contact the agencies and organizations listed here for additional assistance.

If you have additional questions please contact the Minnesota Attorney General's Office at 651-296-3353 or 800-657-3787.

Health Care

Minnesota Attorney General's Office
651-296-3353 or 800-657-3787
TTY: 651-297-7206 or
TTY: 800-366-4812
www.ag.state.mn.us

Minnesota Board on Aging
651-431-2500 or 800-882-6262
TTY: 800-627-3529
Senior LinkAge Line: 800-333-2433
www.mnaging.org

Ombudsman for Long-Term Care
651-431-2555 or 800-657-3591
www.mnaging.org/admin/ooom.htm

Minnesota Department of Health
Facilities and Provider Compliance Division
651-201-4201 or 800-369-7994

Hearing Aid Complaints
Minnesota Department of Health
Health Occupations Program
651-282-6331 or 800-657-3837

Minnesota Department of Health
651-201-5000 or 888-345-0823
TTY: 651-201-5797
www.health.state.mn.us

Minnesota Department of Health
Managed Care Section
651-201-5100 or 800-657-3916

ElderCare Rights Alliance
952-854-7304 or 800-893-4055
www.eldercarerights.org

Minnesota Extension Service
612-624-1222
www.extension.umn.edu

Stratis Health
(formerly the Foundation for Health Care Evaluation)
952-854-3306 or
877-STRATIS (787-2847)
www.stratishealth.org

State Board of Medical Practice
612-617-2130 or 800-657-3709
www.bmp.state.mn.us

State Board of Dentistry
612-617-2250 or 888-240-4762

State Board of Chiropractic Examiners
651-201-2850

State Board of Dietetics and Nutrition Practice
651-201-2764

State Board of Nursing
612-617-2270

State Board of Optometry
651-201-2762

State Board of Pharmacy
651-201-2825

Minnesota Board of Examiners for Nursing Home Administrators
651-201-2730

National Health Information Center
800-336-4797
www.health.gov/nhic

U.S. Department of Health and Human Services
877-696-6775
www.hhs.gov

Nursing Home Care

Minnesota Board on Aging
651-431-2500
TTY: 800-627-3529
Senior LinkAge Line: 800-333-2433
www.mnaging.net

Ombudsman for Long-Term Care
651-431-2555 or 800-657-3591

Minnesota Department of Health
651-201-5000 or 888-345-0823
www.health.state.mn.us

ElderCare Rights Alliance
952-854-7304 or 800-893-4055
www.eldercarerights.org

Planning Ahead

Minnesota Board on Aging
651-431-2500
TTY: 800-627-3529
Senior LinkAge Line: 800-333-2433
www.mnaging.org

The Minnesota State Bar Association
612-333-1183 or 800-882-6722
www.mnbar.org

Attorney Referral Service
Toll Free: 800-292-4152
www.mnfindalawyer.com

Attorney referral numbers for residents of Dakota, Hennepin, and Ramsey counties:

- Dakota: 952-431-3200
- Hennepin: 612-752-6666
- Ramsey: 651-224-1775

Minnesota Taxpayers' Helpline
651-296-3781
www.taxes.state.mn.us

IRS Taxpayer Assistance
800-829-1040
TTY: 800-829-4059
www.irs.gov

Social Security Administration
800-772-1213
TTY : 800-325-0778
www.ssa.gov

Human Rights

Minnesota Department of Human Rights
651-539-1100 or 800-657-3704
TTY: 651-296-1283
www.humanrights.state.mn.us

Protection Under the Law

Crime Victims Justice Unit
651-201-7310 or
800-247-0390, ext. 4

Office of Health Facility Complaints
651-201-4201 or 800-369-7994

Utilities

Minnesota Public Utilities Commission
651-296-7124 or 800-657-3782
www.puc.state.mn.us

Energy Assistance
800-657-3710

Energy Information Center
651-296-5175
800-657-3710 (MN only)
www.energy.mn.gov

To view a full list of publications provided by the Minnesota Attorney General's Office go to *www.ag.state.mn.us/Office/Publications.asp.*

Area agencies on aging were established under the Older Americans Act ("OAA") to respond to the needs of Americans aged 60 and over in every local community.

Senior Advocacy Groups

Minnesota Board on Aging
651-431-2500 or 800-882-6262
TTY: 800-627-3529
Senior LinkAge Line: 800-333-2433
www.mnaging.net

Ombudsman for Long-Term Care
651-431-2555 or 800-657-3591
www.mnaging.net/Advocate/OLTC

Advocacy Center for Long Term Care
952-854-7360

Land of the Dancing Sky Area Agency on Aging
218-745-6733
(Located in Warren, this office serves seniors in Becker, Beltrami, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Pope, Red Lake, Roseau, Stevens, Traverse, and Wilkin counties.)

Arrowhead Area Agency on Aging
218-722-5545 or 800-232-0707
www.arrowheadaging.org
(Located in Duluth, this office serves seniors in Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, and St. Louis counties.)

Metropolitan Area Agency on Aging
651-641-8612
www.tcaging.org
(Located in St. Paul, this office serves seniors in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.)

Minnesota Chippewa Tribe Area Agency on Aging
218-335-8585 or 888-231-7886
mnchippewatribe.org/senior_services.htm (Located in Cass Lake, this office serves seniors on the Bois Forte, Grand Portage, Leech Lake, and White Earth Reservations.)

Central Minnesota Council on Aging
320-253-9349
www.cmcoa.org
(Located in St. Cloud, this office serves seniors in Benton, Cass, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, Pine, Sherburne, Stearns, Todd, Wadena, and Wright counties.)

Southeastern Minnesota Area Agency on Aging
507-288-6944
www.semaaarochestermn.org
(Located in Rochester, this office serves seniors in Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha, and Winona counties.)

Minnesota River Area Agency on Aging

- Mankato Office: 507-389-8879 or 800-450-5643 x866
- Slayton Office: 507-836-8547
- Willmar Office: 320-235-8504 or 800-450-8608

www.swrdc.org/aging.htm

(The Minnesota River Area Agency on Aging has four regional offices and serves seniors in Big Stone, Blue Earth, Brown, Chippewa, Cottonwood, Faribault, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, Martin, McLeod, Meeker, Murray, Nicollet, Nobles, Pipestone, Redwood, Renville, Rock, Sibley, Swift, Waseca, Watonwan, and Yellow Medicine counties.)

Minnesota Legal Services Coalition

651-228-9105

www.mnlegalservices.org

United Way 2-1-1

211 (metro)

For calls outside Minneapolis and St. Paul: 800-543-7709

unitedwayhelps.org

National Council on Aging

202-479-1200

www.ncoa.org

Minnesota State Bar Association

612-333-1183 or 800-882-6722

www.mnbar.org

Attorney Referral Services

800-292-4152

www.mnfindalawyer.com

Southern Minnesota Regional Legal Services, St. Paul and East Side and American Indian Branch Office

651-222-5863

651-222-4731 (new clients)

651-224-7301 (new senior clients)

888-575-2954 (rural new clients)

www.smrls.org

(Serves Carver, Ramsey, Scott, and Washington counties and Dakota County [seniors only].)

Southern Minnesota Regional Legal Services, Refugee, Immigrant, and Migrant Services

651-255-0797 and 651-291-2837

800-652-9733 (clients only)

Southern Minnesota Regional Legal Services, Albert Lea

507-377-2831

800-223-0280 (clients only)

888-575-2954 (new clients)

(Serves Faribault, Freeborn, Mower, Rice, and Steele counties.)

Southern Minnesota Regional Legal Services, Mankato

507-387-5588

800-247-2299 (clients only)

888-575-2954 (new clients)

(Serves Blue Earth, Brown, Le Sueur, Martin, McLeod, Nicollet, Sibley, Waseca, and Watonwan counties.)

Brochures and other resources may be obtained at most legal aid or legal services offices.

The regional legal aid and legal services offices provide free legal advice and representation to low income people who live in their service area.

Southern Minnesota Regional Legal Services, Winona
507-454-6660
800-372-8168 (clients only)
888-575-2954 (new clients)
(Serves Dodge, Fillmore, Goodhue, Houston, Olmsted, Wabasha, and Winona counties.)

Southern Minnesota Regional Legal Services, Worthington
507-372-7368
800-233-0023 (clients only)
888-575-2954 (new clients)
(Serves Cottonwood, Jackson, Murray, Nobles, Pipestone, Redwood, and Rock counties.)

Legal Aid Society of Minneapolis, Downtown Minneapolis
612-332-1441
612-334-5970 (new clients)
TTY: 612-332-4668
(Serves Hennepin County.)

East Central Legal Services, Cambridge
763-689-2849
800-622-7772 (clients only)
(Serves Chisago and Isanti counties; also serves senior citizens in Anoka, Kanabec, Mille Lacs, and Pine counties.)

St. Cloud Area Legal Service
320-253-0121 Voice/TTY
888-360-2889 Voice/TTY (clients only)
(Serves Benton, Mille Lacs, Morrison, Sherburne, Stearns, Todd, and Wright counties.)

Western Minnesota Legal Services, Willmar
320-235-9600
888-360-3666 (clients only)
TTY: 320-235-2820
(Serves Big Stone, Chippewa, Kandiyohi, Lac Qui Parle, Lincoln, Lyon, Meeker, Renville, Swift, and Yellow Medicine counties.)

Legal Aid Service of Northeastern Minnesota, Duluth
218-623-8100 or 800-204-1697
TTY: 218-726-4826
www.lasnem.org
(Serves Carlton, Cook, Lake, and southern St. Louis counties.)

Legal Aid Service of Northeastern Minnesota, Brainerd
218-829-1701 or 800-933-1112
(Serves Aitkin, Cass, and Crow Wing counties.)

Legal Aid Service of Northeastern Minnesota, Grand Rapids
218-322-6020 or 800-708-6695
(Serves Itasca and Koochiching counties.)

Legal Aid Service of Northeastern Minnesota, Pine City
320-629-7166 (voice/TTY) or 800-382-7166

Legal Aid Service of Northeastern Minnesota, Virginia
218-749-3270 (voice/TTY) or 800-886-3270

Legal Services of Northwest Minnesota, Alexandria Legal Services
320-762-0663 or 800-450-2552
www.lsnmlaw.org
(Serves Douglas, Grant, Otter Tail [seniors only], Pope, Stevens, Traverse, Wadena, and Wilkin [seniors only] counties.)

Legal Services of Northwest Minnesota, Bemidji
218-751-9201 or 800-450-9201
(Serves Beltrami, Clearwater, Hubbard, Lake of the Woods, and Mahnomen counties.)

Legal Services of Northwest Minnesota, Moorhead
218-233-8585 or 800-450-8585
(Serves Becker, Clay, Kittson, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, and Wilkin counties.)

Anishinabe Legal Services
218-335-2223 or 800-422-1335
(Serves Indian and non-Indian residents of Leech Lake, Red Lake, and White Earth Reservations.)

Judicare of Anoka County
(763) 783-4970
www.anokajudicare.org

To get off some mailing lists, send a copy of this letter to the address below or visit *www.dmachoice.org*

DMAchoice
Direct Marketing Association
P.O. Box 643
Carmel, NY 10512

Sample Letter to Restrict Sharing Information

ORGANIZATIONS YOU MIGHT WANT TO SEND THESE LETTERS TO INCLUDE:

- ☐ Bank and Other Financial Institutions
- ☐ Credit Card Companies
- ☐ Mortgage Company
- ☐ The Direct Marketing Association ($1 Fee)
- ☐ Telephone Company
- ☐ Charities
- ☐ Department Stores and Other Merchants

✂----------

Re: Opt-Out of Disclosure of My Personal Information

To Whom It May Concern:

I hereby opt-out of the sale, rental, distribution, exchange, or other disclosure of any and all personal information you have about me. This includes but is not limited to my name, home address and phone number, work address and phone number, email addresses, Social Security number, drivers license number, financial account and access numbers, and my transaction history with you.

Please promptly confirm in writing that you will not disclose my personal information without my expressed consent.

Full Name: _____

Address: _____

_____

Signature: _____

Date: _____

When a Charity or Fund-raiser Calls, Ask Questions and Take Notes!

Use this form to make notes of conversations with telephone solicitors. Keep copies of this form handy.

1. Get the Facts

Date: _____

Time: _____ am / pm

2. Listen for These Required Disclosures

☐ Charity Name: _____

☐ Location of Charity: _____

☐ Name of the Professional Fundraising (Telemarketing) Firm_____

☐ Amount of the Donations that Is Tax Deductible:_____

☐ Description of the Charitable Program:_____

_____

3. Ask a Few Additional Questions

☐ How much of my donation will be spent on programs? _____ %

☐ How much will go to fundraising? _____ %

4. Take the Action You Believe Is Appropriate

☐ Yes, Agreed to Donate: $_____

☐ No, Declined to Donate

☐ Undecided, Need to Research Further

☐ Requested Information Sent to My Home

5. Additional Notes

_____

_____

_____

_____

Be sure to record details of the call and keep the notes in your files.

If the caller did not make the required disclosures, or if you would like information about any of the 8,500 charities or professional fund-raisers registered with our office you may visit or write us at the Minnesota Attorney General's Office.

Remember:

- Don't feel pressure to donate.
- If you want to learn more, ask for written information.
- Before you send a check, check it out! If convinced, send your check later.
- Feel free to ask the caller to repeat information.

If the caller did not make the required disclosures, or if you would like information about any of the 8,500 charities or professional fund-raisers registered with our office you may visit or write us at Minnesota Attorney General's Office, Charities Division, 445 Minnesota Street, Suite 1200, St. Paul, MN 55101. You may also call us at 651-296-3353 or 800-657-3787. TTY users may call 651-297-7206, or 800-366-4812. For those who have Internet access, a summary of every registered charity's IRS tax return (form 990) is available on our website at *www.ag.state.mn.us*.

MINNESOTA ATTORNEY GENERAL'S OFFICE

445 Minnesota Street, Suite 1400, St. Paul, MN 55101

651-296-3353 • 800-657-3787 • TTY: 651-297-7206 • TTY: 800-366-4812

www.ag.state.mn.us

Consumer Questions or Complaints

The Minnesota Attorney General's Office answers questions regarding numerous consumer issues. The Attorney General's Office also provides assistance in resolving disputes between Minnesota consumers and businesses and uses information from consumers to enforce the state's civil laws. We welcome your calls!

If you have a consumer complaint, you may contact the Attorney General's Office in writing:

Minnesota Attorney General's Office
445 Minnesota Street, Suite 1400
St. Paul, MN 55101

You can also receive direct assistance from a consumer specialist by calling:

651-296-3353 or 800-657-3787
TTY: 651-297-7206 or TTY: 800-366-4812
(TTY numbers are for callers using teletypewriter devices.)

Additional Publications

Additional consumer publications are available from the Minnesota Attorney General's Office. Contact us to receive copies or preview the publications on our website at *www.ag.state.mn.us*.

- Car Handbook
- Home Building and Remodeling
- Conciliation Court
- Credit Handbook
- Guarding Your Privacy: Tips to Prevent Identity Theft
- Home Buyer's Handbook
- Home Seller's Handbook
- Landlords and Tenants: Rights and Responsibilities
- Managing Your Health Care
- Manufactured Home Parks Handbook
- Minnesota's Car Laws
- Phone Handbook
- Probate and Planning: A Guide to Planning for the Future
- Seniors' Legal Rights
- Veterans and Service Members
- Other Consumer Bulletins

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