

VOLUME 7 NUMBER 1 1999

ARTICLES

What Attorneys Should Know About Long-Term Care Insurance

Robert D. Hayes

Nancy G. Boyd

Kenneth W. Hollman

Ten Years After: Where Is the Constitutional Crisis with Procedural Safeguards and Due Process in Guardianship Adjudication?

A. Frank Johns

NOTES

Crossing the Decisional Abyss: An Evaluation of Surrogate Decision-Making Statutes as a Means of Bridging the Gap Between Post-*Quinlan* Red Tape and the Realization of an Incompetent Patient's Right to Refuse Life-Sustaining Medical Treatment

Mark Stephen Bishop

The Marketing of Gambling to the Elderly

Erika Gosker

In the Wake of the Columbia/HCA Investigations: Plotting a Course for Medicare Compliance

Jamie R. Welton

ESSAY

The Resurrection of Nursing Home Reform: A Historical Account of the Recent Revival of the Quality of Care Standards for Long-Term Care Facilities Established in the Omnibus Reconciliation Act of 1987

Senator Charles Grassley

THE



VOLUME 7 NUMBER 1 1999

Board of Editors

Editor-in-Chief Margaret M. Gembala

Managing Editor REGAN E. SAVALLA Administrative Editors August H. Schupp Jamie R. Welton

Articles Editors MARK STEPHEN BISHOP PETER C. HOLAVES Notes & Comments Editors
Walter Lee Draney
Douglas D. Gutsell
Tracy W. Lo

Associate Editors

Writing Competition Coordinator
ERIKA HOFFMANN

HUGH F. DRAKE ERIKA GOSKER MICHAEL JURMU AMY C. KOVARIK JASON T. LUNDY ALISON S. TALBERT JODY HELEN SCHWARZ

Members

SARAH N. ANDERSON
ADAM R. CHISS
JASON J. DEJONKER
JODY M. ENDRES
NORMAN FARNAM
ROBIN GINSBURG
JOANNA LYN GRAMA
MICHELLE D. HUGGHIS
CHRISTOPHER A. JULKA
CARRIE KIENSTRA
AARON L. KROLL
KRISTEN R. JAKOBSEN LOWE

Jennifer Lunsford Urfan Malik Nathan Q. Rugg David K. Santiago Parag H. Shah Andrew D. Shapiro Jennifer Sierzega Diana Tsai Jeffrey A. Waldhoff Gary Michael Wells James R. Whitman

Faculty Advisor RICHARD L. KAPLAN Technical Editor
BETH A. COBB

Secretary
Brenda A. Masters

Member, National Conference of Law Reviews
© 1999 The Board of Trustees of the University of Illinois

The views expressed herein are to be attributed to their authors and not to this publication, the Board of Trustees of the University of Illinois, or the University of Illinois College of Law. The materials appearing in this publication are for information purposes only and should not be considered legal advice or be used as such. For a special legal opinion, readers must confer with their own legal counsel.

Except as otherwise provided, *The Elder Law Journal* grants permission for material in this publication to be copied for use by nonprofit educational institutions for scholarly or instructional purposes only, provided that 1) copies are distributed at or below cost, 2) the author and the *Journal* are identified, and 3) proper notice of the copyright appears on each copy. If the author has retained the copyright, permission to copy must be obtained directly from the author.

The Elder Law Journal (ISSN 1070-1478) is published twice annually for \$25 per volume by the University of Illinois at Urbana-Champaign, College of Law, 504 East Pennsylvania Avenue, Champaign, IL 61820. Single issues are available for \$15 per copy. Orders for new subscriptions, renewal of subscriptions, and single issues must be accompanied by payment.

POSTMASTER: Send address changes to *The Elder Law Journal*, 244 Law Building, 504 East Pennsylvania Avenue, Champaign, IL 61820.

The Elder Law Journal welcomes the submission of articles. Manuscripts should conform to The Bluebook (16th ed.) for citations and to the University of Chicago Manual of Style (13th ed.). Submissions should be addressed to: Articles Editors, The Elder Law Journal, University of Illinois College of Law, 504 E. Pennsylvania Avenue, Champaign, IL 61820. Unsolicited manuscripts cannot be returned unless a return envelope with sufficient postage accompanies the submission.

Contents

ARTICLES	
What Attorneys Should Know About Long-Term Care	
Insurance	
Robert D. Hayes	1
Nancy G. Boyd	
Kenneth W. Hollman	
Ten Years After: Where Is the Constitutional Crisis with	
Procedural Safeguards and Due Process in Guardianship	
Adjudication?	
A. Frank Johns	33
NOTES	
Crossing the Decisional Abyss: An Evaluation of	
Surrogate Decision-Making Statutes as a Means of	
Bridging the Gap Between Post-Quinlan Red Tape and the	
Realization of an Incompetent Patient's Right to Refuse	
Life-Sustaining Medical Treatment	
Mark Stephen Bishop	153
The Marketing of Gambling to the Elderly	
Erika Gosker	185

In the Wake of the Columbia/HCA Investigations:	
Plotting a Course for Medicare Compliance	
Jamie R. Welton	217
ESSAY	
The Resurrection of Nursing Home Reform: A Historical	•
Account of the Recent Revival of the Quality of Care	
Standards for Long-Term Care Facilities Established in the	
Omnibus Reconciliation Act of 1987	
Senator Charles Grassley	267

•