

**ELDER LAW AND DISABILITY RIGHTS SECTION
COUNCIL MEETING
STATE BAR OF MICHIGAN**

April 7, 2007

The Mall Malisow Firm, PC

COUNCIL MEMBERS PRESENT: Roxanne Chang, Dolores Coulter, Caroline Dellenbusch, Patricia Dudek, Katie Graham, Tom Hartwig*, Konrad Hittner, Art Malisow*, Sandy Mall, Harley Manela*, John Payne, Don Rosenberg, Paul Sturgul*, Amy Tripp, Brad Vauter*, Judge Allen Nelson.

SECTION MEMBERS PRESENT: Rosemary Buhl, Doug Chalgian, Michelle Fuller, Brett Howell*, Jim Schuster, Susan Wideman*

ALSO PRESENT: Ellen Hoekstra, Gene Murphy*, Todd Tennis

*Participated Via Conference Call

The meeting was called to order by Chair, Sandy Mall.

1. Introductions

The members introduced themselves.

2. Approval of Minutes

Motion was made by Don Rosenberg and seconded by John Payne to approve the minutes of the March 3, 2007 meeting. Motion carried, minutes were approved.

3. Treasurer's Report

As of February 28, 2007 the ending balance was \$70,165.89.

4. Old Business

A. Spring, 2007 Conference Status Report

Harley reported that gross fees were approximately \$7,000. There were no final numbers to be reported at this time.

- B. Fall, 2007 Conference Update**
Sandy reported that the conference will be called, "Reeling In The Years". The conference will be held on October 10, 11 & 12 at Crystal Mountain Resort. Some presenters have already been confirmed.
- C. Letter to Paul Reinhardt regarding dual certification of nursing home beds.**
John Payne reported that he and Konrad completed a draft letter. There was subsequent discussion regarding the letter and Konrad and John will continue to work on the letter.
- D. Review Status of Council Assignments from last month's meeting.**
Brad Vauter confirmed with Legal Aid and others that all hearings are experiencing great delays. Patty and Brad agreed to work on a letter and post the letter to the list for approval.
- E. Review Proposed DHS Policies Implementing DRA.**
1. The Council reviewed all relevant, proposed policy PEM changes and agreed to submit comments. The public comment period is open through April 27, 2007. The Council discussed each proposed PEM item in detail and assigned items to individuals. Comments are due to Sandy by April 20, 2007. Sandy will then combine all of the comments and submit them from the section.
 2. Consider Litigation
The Council discussed whether or not there was a ripeness issue regarding proceeding with litigation. The Litigation Committee consists of Patty Dudek, Roxanne Chang, Doug Chalgian, Norm Harrison and Don Rosenberg.
- F. Review Status of Estate Recovery Legislation**
1. SB 374
 - Council had an official vote online to oppose the Estate Recovery Bill (Senate Bill 374). Fourteen votes opposed and five failed to vote.
 2. Advocacy
 - Estate Recovery Opposition Coalition
A meeting has been scheduled for April 23, 2007, 2:00 p.m. at the State Bar Building. The Coalition of groups consists of Farm Bureau, the Area Agencies on Aging, National Association of Social Workers and AARP. Don and Doug are going to speak to the Alzheimer's Association and invite them to the meeting. Roxanne Chang was going to contact the Dementia Coalition and invite them to the meeting. Previously the Council had discussed posting a grassroots advocacy campaign which includes policies and documents on the State Bar Website. At this time information is not yet available but should be made available fairly soon. Flowers and a thank you are to be sent to Senator Cherry for amending the bill to include the estate preservation program. Senator Cherry commented that the amendment was weak and until substantial changes are made to the bill she will continue to vote no.
 - Meeting with Senator Switalski

Last month a meeting was schedule with Senator Switalski and Senator Olshove. Attending the meeting was Ellen Hoekstra, Doug Chalgian, Don Rosenberg, Jim Schuster, Michelle Fuller and Todd Schmitz. The Senator informed the group that they were very close to estate recovery and were going to do something this year. The Senator requested the help of the Section to make a Bill that would result in as little harm as possible, in other words, a toothless bill. Senator Switalski informed the group that the Governor had asked him to introduce the Bill and said that it was not a money issue/budget issue, but to make the Bill pass for approval from CMS. There was much discussion regarding the Council's involvement in assisting the Senator with a draft Bill. Sandy Mall proposed that the Council take no official action with Senator Switalski to assist in drafting the Bill. It was proposed that the Council comment on the proposed legislation, specifically as to which parts of the Bill would cause the most harm. A suggestion was made that the Council could write a letter which confirms the opposition and includes other points to help educate the Senator. Sandy and Dolores are to prepare a draft letter. In addition, Sandy was going to prepare thank you notes to Todd Schmitz, Senator Switalski and Senator Olshove. Todd and Ellen suggested contacting the local newspapers and doing editorials. Sandy also encouraged all of us who have a public forum to use the public forum to voice our opposition.

5. New Business

No new business.

6. Legislative Update

See Capitol Services written report that was posted and distributed at the meeting.

The next meeting is scheduled for May 12, 2007 at the State Bar Building in Lansing. There being no other business the meeting was adjourned.

Minutes Respectfully Submitted by:

Amy R. Tripp
Secretary