

Minutes of the Elder Law and Disability Rights Section Meeting on April 5, 2008

Attendance:

Present at the meeting were: Rosemary Buhl, Valerie Rice, Josh Ard, Dolores Coulter, Caroline Dellenbush, Brad Vauter and Priscilla Cheaver,

Attending by telephone conference were: Allen Nelson, Paul Sturgul, Art Malisow, Don Rosenberg, John Payne, Kristina Barsch, Harley Manela, Sandy Mall and Rachel Holmes.

Also attending was Ellen Hoekstra and Todd Tennis from Capitol Services

1. Approval of Minutes

The minutes from the previous meeting were approved. Caroline made the motion to approve and it was seconded. All were in favor and no one opposed it.

2 Treasurer's Report

As of February 29, 2008, there was \$81,246.69 in the account.

3. Legislative Update: Capitol Services

Everyone should have received the legislative update from Ellen. The major points of issue was the Blue Cross Blue Shield Bill package and the Home and Community Based Waiver Program.

The Blue Cross Blue Shield Bill package is currently in committee. The coalition has done a good job getting information out there about opposition to the Bill package. At this point, it is a matter of seeing what comes out of committee and then lobbying against the Bill. However, the Senate does expect something to pass so it is important that we decide what we want in and what we want out. One of the other pieces of the Bill is the level of Attorney General oversight. How much oversight is wanted?

The increase in the budget for the Home and Community Based waiver was axed. The Governor wanted an increase in the Home and Community Based Waiver Program in the amount of \$32.1 million. However, all but \$1 million was removed from the proposed increase. Ellen is strongly recommending that Section members write to their Legislators in support of the full \$32.1 million increase. Opposition to the bill does not fall along parties lines in the House, so members should be contacting their representatives regarding this matter.

4. Old Business

A. 2008 Spring Conference

We had 128 people in attendance. This is the largest group ever. A \$5,000 profit was made from the conference.

B. 2008 Fall Conference

The Fall Conference is scheduled for September 24-26 at Glen Arbor. Members can make hotel and conference reservations now. Additionally, anyone who has ideas for speakers or topics should email their ideas to Brad at gellerb@michigan.gov.

C. Printing/distribution of Spanish Language Advance Directive

Brad met with the Hispanic Bar Association in mid-March and he is waiting on a return phone call from Mr. Garcia to determine if the Hispanic Bar will help. Printing for this matter has already been approved.

D. Pooled Trusts

Sandy stated that preliminary research has been done on Pooled Trusts in other states. They have a good set of legal arguments, but the results have been a mixed bag. They are determining whether people are going to file individually or if they are going to consolidate the actions and file in Ingham County Circuit Court. If anyone has any denial or appeal issues in regard to Pooled Trusts they should contact Sandy Mall's office.

5. Committee Reports

Roxanne was not present to discuss the Elder Abuse Task Force, so this item was not discussed.

6. New Business

A. Lobbyng on Blue Cross Blue Shield

The council voted by email to allow Capitol Services to lobby on behalf of the Section in regard to the Blue Cross Blue Shield Bill package. There were 15 yes votes, 0 no votes and no abstentions. The increased amount is \$561.00 per month, so the new monthly total is \$1,591.00 per month to Capitol Services for the services provided on behalf of the Section.

B. Joint Project with Physicians regarding Evaluating Capacity

Caroline spoke and stated that the doctors really do not like to attend meetings. The lawyers are asking the doctors to describe competency and the doctors do not know what the lawyers really want. In speaking with some of the doctors, the physicians stated to Caroline that the best way to get the attention of the doctors is to publish something regarding this matter? Judge Nelson stated that he did a uniform letter in Genesee County and the doctors did not use it. There was discussion about speaking with medical students and introducing this procedure early on so we get them used to it. Don and Josh both said that they would work with Caroline.

C. Lobbying to Increase the Michigan Choice Waiver Program

At this point, this topic was tabled. There was some discussions about having Capitol Services lobby for us. It was determined that this would be placed on the agenda for the next meeting and discussed at that point.

D. NPLP/ ELM Training

This is free training on involuntary nursing home discharges. People who take the free training offer are being asked to take at least one case pro bono. They will touch on Involuntary Guardianships as well.

E. Long Term Care Partnership Task Force

There was some discussion of the long term task force, even though this was not on the agenda. CMS is pigeon-holing approval until Michigan has an acceptable Estate Recovery Law. You can infer that CMS does not agree that the current law is valid. Ellen is going to look into this.

F. Domestic Violence Brochure

The Health Law Section wanted to see if there was an opportunity for more responses.

The next meeting is at Caroline's office in Grand Rapids. Caroline will post directions and her office address on the list serve.

Meeting Adjourned.