

**APRIL 2017 MINUTES OF THE
ELDER LAW & DISABILITY RIGHTS SECTION
STATE BAR OF MICHIGAN**

April 1, 2017

Location: State Bar of Michigan, 306 Townsend, Lansing, MI. Participants had the option to appear by telephone.

Attendance:

- **In Person:** Michele Fuller*, Sara Schimke*, Christopher Smith*, Beth Swagman*, Theresa Orlaske-Rich*, Kelly Quardokus*, Christine Caswell*, Caroline Dellenbusch*, Raymond A. Harris*, Robert Mannor*, Maria Messina Wiersma*, Tracey Rowens, Elizabeth Vincent, David Kerr, Todd Tennis.
- **On Phone:** David Sprague*, James Steward*, Jane Bassett*, Howard Collens*, Jacquelyn Rygiel-Sprague*, Erma Yarbrough-Thomas*, John Payne*, Deb Clawson, Megan Edmonds, Harley Manela, Bradley Vauter.

18 out of 20 members of Council were present.

* Indicates Council member.

I. Executive Reports.

1. **Agenda.** **Caroline Dellenbusch** moved to adopt the agenda for the meeting. **Beth Swagman** seconded. The agenda was unanimously adopted.
2. **Minutes.** The minutes from the March meeting were submitted for Council's approval. **Beth Swagman** moved to approve the minutes. **Sara Schimke** seconded the motion. The March minutes were approved unanimously.
3. **Treasurer's Report.** **Beth Swagman** indicated there were no significant changes to the Section's budget since the last meeting.

II. Committee Reports.

1. **Legislation Committee.**
 - a) *POST.* Representative Jim Tedder reintroduced legislation for the Physican Order Scope of Treatment (POST), which is now Michigan House Bills 4170-4174.

The committee, in particular **Robert Anderson**, **Caroline Dellenbusch**, and **James Steward**, have been making recommendations regarding the legislation and will continue to do so. The Committee recommended taking a public policy position on the legislation.

Motion (Kelly Quardokus; second Beth Swagman):

The Elder and Disability Rights Section of the State Bar of Michigan supports House Bills 4170-4174 provided that it is amended to coordinate the language in the current POST legislation with existing EPIC language concerning Patient Advocate Designation statutes and eliminates additional consent requirements regarding the removal of feeding tubes/hydration when the right to revoke is already included in the bill.

Yeas: Michele Fuller, Sara Schimke, Christopher Smith, Beth Swagman, Theresa Orlaske-Rich, Kelly Quardokus, David Sprague, James Steward, Jane Bassett, Christine Caswell, Howard Collens, Jacquelyn Rygiel-Sprague, Caroline Dellenbusch, Raymond A. Harris, John Payne.

Nays: None.

Abstain: Maria Messina Wiersma, Robert Mannor.

15 yeas, 0 nays, 2 abstentions. Motion passes.

- b) *CMH Privatization (Section 298 Workgroup).* Governor Snyder called for all Community Mental Health organizations (CMH) to be privatized and transferred from the current public entities to Medicaid health plans. The Committee recommended that the Section oppose the government's budget item to privatize CMH services.

Motion (Robert Mannor, Second: Maria Messina):

The Elder and Disability Rights Section of the State Bar of Michigan opposes the Governor's proposed budget item to privatize Michigan Community Mental Health services.

Michele Fuller, Sara Schimke, Christopher Smith, Beth Swagman, Theresa Orlaske-Rich, Kelly Quardokus, David Sprague, James Steward, Jane Bassett, Christine Caswell, Howard Collens, Jacquelyn Rygiel-Sprague,

Caroline Dellenbusch, Raymond A. Harris, Robert Mannor, Maria Messina Wiersma, John Payne.

Nays: None.

17 yeas, 0 nays, 0 abstentions. Motion passes.

- c) *Financially Endangered Adult Legislation.* Representative Brinks provided an advance draft of legislation that gives certain powers to financial advisors to withhold certain distributions if the advisor feels an individual is a “financially endangered adult.” **Kelly Quardokus** indicated that the bill is still in the very early phase and Representative Brinks is interested in working with the section on the legislation. There was some discussion that a financial injunction bill might be a better solution. Also, there was significant concern that the legislation might be giving financial advisors too much authority to lock down an individual’s funds. **Kelly Quardokus, James Steward, and Robert Anderson** will continue to work on the proposed legislation.
- d) *Jajuga fix.* HB 4410 was introduced to address the recent *Jajuga* case that suggests you cannot disinherit a child from his or her statutory allowances. The Section is coordinating with the probate section, who is not entirely satisfied with the bill. **Howard Collens** is assisting the Section on this.
2. **Michigan NAELA.** **Robert Mannor** indicated that MI NAELA will be having a webinar on April 19th at noon with Kerri Kasem. Ms. Kasem is the daughter of Carey Kasem and she will be talking about efforts to pass family visitation laws around the country. The webinar is free and open to everyone. Thanks to **Robert Anderson** for setting this up.
3. **Spring Conference.** **Harley Manela** reported that the Spring Conference had 109 attendees, of which 22 were free from legal aid (up from 3 in 2016). There was some discussion about the appropriate number of free attendees.
4. **Membership Committee.** **Maria Messina Wiersma** reported that the section participated in the Celebrating Our Diverse Bar event, which was held at the Detroit Seafood Market on March 30th. Although we did not get any membership signups, Maria

was pleased with the recognition and contacts that the Section made, particularly with young attendees.

The meeting was then adjourned at 11:03 a.m.

Next Meeting: May 6, 2017, State Bar of Michigan, 306 Townsend, Lansing, at 10 a.m.