

ELDRS Section Meeting

April 7, 2018

GoToWebinar Meeting for all Participants

1. Chair Sara Schimke opens the meeting and welcomes participants
2. Roll call: Sara Schimke*, Jean Doss, Christine Caswell*, Kelly Quardokus*, Todd Tennis, Beth Swagman*, Christopher Smith*, Susan Chalgian, Bob Mannor*, Harley Manela, Howard Collens*, Sandy Mall*, Jim Schuster, Angela Hentkowski*, John Payne, Ryan Long, David Kerr, Greg Kish*, Theresa Rich*, Tracey Rowens*, Jackie Rygiel-Sprague*, Jerrold Bartholomew, Deb Clawson, Maria Messina-Wiersma*, Joan Schliem, David Shaltz, Charlotte, Shoup, Bradley Vauter, Liz Vincent*, Terri Winegarden (* denotes council member)
3. Agenda: no quorum at the beginning of the meeting; no vote taken
4. Secretary's report: March 3, 2018 minutes not attached, no quorum; to approve May 2018
5. Treasurer report: Kelly Quardokus. Kelly reports that SBM assigned another section's conference revenue to our line item; we did not take in \$57,000 at Fall Conference in Bay City. Council reviewed draft of amended budget with fall conference revenue of \$32,430. Spring Conference took in about \$16,000 again.
6. Fall conference: Angela Hentkowski. Because expenses are higher on Mackinac Island, Angela proposed increases for conference fees for this year. Motion made by Angela and seconded by Kelly Q that section members pay \$300; non-section members pay \$350; \$250 for non-attorneys and law students; late registration at \$25. No one abstained and no one voted "no"; **passed.**

Review of proposed conference sites for 2019. Kelly Q moved and Chris Smith seconded to hold Fall Conference, 2019, at Crystal Mountain in Thompsonville. **Passed.** Chris Smith moved and Beth S. seconded to spend \$1000 for the security deposit at Crystal Mountain. **Passed.**

Date for the Fall Conference at Crystal Mountain is **October 2-4, 2019.**

7. Spring conference: Harley reported 109 attendees; gross revenue of \$16,250 and expenses of \$8000.00. SBM financials do not show the monies contributed by sponsors for cookies and breaks.
8. Membership committee: Sara reported that the first webinar is scheduled for Friday, April 20, at noon, and the topic is "Pitfalls and Best Practices when Filing a Petition for Guardianship."

Membership Committee has submitted an application to present at the SBM Young Lawyers Annual Summit on Saturday, June 16, at Boyne Highlands. If the application is accepted, committee is seeking a volunteer for no-expense paid trip to Boyne Highlands.

9. Litigation Committee: Ray Harris absent, David Shaltz reports in his absence. Committee reviewed Gene Coffey (CMS) letter re promissory notes. Committee wants letter to be sent to ward off widespread problems using PN and because letter involves a strong case demonstrating DHHS's handling of these matters. Kelly Q moved and Sandy Mall seconded to send the letter along with the ALJ opinion with "Medicaid Motivation" language. Discussion followed on how widespread PN denials are, divestment issues, "Medicaid Motivation", strongest case of the problem. Kelly Q withdrew motion, Sandy withdrew support; Beth S. moved to adjourn the matter and Kelly Q seconded. **Passed.**

David reported Hegadorn/Lollar/Ford SBO Trust cases are going before MSC. Jim Schuster to file amicus. Bob Mannor stated MI NAELA supports use of funds for this amicus brief. Motion by Bob M. for Jim Schuster to file amicus brief on behalf of ELDRS and to pay him \$5,000. Sandy Mall seconded. Need approval of litigation committee before presenting request for funds to MI NAELA. Motion **passed** with Angela Hentkowski abstaining.

Angela H. trying to get support from National NAELA on the SBO Trust litigation.

10. Legislative committee: Capital Services report by Todd and Jean. Discussed SB 713 (aka Casem bill) re isolation of vulnerable adult; out of committee and on the Senate floor; waiting for compromise. Many problems with this bill; need a new bill. Bill should be pared down to include only incapacitated persons, requires changes to the Social Welfare Act (isolation as a separate form of abuse).

HB 5027, 5028, and 5032, sponsored by Rep Green. Legislative committee raises many concerns with this bill. Creates a new category of victim – those 65+. Prosecutors like it because age is defined and easy to prove. However, it makes prosecution of vulnerable adults <65 more problematic. Makes transfer of \$10K to a non-relative rebuttable presumption of exploitation. ELDRS council has opposed 5032; no additional action needed at this time.

Jean discusses Medicaid Work requirement bill – SB 897 S-1. Sponsor is Sen Mike Shirkey. Moving quickly through the Senate. Able-bodied Medicaid beneficiaries 19-64 years old must work unless pregnant, caring for child under 6, or disabled. ELDRS opposes this bill because the mission of Medicaid is not a work program; 60% of Medicaid recipients are working; no protection that working people will not lose their health care; if get kicked off of Medicaid, folks end up in the ER; big burden for DHHS which is already an overwhelmed and stressed system.

Sandy M moved to oppose the bill; Christine C seconded. Roll call vote necessary: 15 of 19 council members eligible to vote voted yes to oppose the bill; no one abstained; no one voted "no". **Passed.** Beth S. to post asap because bill is on a fast track.

11. Meeting came to a conclusion.
12. Next meeting is May 5, 2018, at the State Bar Of Michigan Office in Lansing, MI