

ELDRS Section Meeting

August 4, 2018

Law Offices of Stewart & Sheridan in Ishpeming, Michigan

Chair Sara Schimke opens the meeting and welcomes participants

1. Roll call and attendance:

Members present: Sara Schimke*, Angela Hentkowski*, Caroline Dellenbusch*, Paul Sturgul, Ryan Long, Krystal Danielak, Jim Stewart (* denotes council member). Steve Kiel was a guest at the meeting.

On the call: Christine Caswell*, Kelly Quardokus*, Beth Swagman*, Christopher Smith*, Raymond Harris*, Jean Doss, Bob Mannor*, Howard Collens*, Theresa Rich*, Maria Messina-Wiersma*, Sandy Mall*, David Kerr, Gregory Kish*, John Payne, Tracey Rowens*, Jackie Rygiel-Sprague*, David Sprague, Joan Schliem, Charlotte Shoup, Liz Vincent* (* denotes council member)

2. Motion to adopts Agenda: Motion by Angela H., seconded by Caroline D; Passed

3. Secretary's report: June 2, 2018 minutes: moved by Beth S; seconded by Caroline D; passed.

4. Treasurer report: Kelly Quardokus. Three vendors for fall conference: Krause Financial sponsoring \$1500, Managed Rehabilitation sponsoring \$3000, and ELDER Council LLC sponsoring \$750.

5. Fall conference: Angela Hentkowski. Hotel block ends September 1 and venue has other bookings so make reservation soon. Event registration by September 7; late fee increase begins September 8. No printed materials this year. Fewer scholarship requests than in the past.

6. Spring conference: Harley Manela: no report.

7. Membership committee: Maria Messina Wiersma: no report

8. Newsletter Committee: Christine Caswell: Monday, August 6, newsletter goes out.

9. Litigation Committee: Ray Harris reports. Litigation committee met with Bob Mannor re his appeal case. There was a closed session of council members regarding ongoing litigation matters. Sara led discussion of Geraldine Brown's comments at the Upper Peninsula ELDRS Conference held Friday, August 3. After Vansach, Brown still thinks all appeals must go to administrative hearing and not to Probate Ct. Brown thinks Vansach applies to pre and post CSIA protective orders. Brown thinks that on remand, everything goes away. Brown will continue to challenge POs as before; she has no intent to let Vansach go.

In other news, estate recovery making the argument that probate estates assets should include long term care policies in hopes of recovering assets from them. RE promissory notes: MDHHS wants to argue PN is a divestment. However, if it has no value and is not assignable, should be

treated like real estate (not a divestment if it has no value because grantor will not sell) and not a divestment; this would be consistent with the federal statute.

10. Legislative committee: Capitol Services report by Jean Doss with Kelly Q offering supplemental report. Jean comments that legislature on summer recess. Legislators focusing on Nov election. 26 senate seats open which means a large class of new senators. All state-wide congressional seats open. Prevailing Wage Law was approved by legislature and will not appear on the ballot this fall. Next week, law goes into effect which allows testator to omit child from exempt property allowance. Bill 4095 now in effect which allows nursing home residents to maintain PRE while vacant from home and living in NH. Bills 1037-1039 are in legislative committee and looking at standard of promptness and payments to nursing homes for Medicaid-eligible residents.

SB 713 (Casey Casem bill addressing isolation) sponsored by Sen Marleau was scrapped this summer. ELDRS and Probate Section are waiting for new bill. Hope is that an acceptable House version may occur this fall and be passed during lame duck session.

Howard Collens asks about Legislation Day. Jean reports it will be in 2019. Event encourages informal contact with legislators and this is important because of all the new legislators this fall. Jean describes a "coffee hour" event.

Policy changes proposed to MI Choice Waiver Plan. Comment period ends August 31, 2018.

11. **September 15** is the next ELDRS council meeting in Lansing, at the SBM, 306 Townsend Street.
12. Adjourned.