

**Elder Law and Disability Rights Section [ELDRS] of the State Bar of Michigan
Section Meeting – August 8, 2020
Webinar / Conference Call Only**

Attendance by Phone: Christine Caswell*, Susan Chalgian*, Howard Collens*, Shannon DeWall*, Raymond Harris*, Angela Hentkowski*, Greg Kish*, Sanford Mall*, Robert Mannor*, Erin Mortenson*, Amanda Murray*, Theresa Orlaske-Rich*, Kelly Quardokus*, Tracey Rowens*, Nick Ryan, Jackie Rygiel-Sprague*, Christopher Smith*, Terri Winegarden*, Todd Tennis, Don Rosenberg, Paul Sturgul, Harley Manela, Antonia Harbin-Lamb, Charlotte Shoup, Jim Steward, Karen Willard, Katie Aguilar, Sara Whalen, Lisa Anderson Farrah Ramdayal and David Kerr

[*ELDRS Council Member]

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Chair Kelly Quardokus called the meeting at approximately 10:01 AM.

[A] ROUTINE BUSINESS

Agenda- The agenda was not formally approved.

Minutes- Christine Caswell moved and Robert Mannor seconded to adopt the minutes. Motion passed.

Treasurer's Report- Kelly Quardokus and Angela Hentkowski discussed the most recent Treasurer's report.

[B] COMMITTEE REPORTS

1. ELDRS Conferences

- a. **Fall Conference Update.** The in person Fall Conference is officially cancelled. Angela Hentkowski and Susan Chalgian are planning an online only one-half day mini conference which will include the Section's annual meeting. It will be on October 8, 2020. Angela Hentkowski moved, and Robert Mannor seconded to schedule the 2021 Fall Conference for October 4-6, 2021 in Bay City, Michigan. Motion passes.
- b. **Spring Conference.** Christine Caswell moved, and Theresa Orlaske-Rich seconded to cancel the in person 2021 Spring Conference at the Inn at Saint John.

2. Disability Rights Committee - Shannon DeWall reported that the Disability Rights Committee has been very active. Michigan Protection and Advocacy Services will change its name to Disability Rights Michigan.

3. Legislative Committee - Todd Tennis gave the Capitol Services Legislative.

- a. Howard Collins discussed the Section's efforts on Remote Witnessing/Notarization
- b. Christopher Smith moves and Erin Mortenson seconds a motion to clarify ELDRS "Support" position with the current Substitute SB 0077.

ELDRS SUPPORTS Substitute SB0077 in concept with the following suggested amendments as Substitute SB 077 currently has many additional provisions which restrict the ability of nursing home residents to use video recording in their room. ELDRS recommends that the bill consider amending several provisions to enhance protections for the resident rather than the facilities.

Suggested changes include: allowing general warnings of video recording in the facility, removing requirements that consent forms be linked to specific technology devices before being used in civil litigation, and allowing legal decision makers such as Guardians, Patient Advocates, and Agents under a Power of Attorney to give consent for video recording if the resident is incapacitated, etc.

The following Council Members voted in favor of the Motion: Christine Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Greg Kish, Sanford Mall, Robert Mannor, Erin Mortenson, Amanda Murray, Theresa Orlaske-Rich, Kelly Quardokus, Tracey Rowens, Nick Ryan, Jackie Rygiel-Sprague, Christopher Smith, Terri Winegarden. There no votes opposed of abstaining. Motion passes.

4. **Litigation** – No report, but Chair Ray Harris asked if anyone has relevant legal issues to let him know.
5. **Membership and Education** - Maria Messina Weirsma and Tracey Rowens discussed the ELDRS Exchange, a virtual gathering to be held on August 13, 2020.
6. **Administrative** – Greg Kish and Kelly Quardokus reported on the Section’s efforts to address proposed Medicaid policy changes.
 - a. The Section submitted comments opposing Project #2014- MI Choice Waiver and PACE Income Policy.
 - b. The Section submitted comments opposing Project #2011-SSI Medicaid Asset Policy Trusts (SBO).
https://www.michigan.gov/documents/mdhhs/2011-Eligibility-P694934_7.pdf
 - c. There was a discussion regarding Project #2040- COVID 19 Response- Suspending ALL Medicaid Renewals https://www.michigan.gov/documents/mdhhs/2040-Eligibility-P698728_7.pdf
 - d. **ACTION ITEM:**
Greg Kish moved and Robert Mannor seconded a motion to allow ELDRS Administrative Committee (including David Shaltz, Jim Steward and Angela Hentkowski and others instrumental in the Hegadorn litigation) to draft a comment letter opposing the recently revised

Project #2011 proposed policy changes regarding Solely for the Benefit trusts (SBO), approved by leadership, and to be sent by the ELDRS chair to DHHS (including DHHS leadership) during the comment period. As time allows, a draft of the ELDRS DHHS comment letter will be circulated to the Council before submission.

The following Council Members voted in favor of the Motion: Christine Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Greg Kish, Sanford Mall, Robert Mannor, Erin Mortenson, Amanda Murray, Theresa Orlaske-Rich, Kelly Quardokus, Jackie Rygiel-Sprague, Christopher Smith, Terri Winegarden. There no votes opposed of abstaining. Motion passes.

[D] NEW BUSINESS

1. Online Meetings - A discussion was had about what meeting platform the ELDRS Section will use for the Annual Meeting and future meetings.

2. Capital Service Contract. - The contract with Capital Services was discussed. We will likely vote on a new two year contract at the next meeting.

Christine Caswell, Susan Chalgian, Howard Collens, Shannon DeWall, Raymond Harris, Angela Hentkowski, Catherine Jacobs, Greg Kish, Robert Mannor, Erin Mortenson, Amanda Murray, Theresa Orlaske-Rich, Kelly Quardokus, Tracey Rowens, Nick Ryan, Sanford Mall, Jackie Rygiel-Sprague and Christopher Smith voted in favor of the motion. There were no opposed votes or abstentions

[E] DISCUSSION QUESTION:

There was a discussion on lessons learned from remote client meetings/signings.

REMINDER UPCOMING MEETING SCHEDULE DATES

SEPTEMBER 12, 2020 VIRTUAL MEETING, Link/call in TBA
(After Labor Day Weekend)

*NOTE CHANGE:

OCTOBER 8, 2020/ ANNUAL MEETING/ Tentative Mini FALL CONFERENCE WEBINAR
12:00 - 4:00 anticipated- more info to come.

Theresa Orlaske-Rich moved to adjourn at approximately 12:15 PM. Christine Caswell seconded the motion to adjourn.