

**Elder Law and Disability Rights Section  
Council Meeting**

**State Bar of Michigan  
306 Townsend Street  
Lansing, MI  
517-346-6300**

**December 6, 2008  
10:00 AM - 12:00 PM**

**MINUTES**

**I. INTRODUCTIONS**

Amy Tripp lead roll call. Those present where Amy Tripp, Konrad Hittner, Brad Vauter, Priscilla Cheever, Michele Fuller, Patricia MacKinnon, Dolores Coulter, Josh Ard, Doug Chalgian, David Kerr, Todd Tennis, Ward Wilson. Those present via telephone were Don Rosenburg, Caroline Dellenbusch, Rachel Holmes, Harley Manela, John Payne, Roxanne Chang, Art Malisow, Diane Huff, Robert Anderson, Sandy Mall, and Will Lucius (for Paul Sturgul).

**II. APPROVAL OF MINUTES**

Motioned passed to approve the November minutes.

**III. TREASURER=S REPORT**

Caroline presented the treasurers report, which is not yet updated. The present report is the audited version. The bottom line is \$75,794.44, with changes being made due to fall conference expenses.

**IV. COMMITTEE REPORTS**

**A. Litigation Committee**

Discussed the future and focus of the litigation committee. The committee will be comprised of Jim Stewart, Robert Anderson, Doug Chalgian, John Payne, Sandy Mall, Harley Manela, and possibly Jim Shuester. Don Rosenburg will no longer participate.

Discussed Bob=s plan on filing the first request to adopt what has happened in Maryland

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Discussed the litigation committee becoming stagnant, due in large part to busy schedules, but the committee should move forward. There is a telephone conference scheduled for Friday, December 12, 2008 possibly at 2:00 p.m.

**V. OLD BUSINESS**

**A. 2008 Fall Conference**

The final billing statements from Homestead have been received, with a balance of approximately \$11,000. The Ombudsman group will contribute approximately \$4,000, possibly from registration fees. It was suggested that the council be informed as to the profit/loss outcomes on the conferences.

## **B. 2009 Spring Conference**

Harley discussed the upcoming Spring Conference. Discussion focused on the likelihood of the ADR section participating as a speaker. The goal is to have the speaker sign-up process begin by the end of December, first of January. Will need to secure various politicians to speak during the lunch hour. Medicaid will be placed at the end of the program to ensure that individuals remain for the entire program.

Discussion was held on a possible panel for AWhat is new in Medicaid.@ Don, John, and Caroline where suggested with others possibly added. It was suggested that this program be a round table. A formal program will be drafted shortly.

## **C. 2009 Fall Conference**

The proposed date of the 2009 Fall Conference is September 23-25, 2009. This will not interfere with other planned conferences (i.e. State Bar meeting).

Crystal, the previous venue, would like to house the conference again. The only real issues with this venue where reservation difficulties and not enough activities for the surrounding area. There was continued discussion of holding the conference in Bay City, or the Frank and Moose. The consensus was to explore additional venues. Any topic suggestions should be forwarded to Amy or Brad.

There was discussion as to whether the Wealth Counsel should participate as an exhibitor. It was noted that exhibitors were present several years ago, but this practice has now been limited to non-profit organizations. After discussion, a motion was carried to limit any exhibitors to non-profit organizations.

## **D. Blue Cross Legislation**

The BlueCross/BlueShield legislation was addressed in the Capitol Services report.

## **E. Estate Recovery**

Discussion was held regarding Michigan and Estate Recovery. The consensus is that this issue is not yet resolved, and is not likely to be resolved until after January, 2009. At present, it is a Await and see@ matter.

# **VI. NEW BUSINESS**

## **A. Database for ALJ Decisions**

Discussion was held regarding a suggestion from a section member as to the possibility of maintaining a database for ALJ Decisions. Most believe that this could be a good tool, especially if it is a website for all to access, similar to the State of Wisconsin.

Question centered on the practical need if the database is limited to long-term care appeals. Said appeals are often brought by the council members, and usually only pertain to the individual case without far-reaching impact.

It was decided that Brad would follow-up with more input to the council.

#### **B. NCCNR: Request from Alison**

Alison made a request that the section provide financial support to the NCCNR, due to their dire financial situation. NCCNR has made progress over many areas, and most council members know and appreciate NCCNR=s importance.

A motion was carried to purchase \$1,000 worth of NCCNR books to be distributed at the spring conference.

### **VII. LEGISLATIVE UPDATE: CAPITOL SERVICES**

Todd presented the Capitol Services report. Most of the discussion centered on the Blue Cross/Blue Shield legislation, which is currently in conference committees. The committees have delayed in order to provide time to discuss their respective differences. There is discussion that the House would like to move on this legislation during this session. There is still strong opposition surrounding this bill.

Todd discussed a bill that passed the Senate and awaiting action by the House that would create an exception to funeral policies which would allow for a limited death benefit. Further, Todd discussed a Senate bill that would exempt private residences where only one resident receives adult foster care from being designated as an adult foster care facility.

Lastly, it is expected that the House and Senate will return for part of December, with rumors indicating that Dec. 17<sup>th</sup> is the final day.

### **VIII. REMAINING NEW BUSINESS**

It was suggested that a committee be appointed to explore Michigan=s Advance Directives statutes to be simplified similar to several other states, specifically referring to POST orders. POSTs, similar to DNR orders, are one to two page summaries of a person=s living will and ensures that the living will is available and not misinterpreted.

Josh, Bob, Caroline, and Brad will form a committee/discussion group on this subject.

**Meeting adjourned at 11:54 a.m.**

**NEXT MEETING: January 3, 2009 at 10am at Mall Malisow & Cooney PC**