

ELDRS Section Meeting

December 2, 2017

State Bar of Michigan; 306 Townsend, Lansing, Michigan

1. Chair Sara Schimke opens the meeting and welcomes attendees
2. Roll call: Sara Schimke*, Caroline Dellenbusch*, Raymond Harris*, Jean Doss, Nick Ryan, Molly Burns, Christine Caswell*, Kelly Quardokus*, Todd Tennis, Tracey Rowens*, Beth Swagman*, Theresa Rich*, Christopher Smith* (in person).
3. Online: Bob Mannor*, Catherine Jacobs, Don Rosenberg, Liz Vincent*, Harley Manela, Howard Collens*, David Kerr, Jackie Rygiel-Sprague*, Sandy Mall*, Jim Steward, Paul Sturgul, Michele Fuller-Urbatsch*, Darling Garcia, Erma Yarbrough-Thomas*, Angela Hentkowski*, John Payne, Greg Kish* (*denotes council member)
4. Agenda: add to agenda election of Sandy Mall as new council member; Kelly moved approval of agenda, Theresa Rich seconded; approved.
5. Motion to adopt November 2017 minutes made by Beth Swagman; seconded by Christine Caswell; motion passed
6. Treasurer report: Kelly Quardokus. Oct statement and end of fiscal year (Sept 2017) reports will be available at Feb 2018 meeting. At Feb meeting, Kelly will present a spread sheet of five-year history of section expenses.
7. Fall conference: Next year we are back on Mackinaw Island. Give ideas for keynote or speakers and topics to Angela.
8. Spring conference: Harley reports the date for the spring conference is March 16, 2018, at the Inn at St Johns in Plymouth. Registration will be earlier. Save the Date will be published in State Bar Journal.
9. Membership committee: no report.

10. Litigation committee: Ray distributed a report on line. Correction to report: Jim Shuster states *no need* to file additional report with the court.
11. Legislative committee: POST legislation signed into law by governor; enacted Nov 8, 2017 and take effect February 6, 2018. The next issue is dealing with a package of new bills that could threaten the POST law. HB 5075 and HB 5076, & SB 0598 (similar to 5075). 5075 and 0598 propose to amend EPIC so that if a dispute arises whether advocate or guardian is acting in the patient's best interest, the presumption would be the patient wants to live and doctor cannot remove life-sustaining treatment. Raises the evidence standard to clear and convincing rather than preponderance. 5076 is a bit trickier. It proposes to restrict doctor's right to remove life-sustaining treatment without patient, advocate, or guardian's consent. Legislative committee informs council that consent is needed, but want the POST form to satisfy the consent requirement. Bills popped up quickly. If support the bills with changes, the bills may change and still not agree with them. Can choose not to support them and take a second look at them if bills are revised. SBM website says we can support or oppose with amendments. Jim Stewart addresses the wording issue – not support in its present form. HB 5075 proposes EPIC changes – oppose w/o amendments; needs many changes. Kelly Q motions to oppose HB5075 and SB0958; oppose HB5076 in its present form because consent is needed before DNR. Seconded by Christine Caswell. Because council is taking public policy position, take a roll call vote. 19 members make up the council; 17 were available to vote; all 17 voted in favor of the motion; no “no” votes and no abstencias. Todd reminded the group there will be plenty of room for discussion and ELDRS will be at the table.
12. Community property bill. MI not community property state. Spouses get larger credits in non-community property states. Legislative committee sees no issues with the bill. Paul Sturgul agrees to advise committee because Wisconsin is a community property state.

13. Elder abuse laws; family visitation bills still around. Sen. Marleau introduced legislation on Casey Casem law. Working closely with Bob Anderson. Council agrees that bill is helpful. The condition of having on-going relationship is sensitive one because relationships are impacted if family members are kept isolated from each other which is often the case.
14. Community outreach: no report
15. Newsletter committee: Christine. Fall newsletter went out. State Bar journal with a focus on ELDRS section will go out in January.
16. Capitol Services. No other bills to discuss
17. Council identified some experiences with AGs office at hearing level, and impact on DHHS orders and decisions. Agreed to offer survey monkey on experiences and gather open-ended stories. What has been your experience? Where your experiences have been? Probate orders being rejected or ignored?
18. Next meeting: No January meeting; February 3, 2018, 10:00am to Noon; State Bar of Michigan, 306 Townsend, Lansing, MI